



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

14 FEBRUARY 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
TUESDAY 14 FEBRUARY 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 Marc Sutherland, Cr Mark Rodda, Cr Helen Tickle.

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

1 APOLOGIES AND LEAVE OF ABSENCE

Nil

2 COMMUNITY CONSULTATION

7.1 MODIFICATION APPLICATION (MOD2022-0055) TO DEVELOPMENT APPLICATION (DA2016/0043) - INCLUSION OF AN ADDITIONAL LOT (LOT 62 DP 755344) FOR USE OF AN EXISTING BORE BY THE EXISTING POULTRY FARM

Graham Gardiner – Spoke in opposition to the recommendation.

7.1 MODIFICATION APPLICATION (MOD2022-0055) TO DEVELOPMENT APPLICATION (DA2016/0043) - INCLUSION OF AN ADDITIONAL LOT (LOT 62 DP 755344) FOR USE OF AN EXISTING BORE BY THE EXISTING POULTRY FARM

Ian Page – Spoke in opposition to the recommendation.

7.1 MODIFICATION APPLICATION (MOD2022-0055) TO DEVELOPMENT APPLICATION (DA2016/0043) - INCLUSION OF AN ADDITIONAL LOT (LOT 62 DP 755344) FOR USE OF AN EXISTING BORE BY THE EXISTING POULTRY FARM

Phil Sanderson – Spoke in opposition to the recommendation.

3 MINUTES OF PREVIOUS MEETING SUBMITTED FOR APPROVAL

MOTION

Moved Cr Burke/Cr Coates

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

1/23 RESOLVED

4 DISCLOSURE OF INTEREST

Cr Marc Sutherland declared an interest in Item 12.5 “Proposed License to Tamworth Netball Association Incorporated of Part Lot 102 in Deposited Plan 1262475” of the Business Paper for the reason that his child is registered and plays on a Tamworth Netball Association team. Cr Sutherland further stated that this was a less than significant non pecuniary interest and he would remain in the chamber.

Cr Brooke Southwell declared an interest in Item 12.5 “Proposed License to Tamworth Netball Association Incorporated of Part Lot 102 in Deposited Plan 1262475” for the reason that her children are registered to play on a Tamworth Netball Association team. Cr Southwell further stated that this was a less than significant non pecuniary interest and she would remain in the chamber.

Cr Russell Webb declared an interest in Item 7.1 “Modification Application (MOD2022-0055) to Development Application (DA2016/0043) - Inclusion of an Additional Lot (Lot 62 DP 755344) for Use of an Existing Bore by the Existing Poultry Farm” of the Business Paper for the reason that he has a farming lease on a Baiada property. Cr Webb further he would leave the Chamber and not participate in the debate.

Cr Russell Webb declared an interest in Item 12.2 “Baiada - Water Supply Agreement and Associated Funding - New Chicken Processing Abattoir - Oaklands, Tamworth” of the Business Paper for the reason that he has a farming lease on a Baiada property. Cr Webb further stated that he would leave the Chamber and not participate in the debate.

5 MAYORAL MINUTE

Nil

6 NOTICE OF MOTION

Nil

OPEN COUNCIL REPORTS

7 ENVIRONMENT AND PLANNING

Cr Russell Webb left the meeting, the time being 06:48 PM

7.1 MODIFICATION APPLICATION (MOD2022-0055) TO DEVELOPMENT APPLICATION (DA2016/0043) - INCLUSION OF AN ADDITIONAL LOT (LOT 62 DP 755344) FOR USE OF AN EXISTING BORE BY THE EXISTING POULTRY FARM

DIRECTORATE: LIVEABLE COMMUNITIES
AUTHOR: Mitchell Gillogly, Team Leader – Development Assessment

Reference: Item 7.2 to Ordinary Council Meeting 27 October 2015 - Minutes No 306/15
Item 7.4 to Ordinary Council Meeting 15 December 2015 - Minutes No 364/15

COUNCILLORS WHO VOTED **FOR**
THE DECISION

1. Cr Phil Betts
2. Cr Bede Burke
3. Cr Judy Coates
4. Cr Stephen Mears
5. Cr Brooke Southwell
6. Cr Marc Sutherland
7. Cr Helen Tickle

COUNCILLORS WHO VOTED **AGAINST**
THE DECISION

1. Cr Mark Rodda

Recommendation

That in relation to Modification Application (MOD2022-0055) being an application to modify Development Application (DA2016/0043) for the Inclusion of an Additional Lot (Lot 62 DP 755344) for Use of an Existing Bore by the Existing Poultry Farm at Lot 63 DP 755344 and Lot 1 DP 512961, 173-221 Lees Road, DUR1 and, 389 Woodlands Road, Duri, approval be granted subject to the following conditions:

