



# 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**

### 13 SEPTEMBER 2022

**BRUCE LOGAN**  
**DIRECTOR WATER & WASTE**



# ORDINARY COUNCIL MINUTES

Meeting of Tamworth Regional Council held in the Lands Building  
Nemingha Room, 25 – 27 Fitzroy Street, Tamworth  
**TUESDAY 13 SEPTEMBER 2022 at 6:30PM**

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**PRESENT:** Cr Russell Webb (Mayor), Cr Phil Betts, Cr Judy Coates, Cr Brooke Southwell, Cr Marc Sutherland, Cr Helen Tickle.

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

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## **1 APOLOGIES AND LEAVE OF ABSENCE**

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

An apology was announced as having been received from Cr Bede Burke who is unable to attend the Meeting due to being out of town on private business.

An apology was announced as having been received from Cr Stephen Mears who is unable to attend the Meeting due to being out of town on private business.

### **MOTION**

#### **Moved Cr Betts/Cr Sutherland**

That the apologies be accepted and Cr Rodda, Cr Burke and Cr Mears be granted leave of absence from the Meeting.

**251/22 RESOLVED**

## **2 COMMUNITY CONSULTATION**

Nil

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

### **MOTION**

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

That the Minutes of the Ordinary Meeting held on Tuesday, 23 August 2022, copies of which were circulated, be taken as read and confirmed as a correct record of the proceedings of the Meeting.

**252/22 RESOLVED**

## **4 DISCLOSURE OF INTEREST**

Cr Marc Sutherland declared a conflict of interest in Item 12.1 “Proposed Sale of Council Land” of the Business Paper, for the reason that his sister is employed at the service. Cr Sutherland further stated that it was a less than significant nonpecuniary interest and he would remain in the Chamber.

Mayor, Cr Russell Webb declared a conflict of interest in Item 12.4 “Calala Water Treatment Plant 3.3kV to 415V electrical conversion” of the Business Paper, for the reason that his son works for one of the tenderers. Cr Webb further stated that it was a less than significant nonpecuniary interest and he would not remain in the Chamber.

## **5 MAYORAL MINUTE**

Nil

## **6 NOTICE OF MOTION**

Nil

## **OPEN COUNCIL REPORTS**

## **7 ENVIRONMENT AND PLANNING**

### **7.1 REVIEW OF COUNCIL NOMINATED MEMBERS TO THE NORTHERN REGIONAL PLANNING PANEL**

**DIRECTORATE:** LIVEABLE COMMUNITIES

**AUTHOR:** Andrew Spicer, Senior Integrated Planner

**Reference:** Item 8.1 to Ordinary Meeting 12 February 2019 - Minute No 9/19  
Item 7.1 to Ordinary Council Meeting 9 July 2019 - Minute No 221/19

#### **MOTION**

#### **Moved Cr Tickle/Cr Sutherland**

That in relation to the report "Review of Council Nominated Members to the Northern Regional Planning Panel", Council:

- (i) extend the appointment of Mr Stephen Bartlett and Mr James Treloar to serve as Tamworth Regional Council nominated expert members on the Northern Regional Planning Panel (NRPP) for a further three (3) year period; and
- (ii) notify the NSW Planning Panels Secretariat of the extension of Mr Bartlett's and Mr Treloar's appointment.

**253/22 RESOLVED**

## **8 INFRASTRUCTURE AND SERVICES**

### **8.1 REVIEW OF LICENSING PROVISIONS - DUNGOWAN PIPELINE**

**DIRECTORATE:** WATER AND WASTE

**AUTHOR:** Bruce Logan, Director Water and Waste

#### **MOTION**

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

That in relation to the report "Review of Licensing Provisions - Dungowan Pipeline", Council agree to provide \$100,000 in funds from the Water Reserve to fund the engagement of consultants and legal advisers to assist staff in identifying and implementing changes to the administrative process Council follows to supply water to owners of property along the Dungowan Pipeline, both new and existing.

**254/22 RESOLVED**

## **8.2 ATTENDANCE AT THE ANNUAL GENERAL MEETING OF THE MURRAY DARLING ASSOCIATION**

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

### **MOTION**

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

That in relation to the report “Attendance at the Annual General Meeting of the Murray Darling Association”, Council authorise the Mayor Councillor Russell Webb’s attendance at the 2022 Annual General Meeting of the Association to be held in Albury between 19 and 21 September 2022.

