



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

22 FEBRUARY 2022

**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 22 FEBRUARY 2022 at 6:30PM

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

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

An apology was announced as having been received from Cr Rodda who is unable to attend the Meeting due to being unwell.

MOTION

Moved Cr Tickle/Cr Coates

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

40/22 RESOLVED

2 COMMUNITY CONSULTATION

Nil

3 MINUTES OF PREVIOUS MEETING SUBMITTED FOR APPROVAL

MOTION

Moved Cr Tickle/Cr Burke

That the Minutes of the Ordinary Meeting held on Tuesday, 8 February 2022, copies of which were circulated, be taken as read and confirmed as a correct record of the proceedings of the Meeting.

41/22 RESOLVED

4 DISCLOSURE OF INTEREST

Nil

5 MAYORAL MINUTE

Nil

6 NOTICE OF MOTION

Nil

OPEN COUNCIL REPORTS

7 ENVIRONMENT AND PLANNING

7.1 PROPOSED ROAD NAMES FOR 'THE OUTLOOK' SUBDIVISION, LOCALITY OF CALALA AND PROPOSED ROAD NAMES FOR 'WINDMILL HILL' SUBDIVISION, LOCALITY OF NORTH TAMWORTH

DIRECTORATE: LIVEABLE COMMUNITIES
AUTHOR: Sam Lobsey, Manager - Development

MOTION

Moved Cr Southwell/Cr Burke

That in relation to the report “Proposed Road Names for 'The Outlook' Subdivision, Locality of Calala and Proposed Road Names for the 'Windmill Hill' Subdivision, Locality of North Tamworth”, Council:

- (i) approve in principle the road names:
 - a) 'Firetail' Way, 'Fairywren' Circuit, 'Teal' Way, 'Dove' Terrace, 'Fernwren' Terrace, 'Silktail' Way, 'Berrigan' Way and 'Wattlebird' Way for 'The Outlook' subdivision; and
 - b) 'Madeira' Drive, 'Merlot Drive, and 'Sangria' Grove for the 'Windmill Hill' subdivision.
- (ii) delete the proposed road names of 'Sangiovese' Drive, and 'Trebiano' Close for the 'Windmill Hill' subdivision and replace these with 'Pinot' Drive and 'Fiano' Close;
- (iii) make application to the Geographical Names Board for approval of the replacement road names of 'Pinot' Drive and 'Fiano' Close;
- (iv) upon receipt of approval from the Geographical Names Board for the replacement road names of 'Pinot' Drive and 'Fiano' Close, advertise all of the proposed road names as required by the *Roads Act 1993 Section 162, Roads Regulation 2018 Part 2 Division 1 Section 7* to enable interested parties the opportunity to make comment; and
- (v) provided no submissions are made in objection to the proposed road names, proceed to publish the adopted names in the Government Gazette.

42/22 RESOLVED

7.2 NSW GOVERNMENT REFORM OF INFRASTRUCTURE CONTRIBUTIONS - COUNCIL ENDORSED SUBMISSION

DIRECTORATE: LIVEABLE COMMUNITIES
AUTHOR: Andrew Spicer, Senior Integrated Planner

MOTION

Moved Cr Burke/Cr Mears

That in relation to the report “NSW Government Reform of Infrastructure Contributions - Council Endorsed Submission”, Council endorse the attached submission highlighting the range of concerns held by Tamworth Regional Council and forward it to the Department of Planning and Environment.

43/22 RESOLVED

7.3 PROPOSED ROAD NAMES FOR 'EAGLE VIEW' ESTATE SUBDIVISION, LOCALITY OF MOORE CREEK

DIRECTORATE: LIVEABLE COMMUNITIES
AUTHOR: Kathleen See-Kee, Development and Approvals Support Officer
Sam Lobsey, Manager - Development

MOTION

Moved Cr Coates/Cr Mears

That in relation to the report "Proposed Road Names for 'Eagle View' Estate Subdivision, Locality of Moore Creek", Council:

- (i) approve in principle the road names: 'Wedgetail' Road, 'Whistling' Parade, 'Stellers' Crescent, 'Tawny' Crescent, 'Nankeen' Avenue, 'Sea Eagle' Avenue, 'Crested' Avenue, 'Goshawk' Avenue, 'Bald' Crescent, 'Sparrowhawk' Place and 'Boobook' Court;
- (ii) advertise the proposed road names as required by the Roads Act 1993 Section 162, Roads Regulation 2018 Part 2 Division 1 Section 7 to enable interested parties the opportunity to make comment; and
- (iii) provided no submissions are made in objection to the proposed road names, proceed to publish the adopted names in the Government Gazette.