Prior to Work Commencing

- 1) The approved development, which is the subject of this development consent, must not be commenced until:
 - a) a construction certificate has been issued by Council for subdivision work, or Council or an accredited Certifier for building work;
 - b) the person having the benefit of the development consent has:
 - i) appointed a Principal Certifying Authority for the work;
 - ii) notified the Principal Certifying Authority that the person will carry out the work;
 - c) the Principal Certifying Authority has, no later than two days before the building work commences:
 - i) notified Council 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;
 - 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;
 - iv) give at least two days' notice to Council of the person's intention to commence the erection of the building;
- 2) 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 Council;the provision of toilet facilities in accordance with this condition must be completed before any other work is commenced;
- 3) the applicant 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;
 - c) a statement that unauthorised entry to the work site is prohibited;The sign is to be removed when the work has been completed;
- 4) the contractors engaged on work on Council roads or other 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.
- 5) 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 for approval and implemented prior to the commencement of any construction works;

- 6) a Road/Asset Opening Permit must be obtained from Council, if required, prior to carrying out any works within or upon a road, footpath, nature strip or in any public place, in accordance with section 138 of the Roads Act 1993, and all of the conditions and requirements contained in the Road/Asset Opening Permit must be complied with;
- 7) traffic Control Plans (TCP) are to be prepared by a person with the applicable certification from Roads and Maritime Services (RMS) in accordance with AS1742.3-1996 and the RMS current version of the "Traffic Control at Worksites" manual. All TCP are to be implemented prior to the commencement of any works undertaken within the road reserve;
- 8) prior to commencement of construction works the applicant, in conjunction with a nominated Council officer, shall conduct an inspection and document the condition of the Council roads between the site and Werris Creek Road. Prior to issue of any Occupation Certificate any damage to Council roads or other assets caused by construction traffic shall be repaired at the full cost of the developer;
- 9) pursuant to section 68 of the Local Government Act 1993, the following approvals must be obtained:
 - a) Installation of Onsite Sewer Management system (OSSM).

Prior to Issue of a Construction Certificate

- 10)
 - a) In accordance with Section 80A(1) of the Environmental Planning and Assessment Act 1979 and the Tamworth Regional Council Section 94A Development Contributions Plan 2013, \$ 45,968.11 shall be paid to Council to cater for the increased demand for community infrastructure resulting from the development;
 - b) if the contributions are not paid within the financial year that this consent is granted, the contributions payable will be adjusted in accordance with the provisions of the Development Contributions Plan and the amount payable will be calculated on the basis of the contribution rates applicable at the time of payment in the following manner:

$$\text{\$C}_{PY} = \frac{\text{\$C}_{DC} \times \text{CPI}_{PY}}{\text{CPI}_{DC}}$$

where:

$\text{\$C}_{PY}$ Is the amount of the contribution at the date of Payment.

$\text{\$C}_{DC}$ Is the amount of the contribution as set out in this development consent.

CPI_{PY} Is the latest release of the Consumer Price Index (Sydney – All Groups) for the financial year at the date of Payment as published by the ABS.

CPI_{DC} Is the Consumer Price Index (Sydney – All Groups) for the

financial year at the date of this development consent.

- c) the monetary contributions shall be paid to Council:
 - i) prior to the issue of the first Construction Certificate where the development is for building work.

It is the professional responsibility of the Principal Certifying Authority to ensure that the monetary contributions have been paid to Council in accordance with the above timeframes.

The Tamworth Regional Council Section 94A Development Contributions Plan may be viewed at www.tamworth.nsw.gov.au or a copy may be inspected at Council's Administration Centre during normal business hours.

- 11) Where any changes with respect to regulatory signage on Woodlands Road or Pikes Lane is proposed, a plan shall be submitted to Council indicating the revised signage.

Advisory Note:

any regulatory signage shown on any plan is required to be reviewed by the Local Traffic Committee prior to approval of the plan(s).

- 12) where retaining walls are to be constructed as part of this development, certification of the design of the retaining wall(s) on affected lots by a suitably qualified Civil/Structural Engineer holding Chartered Professional Engineering status shall be submitted to Council prior to the release of the Construction Certificate.

The engineering drawings shall be submitted to Council for approval prior to the issue of a Construction Certificate.

General

- 13) 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 Council;
 - 14) all proposed building, site works or property improvement indicated on the submitted plans or otherwise required under the terms of this consent shall be completed prior to occupation of the premises to ensure compliance with the provisions of the Environmental Planning and Assessment Act, 1979;
 - 15) all building work must be carried out in accordance with the provisions of the National Construction Code;
 - 16) pursuant to Section 97A(2) of the Environmental Planning and Assessment Regulation 2000, all the commitments listed in the relevant BASIX Certificate for the development shall be fulfilled at the milestones listed;
 - 17) the Tamworth Regional Council Local Government Area has water conservation measures in place due to ongoing drought conditions. These water conservation measures may impact the establishment of landscaping in this development;
 - 17a) the operator must prepare and implement an Operational Environmental Management Plan (OEMP) which:
-

- (i) details the on-going management of the proposed operations, including the roles and responsibilities of all key personnel involved in the operation of the development;
- (ii) identifies the relevant statutory requirements applicable to the operation of the development;
- (iii) sets standards and performance measures for each of the relevant environmental matters associated with the operation of the development;
- (iv) describes the proposed corrective actions that will be implemented to mitigate potentially negative impacts of the development;
- (v) describes what measures and procedures will be implemented to:
 - register and respond to nuisance complaints;
 - ensure the operational health and safety of workers; and
 - respond to potential emergencies.
- (vi) requires and provides records of day-to-day operations, including: incoming and outgoing stock numbers; stock deaths and associated disposal;
- (vii) keeps records of the annual amount of groundwater extracted from water supply works (bores) which service the development. The extraction limit of 60ML/year must for part of the OEMP;
- (viii) includes a contingency plan for the operational water supply for the facility during extreme weather events such as heat waves or drought. This must include detail in relation to the size and frequency of water trucks; and
- (ix) includes an operational driver code of conduct which complies with condition 46a of this consent.