**255/22 RESOLVED**

## **8.3 DRAFT NAMOI REGIONAL WATER STRATEGY**

**DIRECTORATE:** WATER AND WASTE  
**AUTHOR:** Bruce Logan, Director Water and Waste  
**Reference:** Item 8.1 to Ordinary Council 23 March 2021 - Minute No 62/21

### **MOTION**

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

That in relation to the report “Draft Namoi Regional Water Strategy”, Council prepare a submission in response to the consultation paper and include the following points:

- i) Council is pleased the Consultation Paper highlights the critical importance of addressing Tamworth’s long-term water security risks. The paper also provides clear actions for the NSW Government and Tamworth Regional Council to work together on;
- ii) a key shortcoming of the Consultation Paper is not highlighting the importance of preparing a water security plan for Tamworth in the short-term. The strategy, at least as far as Tamworth’s water security is concerned, relies on the New Dungowan Dam resolving any water security concerns in the short-term and suggests a water security plan is a longer-term planning action (as Tamworth grows). Regardless of whether or not the new dam proceeds, a water security plan is needed for Tamworth now. This plan needs to identify a portfolio of demand and supply options to address both short-term and long-term water security; and
- iii) there is a need for the Namoi Regional Water Strategy (RWS) to be updated if the New Dungowan Dam does not proceed. The current Namoi RWS is predicated on the proposed New Dungowan Dam proceeding. While many of the actions listed in the Consultation Paper (under Priority 1) may still be relevant, the immediate need for a Tamworth Water Security Plan will be even more critical, along with support from the State and Federal Governments to implement the Plan. The shortlist of infrastructure and non-infrastructure options that should be considered in the Plan would also need to be reassessed.

**256/22 RESOLVED**

#### **8.4 ONGOING MAINTENANCE AND PRESENTATION OF THE LOCKS LANE LAND OWNED BY COUNCIL**

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

##### **MOTION**

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

That in relation to the report “Ongoing Maintenance and Presentation of the Locks Lane Land owned by Council”, Council:

- (i) agree to the Rural Fire Service undertaking a controlled burn on Council owned land adjacent to Locks Lane;
- (ii) approve the allocation \$100,000 from the wastewater reserve to undertake initial clean-up work after the controlled burn including:
  - a. removal of old fences;
  - b. construction of fences at selected places, where required, including the boundary between private property and Council owned land;
  - c. upgrading of the old disused road to allow heavy vehicle access to infrastructure in the area;
  - d. pruning/removal of trees as required; and
  - e. slashing the area to allow ongoing future mowing;
- (iii) following completion of the initial work the area be handed over to Sport and Recreation for ongoing maintenance and slashing.

**257/22 RESOLVED**

#### **8.5 EVAPORATIVE AIR CONDITIONER WATER CONSUMPTION STUDY**

**DIRECTORATE:** WATER AND WASTE  
**AUTHOR:** Louise Cadell, Sustainability Officer - Water  
**Reference:** Item 12.6 to Ordinary Council 9 February 2021 - Minute No 21/21

##### **MOTION**

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

That in relation to the report “Evaporative Air Conditioner Water Consumption Study”, Council agree to take part in the Evaporative Air-conditioner study.

**258/22 RESOLVED**



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

### **9.1 RAY WALSH HOUSE - ASBESTOS REMOVAL AND REFURBISHMENT**

**DIRECTORATE:** OFFICE OF THE GENERAL MANAGER

**AUTHOR:** Paul Bennett, General Manager

#### **MOTION**

**Moved Cr Tickle/Cr Sutherland**

That in relation to the report “Ray Walsh House - Asbestos Removal and Refurbishment”, Council engage Public Works from the Department of Regional NSW as Project Manager to undertake the project on Council’s behalf based on the service fee schedule disclosed in the Confidential Enclosure.

**259/22 RESOLVED**

### **9.2 RAY WALSH HOUSE - STAFF RELOCATION**

**DIRECTORATE:** OFFICE OF THE GENERAL MANAGER

**AUTHOR:** Rami Abu-Shaqra, Chief Financial Officer

**Reference:** Item 12.3 to Ordinary Council 26 July 2022 - Minute No 221/22  
Item 12.6 to Ordinary Council 9 August 2022 - Minute No 236/22

#### **MOTION**

**Moved Cr Sutherland/Cr Southwell**

That in relation to the report “Ray Walsh House – Staff Relocation”, Council;

- i) receive and note the report;
- ii) endorse the emergency expenditure incurred to date under Section 55(3); and
- iii) request further updates on any additional expenditure required to finalise the relocation of staff from Ray Walsh House.

**260/22 RESOLVED**

## **10 COMMUNITY SERVICES**

Nil

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

At 7.27pm, 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 Southwell/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.