44/22 RESOLVED

8 INFRASTRUCTURE AND SERVICES

8.1 URBAN STREET TREE MANAGEMENT PLAN ADVISORY GROUP UPDATE

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

MOTION

Moved Cr Tickle/Cr Sutherland

That in relation to the report "Urban Street Tree Management Plan Advisory Group Update", Council:

- (i) receive and note the update on the work being undertaken by the Urban Street Tree Management Plan Advisory Group;
- (ii) endorse the Advisory Group's proposed Greening Strategy 2022; and
- (iii) support applications for external funding for the Special Projects being proposed by the Advisory Group and that the General Manager report back to Council on the grants submitted and whether or not they were successful.

45/22 RESOLVED

9 GOVERNANCE, STRATEGY AND FINANCE

9.1 COUNCIL INVESTMENTS JANUARY 2022

DIRECTORATE: OFFICE OF THE GENERAL MANAGER
AUTHOR: Sherrill Young, Finance Manager

MOTION

Moved Cr Burke/Cr Mears

That in relation to the report “Council Investments January 2022”, Council receive and note the report.

46/22 RESOLVED

9.2 WRITING OFF OF SUNDRY DEBTORS AND RATES & CHARGES FOR 2021/2022

DIRECTORATE: CORPORATE AND GOVERNANCE
AUTHOR: Seon Millstead, Revenue Accountant
Lauren McPherson, Senior Accountant

MOTION

Moved Cr Coates/Cr Southwell

That in relation to the report “Writing Off of Sundry Debtors and Rates & Charges for 2021/2022”, Council approve the writing off of sundry debtors and rates & charges totalling \$15,614.51 in accordance with Section 131 and 213 of the Local Government (General) Regulation 2021.

47/22 RESOLVED

9.3 ANNUAL OPERATIONAL PLAN 2021/2022 BUDGET VARIATION REPORT - JANUARY 2022

DIRECTORATE: OFFICE OF THE GENERAL MANAGER
AUTHOR: Sherrill Young, Finance Manager

Reference: Item 9.5 to Ordinary Council 29 June 2021 - Minute No 180/21

MOTION

Moved Cr Betts/Cr Southwell

That in relation to the report “Annual Operational Plan 2021/2022 Budget Variation Report – January 2022”, Council note and approve the variations to the existing budget as listed in the attached Annexure.

48/22 RESOLVED

9.4 2021/2022 QUARTERLY BUDGET REVIEW STATEMENTS TO 31 DECEMBER, 2021

DIRECTORATE: OFFICE OF THE GENERAL MANAGER
AUTHOR: Sherrill Young, Finance Manager
Michael Gould, Management Accountant

Reference: Item 9.5 to Ordinary Council 29 June 2021 - Minute No 180/21

MOTION

Moved Cr Betts/Cr Sutherland

That in relation to the report “2021/2022 Quarterly Budget Review Statements to 31 December, 2021”, Council receive and note the report and related statements.

49/22 RESOLVED

9.5 DELEGATION OF FUNCTION – GENERAL MANAGER

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

MOTION

Moved Cr Burke/Cr Mears

That in relation to the report “Delegation of Function – General Manager”, Council:

- (i) revoke all previous delegations of Functions the subject of this Instrument;
- (ii) grant the person who from time to time holds the position of General Manager of Council being at the date of this instrument Paul Bennett, delegated authority under:
 1. Section 377 of the Local Government Act 1993, to exercise and/or perform on behalf of Council the Council’s Functions under all Acts and Regulations in force and as amended from time to time:
 - a. subject to any condition or limitation on a Function specified in Schedule 1, refer Annexure 1; and
 - b. excluding those Functions:
 - i. that are expressly prohibited from delegation as listed under Section 377 of the Local Government Act 1993;
 - ii. which are expressly required by legislation to be exercised by a resolution of Council;
 2. Section 68 of the Noxious Weeds Act 1993, to exercise and/or perform on behalf of Council the Functions of Council (other than the power of delegation) under the Noxious Weeds Act 1993;
- (iii) grant the General Manager sub-delegated authority to exercise and/or perform on behalf of Council the Functions delegated to Council under, and in accordance with, the instrument of delegation to Council set out in Schedule 2, refer ANNEXURE 1, excluding those Functions which pursuant to the terms of the delegation to Council may not be sub-delegated;

- (iv) confer the General Manager authority to carry out the Policy Authorities listed in Schedule 3, refer ANNEXURE 1, and undertake any administrative actions necessary to carry out those Policy Authorities;
- (v) delegate the General Manager any Function which is taken to be conferred or imposed on Council pursuant to section 381(1) of the Local Government Act 1993;
- (vi) determine in the absence of the General Manager that a person appointed by the Mayor to act as General Manager assume all Functions, delegations, and sub-delegations of the General Manager for the period only of the absence of the General Manager unless otherwise resolved by Council;
- (vii) acknowledge these delegations and authorities are subject to, and are to be exercised in accordance with:
 - 1. the requirements of the relevant Legislation;
 - 2. any conditions or limitations set out in Schedule 1; and
 - 3. any resolution or policy, procedure or budget adopted from time to time by Council; and

determine that these delegations and authorities are effective from the date of the Resolution of Council and remain in force until amended or revoked by a resolution of Council.