During Construction

General

- 18) Work on the project 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 the 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 footpath and/or road reserve are not to be used for construction purposes or placing of building materials (without Council's prior consent) to ensure safe and unobstructed access for pedestrians. Where necessary, application may be

made by contacting Council's Development and Approvals Division;

- 21) a site rubbish enclosure shall be provided on the site for the period of the proposed construction works;
- 22) erosion and sediment control measures in accordance with the ESCP are to be maintained by the developer at all times;
- 23) if the work involved in the construction of the development is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or involves the closure of a public place, approval from Council's Transport and Assets Division is required;
- 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 Council so as to ensure the integrity of Council's infrastructure; and
- 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, Transport and Access

- 26) The following items including signage and guide post installation as identified in Section 8, Appendix 5 of the Environmental Impact Statement prepared by PSA Consulting Pty Ltd, shall be completed prior to commencement of operation of any poultry sheds:
 - a) install warning signs in each direction of the sharp 90 degree curve on Woodlands Road/Pikes Lane;
 - b) install closely spaced guideposts and/or chevron alignment markers around the curve;
 - c) install guide posts and depth markers at each floodway and guide posts at each culvert crossing (minimum of four guideposts at each location as per AS1742.2);

Further to the above the additional following items will be required prior to the operation of the new sheds:

- d) the Woodlands Road carriageway shall be widened and bitumen sealed to a width of six metres for the extent of the (existing) narrow bitumen sealed section of road adjacent to Werris Creek Road. Additionally, the bell of the Woodlands Road/Werris Creek Road intersection shall be widened (and bitumen sealed) to facilitate the swept path for a semi-trailer turning from Werris Creek Road;
- 27) the existing pipe culvert under the access point to Farm 3 shall be extended on each end and new sloping headwalls installed upstream and downstream. The culvert shall be constructed so that the invert of the culvert is at the same level as the invert of the table drain. The culvert shall be of sufficient width to allow the swept path movement of a semi-trailer from the adjacent public road (without pulling off the road onto the far shoulder to allow the turning movement).

Advisory Note:

The installation of the vehicle crossing is an approved structure in accordance with Section 138 of the Roads Act 1993. The ongoing maintenance, and/or repair of the vehicle crossing, is the responsibility of the adjoining owner in accordance with Section 142 of the Roads Act 1993.

- 28) The vehicle crossover, internal driveways and parking areas are to be constructed with a base course of adequate depth to accommodate semi-trailers;
- 28a) the total volume of groundwater extraction from all water supply works which service the poultry breeder farm must not exceed 60ML/year.

In an emergency event or extreme climatic conditions where the total extraction volume needs to be exceeded, the contingency plan in the OEMP must be enacted and approval of the exceeded extraction limit must first be obtained from the Director of Liveable Communities at Tamworth Regional Council.

Stormwater Drainage

- 29) Any disturbed areas shall be promptly rehabilitated and revegetated to stabilise with grass species consistent with surrounding landscape;
- 30) All developed flows from sheds and hardstand areas shall be captured and controlled onsite for 1 in 1 to 1 in 100 ARI events. Where possible, discharge is to be directed to natural flow paths;
- 31) Stormwater runoff around the sheds shall be collected within grass swales running lengthwise along each of the building pads:
- a) drain inlets are to be provided at intervals to collect stormwater within a stormwater pipe and direct the water to the 2 x 220,000L rainwater tanks;
 - b) the pipes shall be designed for a 1 in 5 ARI event;
- 32) additionally, the stormwater discharge drainage system must be constructed to comply with the following requirements as a minimum:
- a) all plumbing within the site must be carried out in accordance with relevant provisions of Australian Standard AS/NZS 3500.3 (as amended) Plumbing and Drainage – Stormwater Drainage;
 - b) temporary down pipes shall be connected as soon as the roof has been covered so as to not cause a nuisance to adjoining properties;
 - c) all overland surface flow paths must have a practical and satisfactory destination with due consideration to erosion and sediment control during all stages of development. A system to prevent overland flows discharging onto adjoining properties shall be implemented;
 - d) any interruption to the natural overland flow of stormwater drainage which could result in the disruption of amenity, or drainage or deterioration to any other property is not permitted; and
 - e) all overflow from rainwater tanks shall be directed to natural flow paths.