### **261/22 RESOLVED**

#### **PROPOSED SALE OF COUNCIL LAND**

**DIRECTORATE: GROWTH AND PROSPERITY**

**AUTHOR: Luke Stevenson, Commercial Property Officer**

**Reference: Item 12.1 to Ordinary Council 8 June 2021 - Minute No 167/21**

**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)&(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.

#### **RENEWAL OF LEASE FOR COMMERCIAL PROPERTY SUITE 2, 468-472 PEEL STREET**

**DIRECTORATE: GROWTH AND PROSPERITY**

**AUTHOR: Luke Stevenson, Commercial Property Officer**

**Reference: Item 14.2 to Ordinary Council Meeting held 10 April 2022 - Minute No 128/18**

**Item 14.3 to Ordinary Council Meeting held 12 March 2019 - Minute No 74/19**

The Council will determine this matter in part of the meeting closed to the public pursuant to Section 10A(2) (c)&(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, and information that would, if disclosed, confer a commercial advantage on a competitor of Council.

### **LEASE AGREEMENT AND OPERATION OF VISITOR INFORMATION CENTRE CAFE**

**DIRECTORATE: GROWTH AND PROSPERITY**

**AUTHOR: Luke Stevenson, Commercial Property Officer**

**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&(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.

### **CALALA WATER TREATMENT PLANT 3.3kV TO 415V ELECTRICAL CONVERSION**

**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) (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: GROWTH AND PROSPERITY**

**AUTHOR: Luke Stevenson, Commercial Property Officer**

**Reference: Item 12.1 to Ordinary Council 8 June 2021 - Minute No 167/21**

#### **MOTION**

#### **Moved Cr Betts/Cr Coates**

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

- (i) adopt the recommendation as detailed in Option 1 the report;
- (ii) authorise the Mayor and General Manager to negotiate and finalise the sale of the land identified in the body of this report; and
- (iii) authorise the affixing of the seal of Council to the Contract of Sale, plans or other documentation required to give effect to the matters set out in the body of this report.

**262/22 RESOLVED**

## **12.2 RENEWAL OF LEASE FOR COMMERCIAL PROPERTY SUITE 2, 468-472 PEEL STREET**

**DIRECTORATE:** GROWTH AND PROSPERITY  
**AUTHOR:** Luke Stevenson, Commercial Property Officer  
**Reference:** Item 14.2 to Ordinary Council Meeting held 10 April 2022 - Minute No 128/18  
Item 14.3 to Ordinary Council Meeting held 12 March 2019 - Minute No 74/19

### **MOTION**

#### **Moved Cr Tickle/Cr Sutherland**

That in relation to the report "Renewal of Lease for Commercial Property Suite 2, 468-472 Peel Street", Council:

- (i) authorise the Mayor and General Manager to negotiate the terms of the lease set out in the body of this report; and
- (ii) authorise the affixing of the Seal of Council to the lease agreement and any associated documents.

**263/22 RESOLVED**

## **12.3 LEASE AGREEMENT AND OPERATION OF VISITOR INFORMATION CENTRE CAFE**

**DIRECTORATE:** GROWTH AND PROSPERITY  
**AUTHOR:** Luke Stevenson, Commercial Property Officer  
**2 CONFIDENTIAL ENCLOSURES ENCLOSED**

### **MOTION**

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

That in relation to the report "Lease Agreement and Operation of Visitor Information Centre Cafe", Council:

- (i) authorise the Mayor and General Manager to negotiate the terms of a Deed of Surrender set out in the body of this report;
- (ii) authorise the Mayor and General Manager to negotiate the terms of the sub-lease set out in the body of this report; and
- (iii) authorise the affixing of the Seal of Council to the Lease Agreement, Deed of Surrender and any associated documents.

**264/22 RESOLVED**

Cr Russell Webb left the meeting, the time being 7:48pm. On the advice of Councillor Webb before departing the meeting, and the acceptance of Councillor Betts and other Councillors in attendance, Councillor Betts assumed the Chair.

## **12.4 CALALA WATER TREATMENT PLANT 3.3kV TO 415V ELECTRICAL CONVERSION**

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

**1 CONFIDENTIAL ENCLOSURES ENCLOSED**

### **MOTION**

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

That in relation to the report “Calala Water Treatment Plant 3.3kV to 415V Electrical Conversion”, Council:

- (i) accept the conforming Tender from Australian Construction Group Pty Ltd, as detailed in the report, to undertake the contracted works; and
- (ii) allocate a further \$2,130,000 from the water reserve to undertake the project.

### **265/22 RESOLVED**

Cr Russell Webb returned to the meeting, the time being 7:57pm and resumed as Chair of the meeting.

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

### **MOTION**

#### **Moved Cr Coates/Cr Betts**

That Council move into Open Council.

### **266/22 RESOLVED**

At 7.58pm 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 7.59pm.

Cr Russell Webb, Chairperson  
Tuesday, 27 September 2022

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