Allotment Filling

- 33) Any allotment filling that may be required for the development site shall meet

the requirements of AS3798 (as amended) – Guidelines on Earthworks for Commercial and Residential Developments.

Certification of the allotment filling shall be provided by a geotechnical testing authority registered under NATA. The testing authority shall be required to certify whether the fill complies with the requirements of AS2870.1 (as amended) – Residential Slabs and Footings – Construction, as “controlled fill”.

Inspections

- 34) 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 Council or an accredited certifier to be the PCA;
- 35) inspections are required to be carried out by Council for works as specified below:
 - a) placement of formwork and reinforcement prior to the pouring of concrete for the extension of the causeways on Woodlands Road.

Please note that Council requires a minimum of 48 hours' notice for inspections.

Prior to Issue of an Occupation Certificate

- 36) For developments where allotment filling has been undertaken, a copy of the NATA testing authority certification for compliance to the requirements of AS2870.1 (as amended) – Residential Slabs and Footings – Construction shall be provided to Council;
- 37) all works associated with the upgrading of signage, guide posts and widening of the Woodlands Road/Werris Creek Road intersection, shall be completed prior to the issue of any Occupation Certificate as required by condition 26;
- 38) the landscaped areas of the development for screening purposes are to be provided prior to the issue of an Occupation Certificate for any sheds and then maintained at all times;
- 39) easements for utilities and services, including stormwater and sewer, in favour of the lots benefiting and/or Council shall be provided where services are located on private properties and/or overland flows traverse private property;
- 40) 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;
- 41) that a minimum of 60 cubic metres (60,000L) of stored rainwater shall be provided for domestic purposes, unless the site is serviced by a Council water main. The draw off point for the water use for domestic purposes shall be located to allow a minimum of 4500 litres of stored water for use in fire fighting, to remain in the tank/s at all times.

Water storage tanks shall have fitted an outlet capable of being coupled to Fire Brigade fire fighting equipment. Fittings shall include the provision of a 65mm “Stortz” fitting with blanking cap (Stortz fittings may be obtained from a fire protection equipment supplier). The Stortz fitting draw off point shall be located at the base of the storage tanks (or connecting line). Reasonable vehicular access for fire tankers shall be available to the water supply.

That the use of bore water shall be restricted to the following purposes unless otherwise approved by Council:

- a) flushing of toilets;
- b) watering of gardens;
- c) stock purposes;

Guttering and downpipes shall be provided to convey roof water to the required rainwater tanks;

- 42) in relation to the landscaping nominated on the approved plan, a cash bond or bank guarantee to the value of \$1500.00 per additional shed must be paid to Tamworth Regional Council prior to the issue of an Occupation Certificate. The cash bond or bank guarantee is to cover the establishment and maintenance of the required tree buffers;
- 43) sediment and erosion control measures for the site shall be established if the landscaping is unable to be completed in accordance with the approved plan. The sediment and erosion control measures must be installed prior to the issue of an Occupation Certificate and shall remain in place until such time as water conservation measures allow the landscaping to be completed.

Sediment erosion controls can include hay bales, sand bags and sediment fences and should be appropriate to be able to manage runoff created onsite.

All erosion and sediment controls should be checked at least once each week and after each rainfall event to ensure they are working properly.

Maintenance should include:

- a) removing sediment trapped in sediment fences, catch drains or other areas;
- b) repairing any erosion of drainage channels; and
- c) repairing damage to sediment fences.

Continued Operations

- 44) The landscaped area of the development is to be maintained at all times in accordance with the approved landscape plan;
- 45) the on-site stormwater systems shall be maintained at all times so as to ensure their effective operation for their intended purpose;
- 46) trucks shall be brought to rest and parking brakes applied, in a location that nearby buildings, such as the breeder sheds, provide shielding between the truck and nearby receivers; and
- 46a) all staff and transport contractors must only enter and exit the subject farm via Lees Road – Pikes Lane - Woodlands Road – Werris Creek Road only.

Cr Russell Webb returned to the meeting, the time being 06:57 PM

8 INFRASTRUCTURE AND SERVICES

8.1 TAMWORTH GLOBAL GATEWAY PARK - JEWRY STREET EXTENSION PROJECT - PROPERTY ACQUISITION FOR THE PURPOSES OF ROAD WIDENING

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

MOTION

Moved Cr Coates/Cr Southwell

That in relation to the report “Tamworth Global Gateway Park - Jewry Street Extension Project - Property Acquisition for the Purposes of Road Widening”, Council:

- (i) approve the dedication of a portion of Council-owned land, being Lot 2 DP 1255956 (Tamworth Cemetery) and Council-owned land, being Lot 1 DP 633198 for the purposes of road widening for the Jewry Street Extension project associated with the Tamworth Global Gateway Park; and
- (ii) authorise the affixing of the Seal of Council to plans and any other documents required to give effect to Council’s resolution.

2/23 RESOLVED

8.2 URBAN STREET TREE MANAGEMENT PLAN - ADVISORY GROUP MINUTES - 5 DECEMBER 2022

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

MOTION

Moved Cr Sutherland/Cr Tickle

That in relation to the report “Urban Street Tree Management Plan - Advisory Group Minutes - 5 December 2022”, Council:

- (i) receive and note the minutes from the Urban Street Tree Management Plan – Advisory Group; and
- (ii) approve the Greening Strategy for 2023.

3/23 RESOLVED

8.3 DEPARTMENT OF PLANNING AND ENVIRONMENT – REGIONAL WATER LEAK REDUCTION PILOT PROGRAM

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

MOTION

Moved Cr Coates/Cr Burke

That in relation to the report “Department of Planning and Environment – Regional Water Leak Reduction Pilot Program”, Council:

- (i) agree to participate in the Pilot Program as detailed in the body of the report;
- (ii) allocate funding from savings in the current 2022/2023 Water Annual Operation Plan to fund works identified in the proposed program to be completed in the current 2022/2023 financial year;
- (iii) allocate funding from the Water Reserve in the 2023/2024 water budget for works identified in the proposed program to be delivered in 2023/2024 financial year;
- (iv) request the Director Water and Waste to prepare further report/s in relation to the Regional Water Leak Reduction Pilot Program as projects are completed; and
- (v) write to the NSW Minister for Water requesting the NSW Government amend Water Sharing Plan rules, as appropriate, to allow water savings to be reflected through improved water security for communities that can demonstrate reduced use.

4/23 RESOLVED

8.4 WASTE SUSTAINABILITY PROGRAM AND PROJECT UPDATE

DIRECTORATE: WATER AND WASTE
AUTHOR: Angela Dodson, Sustainability Officer - Waste

MOTION

Moved Cr Southwell/Cr Burke

That in relation to the report “Waste Sustainability Program and Project Update”, Council receive and note the report.

5/23 RESOLVED

9 GOVERNANCE, STRATEGY AND FINANCE

9.1 RURAL AND REGIONAL SUMMIT - FEBRUARY 2023

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

MOTION

Moved Cr Burke/Cr Betts

That in relation to the report “Rural and Regional Summit - February 2023”, Council authorise the Mayor, General Manager and Councillor Judy Coates to attend the Rural and Regional Summit to be held on 20 February 2023.

6/23 RESOLVED

9.2 2023 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT

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

MOTION

Moved Cr Tickle/Cr Coates

That in relation to the report “2023 National General Assembly of Local Government”, Council:

- (i) nominate Councillor representatives to attend this conference as appropriate; and
- (ii) determine whether any motions will be submitted for inclusion in the conference business paper.

7/23 RESOLVED

9.3 AMENDMENTS TO THE ORDINARY COUNCIL MEETING SCHEDULE FOR TUESDAY 13 JUNE 2023 AND 14 NOVEMBER 2023

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

MOTION

Moved Cr Coates/Cr Mears

That in relation to the report “Amendments to the Ordinary Council Meeting Schedule for Tuesday 13 June 2023 and 14 November 2023”, Council:

- (i) reschedule the Ordinary Meeting scheduled for Tuesday, 13 June 2023 to Tuesday, 6 June 2023; and
- (ii) cancel the Ordinary Meeting scheduled for Tuesday, 14 November 2023.

8/23 RESOLVED

10 COMMUNITY SERVICES

10.1 TAMWORTH REGIONAL COMMUNITY SAFETY WORKING GROUP - MEETING MINUTES - 24 NOVEMBER 2022

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

MOTION

Moved Cr Southwell/Cr Rodda

That in relation to the report “Tamworth Regional Community Safety Working Group - Meeting Minutes - 24 November 2022”, Council:

- (i) receive and note the minutes of the 24 November 2022 meeting; and
- (ii) write to the Member for Tamworth, the Honourable Kevin Anderson, requesting support for the funding of an Education Court Liaison Officer (ECLO) and request a timeline for implementation.

9/23 RESOLVED

10.2 TAMWORTH CITY CENTRE WORKING GROUP - MEETING MINUTES - 17 NOVEMBER 2022

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

MOTION

Moved Cr Betts/Cr Tickle

That in relation to the report “Tamworth City Centre Working Group - Meeting Minutes - 17 November 2022”, Council:

- (i) receive and note the Minutes of the meeting held on 17 November 2022;
- (ii) acknowledge the efforts of Council’s Events staff to incentivise the local retail and business community to get involved in the spirit of the 2023 Tamworth Country Music Festival;
- (iii) endorse the planting of Buxux (box) hedge in the following CBD locations to improve the beautification and greening of the CBD:
 - four corners of the Peel Street and Bridge Street intersection;
 - both sides of the pedestrian crossing located on Peel Street near the Slim Dusty and Joy McKean statues; and
 - other areas where appropriate.

10/23 RESOLVED

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

At 7:37pm, 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 Mears

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.

11/23 RESOLVED

PROVISION OF CLEANING SERVICES FOR COUNCIL FACILITIES - TENDER T053/2023

DIRECTORATE: REGIONAL SERVICES
AUTHOR: George Shearman, Manager - Plant Fleet and Building Services

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.

BAIADA - WATER SUPPLY AGREEMENT AND ASSOCIATED FUNDING - NEW CHICKEN PROCESSING ABATTOIR - OAKLANDS, TAMWORTH

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

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.

UPPER MOORE CREEK ROAD, MOORE CREEK - LAND ACQUISITION FOR ROAD REALIGNMENT

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

3 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.

TENDER T043/2023 - EXTENSION OF IN-SITU BOX CULVERT STRUCTURES FOR THE DURI-DUNGOWAN ROAD UPGRADE - REDUCED SCOPE

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

Reference: Item 12.4 to Ordinary Council 11 October 2022 - Minute No 308/22

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.

PROPOSED LICENSE TO TAMWORTH NETBALL ASSOCIATION INCORPORATED OF PART LOT 102 IN DEPOSITED PLAN 1262475

DIRECTORATE: REGIONAL SERVICES
AUTHOR: Blake Mammarella, Sport and Recreation Development Officer
Paul Kelly, Manager - Sports and Recreation
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) 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.

PROPOSED SALE OF COUNCIL LAND

DIRECTORATE: GROWTH AND PROSPERITY
AUTHOR: Nicholas Hawkins, Commercial Property Officer
3 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&(d)ii 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. and information that would, if disclosed, confer a commercial advantage on a competitor of Council.

LEASE OF COUNCIL OWNED LAND AT 6-44 BRITTEN ROAD, TAMWORTH

DIRECTORATE: WATER AND WASTE
AUTHOR: Daniel Coe, Manager - Water and Environmental Operations
Reference: Item 14.4 to Ordinary Council 13 March 2018 - Minute No 87/18
Item 12.3 to Ordinary Council 22 October 2019 - Minute No 387/19
Item 8.4 to Ordinary Council 13 December 2022 - Minute No 378/22

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.

PROPOSED EASEMENT ADJUSTMENT - REDBANK SEWER RISING MAIN - WILTRUST DEVELOPMENT

DIRECTORATE: WATER AND WASTE
AUTHOR: Ian Cross, 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.

GENERAL MANAGER'S ANNUAL PERFORMANCE REVIEW

DIRECTORATE: OFFICE OF THE GENERAL MANAGER

AUTHOR: Russell Webb, Mayor

2 CONFIDENTIAL ENCLOSURES ENCLOSED

The Council will determine this matter in part of the meeting closed to the public pursuant to Section 10A(2) (a) of the local Government Act 1993 on the grounds that the matter and information is personnel matters concerning particular individuals other than Councillors.

TAMWORTH INTERMODAL - PROJECT UPDATE

DIRECTORATE: REGIONAL SERVICES

AUTHOR: Graeme McKenzie, Manager - Strategy, Assets and Design

Reference: Item 12.6 to Ordinary Council 12 October 2021 - Minute No 292/21

Item 12.7 to Ordinary Council 8 November 2022 - Minute No 346/22

The Council will determine this matter in part of the meeting closed to the public pursuant to Section 10A(2) (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 competitor of Council.

T013/2023 DESIGN CONSTRUCTION AND COMMISSIONING OF THE TAMWORTH ORGANICS RECYCLING FACILITY

DIRECTORATE: WATER AND WASTE

AUTHOR: Naomi Schipanski, Manager - Projects, Strategy and Infrastructure

Reference: Item 12.5 to Ordinary Council 13 July 2021 - Minute No 202/21

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.

T059/2008 TAMWORTH EFFLUENT REUSE FARM OPERATIONS

DIRECTORATE: WATER AND WASTE

AUTHOR: Daniel Coe, Manager - Water and Environmental Operations

Reference: Item 12.3 to Ordinary Council 23 February 2021 - Minute No 45/21

**Item 12.4 to Ordinary Council 25 May 2021 - Minute No
155/21**

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.

Minutes

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 PROVISION OF CLEANING SERVICES FOR COUNCIL FACILITIES - TENDER T053/2023

DIRECTORATE: REGIONAL SERVICES
AUTHOR: George Shearman, Manager - Plant Fleet and Building Services

MOTION

Moved Cr Betts/Cr Sutherland

That in relation to the report "Provision of Cleaning Services for Council Facilities - Tender T053/2023", Council:

- (i) award all precincts to Command 51 Pty Ltd (ACN 164 634 039) to carry out cleaning for a period of 12 months prior to a review, and then until February 2026 based on satisfactory performance, reviewed annually, for the amount of \$840,892.36 per annum;
- (ii) accept all compliant tender submissions to form the tender panel;
- (iii) approve the use of the new tender panel from February 2023 until February 2025, to engage cleaning services as required;
- (iv) provide an extension until February 2026, subject to ongoing good performance; and
- (v) approve a contingency of \$100,900 per annum to support additional cleaning frequency and intensity due to peak periods of demand on an as required basis.

12/23 RESOLVED

Cr Russell Webb left the meeting, the time being 07:49 PM

12.2 BAIADA - WATER SUPPLY AGREEMENT AND ASSOCIATED FUNDING - NEW CHICKEN PROCESSING ABATTOIR - OAKLANDS, TAMWORTH

DIRECTORATE: WATER AND WASTE

AUTHOR: Bruce Logan, Director - Water and Waste

1 CONFIDENTIAL ENCLOSURES ENCLOSED

MOTION

Moved Cr Burke/Cr Sutherland

That in relation to the report “Baiada - Water Supply Agreement and Associated Funding - New Chicken Processing Abattoir - Oaklands, Tamworth”, Council:

- (i) authorise the Mayor and General Manager to sign the draft Agreement as attached to this report providing concerns relating to the method of supply, or alternative supply methods, contained in Clause 4 can be satisfactorily addressed.

13/23 RESOLVED

Cr Russell Webb returned to the meeting, the time being 08:01 PM

12.3 UPPER MOORE CREEK ROAD, MOORE CREEK - LAND ACQUISITION FOR ROAD REALIGNMENT

DIRECTORATE: REGIONAL SERVICES

AUTHOR: Callum Fletcher, Senior Project Engineer

3 CONFIDENTIAL ENCLOSURES ENCLOSED

MOTION

Moved Cr Sutherland/Cr Coates

That in relation to the report “Upper Moore Creek Road, Moore Creek - Land Acquisition for Road Realignment”, Council:

- (i) authorise the Mayor and General Manager to negotiate the terms of the proposed acquisition of the relevant properties;
- (ii) authorise the execution by Council of Deeds of Agreement, plans of subdivision and accepting the dedication of the land as a road; and
- (iii) authorise the affixing of the Seal of Council to the Deeds of Agreement, plans and any other documents required to give effect to Council’s resolution.

14/23 RESOLVED

12.4 TENDER T043/2023 - EXTENSION OF IN-SITU BOX CULVERT STRUCTURES FOR THE DURI-DUNGOWAN ROAD UPGRADE - REDUCED SCOPE

DIRECTORATE: REGIONAL SERVICES
AUTHOR: Callum Fletcher, Senior Project Engineer
Reference: Item 12.4 to Ordinary Council 11 October 2022 - Minute No 308/22

MOTION

Moved Cr Mears/Cr Rodda

That in relation to the report “Tender T043/2023 - Extension of In-Situ Box Culvert Structures for the Duri-Dungowan Road Upgrade - Reduced Scope”, Council:

- (i) accept the revised tender submitted by Finn Valley Plant & Civil Pty Ltd (ABN 68 161 355 737) for the lump sum amount of \$348,500.80 (excluding GST) for the extension of one reinforced concrete box culvert drainage structure; and
- (ii) authorise the affixing of the Seal of Council to this Contract.

15/23 RESOLVED

12.5 PROPOSED LICENSE TO TAMWORTH NETBALL ASSOCIATION INCORPORATED OF PART LOT 102 IN DEPOSITED PLAN 1262475

DIRECTORATE: REGIONAL SERVICES
AUTHOR: Blake Mammarella, Sport and Recreation Development Officer
Paul Kelly, Manager - Sports and Recreation
1 CONFIDENTIAL ENCLOSURES ENCLOSED

MOTION

Moved Cr Betts/Cr Coates

That in relation to the report “Proposed License to Tamworth Netball Association Incorporated of Part Lot 102 in Deposited Plan 1262475”, Council:

- (i) authorise the Mayor and General Manager to negotiate the terms of a new license to Tamworth Netball Association Incorporated as set out in the body of this report;
- (ii) authorise the affixing of the Seal of the Council to the license document and any other associated documentation.

16/23 RESOLVED

12.6 PROPOSED SALE OF COUNCIL LAND

DIRECTORATE: GROWTH AND PROSPERITY
AUTHOR: Nicholas Hawkins, Commercial Property Officer
3 CONFIDENTIAL ENCLOSURES ENCLOSED

MOTION

Moved Cr Coates/Cr Tickle

RECOMMENDATION

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

- (i) receive and note the outcome of the Expression of Interest process;
- (ii) adopt Option 1 as recommended in the body of this report;
- (iii) authorise the Mayor and General Manager to negotiate the terms of a Contract of Sale; and
- (iv) authorise the affixing of the Seal of Council to a Contract of Sale and development application plans pursuant to the matters set out in the body of this report.

17/23 **RESOLVED**

12.7 LEASE OF COUNCIL OWNED LAND AT 6-44 BRITTEN ROAD, TAMWORTH

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

Reference: Item 14.4 to Ordinary Council 13 March 2018 - Minute No 87/18
Item 12.3 to Ordinary Council 22 October 2019 - Minute No 387/19
Item 8.4 to Ordinary Council 13 December 2022 - Minute No 378/22

MOTION

Moved Cr Betts/Cr Sutherland

That in relation to the report "Lease of Council Owned Land at 6-44 Britten Road, Tamworth", Council:

- (i) authorise the Mayor and General Manager to enter into a new five-year Lease Agreement for the subject land with Luke Christopher Morgan, at an annual lease payment as detailed in the report;
- (ii) ensure the Agreement not include any provision for extension of the lease beyond five years; and
- (iii) authorise the affixing of the Seal of Council to lease documents as appropriate.

18/23 **RESOLVED**

12.8 PROPOSED EASEMENT ADJUSTMENT - REDBANK SEWER RISING MAIN - WILTRUST DEVELOPMENT

DIRECTORATE: WATER AND WASTE
AUTHOR: Ian Cross, Senior Project Engineer

1 CONFIDENTIAL ENCLOSURES ENCLOSED

MOTION

Moved Cr Rodda/Cr Betts

That in relation to the report “Proposed Easement Adjustment - Redbank Sewer Rising Main - Wiltrust Development”, Council:

- (i) agree to the adjustment of the 3m wide easement for the sewer rising main burdening Lot 134 in DP 1185848 and Lot 165 in DP719892 as detailed in the report; and
- (ii) authorise the affixing of the Seal of Council to any associated documentation required to give effect to Council’s resolution.

19/23 RESOLVED

12.9 GENERAL MANAGER'S ANNUAL PERFORMANCE REVIEW

DIRECTORATE: OFFICE OF THE GENERAL MANAGER
AUTHOR: Russell Webb, Mayor

2 CONFIDENTIAL ENCLOSURES ENCLOSED

MOTION

Moved Cr Betts/Cr Tickle

That in relation to the report “General Manager's Annual Performance Review”, Council:

- (i) receive and note the report; and
- (ii) support the General Manager’s ongoing professional development through membership and participation in the International City Managers Association.

20/23 RESOLVED

12.10 TAMWORTH INTERMODAL - PROJECT UPDATE

DIRECTORATE: REGIONAL SERVICES
AUTHOR: Graeme McKenzie, Manager - Strategy, Assets and Design

Reference: Item 12.6 to Ordinary Council 12 October 2021 - Minute No 292/21
Item 12.7 to Ordinary Council 8 November 2022 - Minute No 346/22

Report was withdrawn at the request of the General Manager.

Minutes

12.11 T013/2023 DESIGN CONSTRUCTION AND COMMISSIONING OF THE TAMWORTH ORGANICS RECYCLING FACILITY

DIRECTORATE: WATER AND WASTE
AUTHOR: Naomi Schipanski, Manager - Projects, Strategy and Infrastructure

Reference: Item 12.5 to Ordinary Council 13 July 2021 - Minute No 202/21

1 CONFIDENTIAL ENCLOSURES ENCLOSED

MOTION

Moved Cr Betts/Cr Burke

That in relation to the report “T013/2023 Design Construction and Commissioning of the Tamworth Organics Recycling Facility”, Council:

- (i) in accordance with s 178 (1)(b) of the Local Government (General) Regulation 2021 (NSW) (Regulation), decline to accept any of the tender submissions submitted;
- (ii) in accordance with s 178 (3)(e) of the Regulation, enter into negotiations with the tenderers which submitted tenders as detailed in the report, in respect of the matters described in the report, with a view to entering into a contract (or contracts) for the services relating to the subject matter of the tender with one or more of the tenderers;
- (iii) in accordance with s 178 (4)(a) of the Regulation, note that the reason for Council declining to invite fresh tenders or applications as referred to in ss 178(3)(b)-(d) of the Regulation, is that:
 - a. the tendered cost submitted by each of the tenderers is outside Council’s budget for the work;
 - b. it is not expected that further market testing will provide a more satisfactory result;
 - c. it is anticipated that a satisfactory result can be achieved through negotiating with one or more of the tenderers in the manner described in the report;
- (iv) in accordance with s 178 (4)(b) of the Regulation, note that the reason for Council determining to enter into negotiations with the tenderers, is that:
 - a. Council is satisfied that each of the tenderers would be capable of undertaking the services;
 - b. it is anticipated that a satisfactory outcome can be achieved through negotiations with one or more of the tenderers;
- (v) notify all tenderers as appropriate that no tenders for tender T013-2023 were accepted;
- (vi) authorise the General Manager to directly negotiate with one or more of the tenderers in respect of the matters described in the report, for the purpose of entering into a contract with one or more tenderers in relation to the subject matter of the tender; and
- (vii) request the Director Water and Waste provide further reports to Council in relation to this matter as required.

21/23 RESOLVED

12.12 T059/2008 TAMWORTH EFFLUENT REUSE FARM OPERATIONS

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

Reference: Item 12.3 to Ordinary Council 23 February 2021 - Minute No 45/21
Item 12.4 to Ordinary Council 25 May 2021 - Minute No 155/21

1 CONFIDENTIAL ENCLOSURES ENCLOSED

MOTION

Moved Cr Betts/Cr Mears

That in relation to the report "T059/2008 Tamworth Effluent Reuse Farm Operations", Council:

- (i) receive and note the report; and
- (ii) proceed as per the recommendation detailed in the body of the report.

22/23 RESOLVED

13 RESOLUTIONS PASSED IN CLOSED COUNCIL

RECOMMENDATION

That Council move into Open Council.

At 8:20pm 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 8:21pm.

Cr Russell Webb, Chairperson
Tuesday, 28 February 2023

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