50/22 RESOLVED

10 COMMUNITY SERVICES

Nil

11 REPORTS TO BE CONSIDERED IN CLOSED COUNCIL

At 7.03pm, 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 Southwell

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.

51/22 RESOLVED

**PROPOSED LEASE TO NORTH COMPANIONS FOOTBALL CLUB INCORPORATED
OF PART OF LOT 17 IN DEPOSITED PLAN 858511**

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

The Council will determine this matter in part of the meeting closed to the public pursuant to Section 10A(2) (c) of the local Government Act 1993 on the grounds that the matter and information is information that would, if disclosed, confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business.

**TENDER T044-2022 - DESIGN AND CONSTRUCT TAMWORTH REGIONAL
AIRPORT TAXIWAY DELTA RECONSTRUCTION AND SEAL**

DIRECTORATE: GROWTH AND PROSPERITY
**AUTHOR: John Sommerlad, Commercial Director - Airport, Aviation,
Events and Projects**

2 ENCLOSURES ENCLOSED

The Council will determine this matter in part of the meeting closed to the public pursuant to Section 10A(2) (a)&(d)ii of the local Government Act 1993 on the grounds that the matter and information is personnel matters concerning particular individuals other than Councillors.. and information that would, if disclosed, confer a commercial advantage on a competitor of Council.

RENEWAL OF LEASE FOR COMMERCIAL PROPERTY 218 PEEL STREET

DIRECTORATE: GROWTH AND PROSPERITY
AUTHOR: Luke Stevenson, Commercial Property Officer

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.

T085/2022 UPGRADE OF BENDEMEER RAW WATER PUMP STATION – TENDER

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

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.

DUNGOWAN PIPELINE EARLY WORKS - OWNERSHIP AND NEW CONNECTIONS

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

**Reference: Item 13.4 to Ordinary Council 13 December 2011 - Minute No.
446/11**

The Council will determine this matter in part of the meeting closed to the public pursuant to Section 10A(2) (g) of the local Government Act 1993 on the grounds that the matter and information is advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

12 CLOSED COUNCIL REPORTS

12.1 PROPOSED LEASE TO NORTH COMPANIONS FOOTBALL CLUB INCORPORATED OF PART OF LOT 17 IN DEPOSITED PLAN 858511

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

MOTION

Moved Cr Betts/Cr Burke

That in relation to the report “Proposed Lease to North Companions Football Club Incorporated of Part of Lot 17 in Deposited Plan 858511”, Council:

- (i) authorise the Mayor and General Manager to negotiate the terms of a new lease to North Companions Football Club as set out herein; and
- (ii) authorise the affixing of the Seal of Council to the lease document and any other associated documentation.

52/22 RESOLVED

12.2 TENDER T044-2022 - DESIGN AND CONSTRUCT TAMWORTH REGIONAL AIRPORT TAXIWAY DELTA RECONSTRUCTION AND SEAL

DIRECTORATE: GROWTH AND PROSPERITY
AUTHOR: John Sommerlad, Commercial Director - Airport, Aviation, Events and Projects

2 ENCLOSURES ENCLOSED

MOTION

Moved Cr Betts/Cr Mears

That in relation to the report “Tender T044-2022 - Design and Construct Tamworth Regional Airport Taxiway Delta Reconstruction and Seal”, Council:

- (i) reject the Tenders received and notify the respective companies accordingly; and
- (ii) approve Option 2 as outlined in the body of the report.

53/22 RESOLVED

12.3 RENEWAL OF LEASE FOR COMMERCIAL PROPERTY 218 PEEL STREET

DIRECTORATE: GROWTH AND PROSPERITY
AUTHOR: Luke Stevenson, Commercial Property Officer

MOTION

Moved Cr Southwell/Cr Mears

That in relation to the report “Renewal of Lease for Commercial Property 218 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.

54/22 RESOLVED

12.4 T085/2022 UPGRADE OF BENDEMEER RAW WATER PUMP STATION – TENDER

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

MOTION

Moved Cr Mears/Cr Coates

That in relation to the report “T085/2022 Upgrade of Bendemeer Raw Water Pump Station – Tender”, Council:

- (i) decline to accept any of the tenders received; and
- (ii) on the basis of declining any of the tenders received, Council carry out the requirements of the proposed contract using Council staff and contractors as detailed in the report.

55/22 RESOLVED

12.5 DUNGOWAN PIPELINE EARLY WORKS - OWNERSHIP AND NEW CONNECTIONS

DIRECTORATE: WATER AND WASTE
AUTHOR: Bruce Logan, Director Water and Waste
Reference: Item 13.4 to Ordinary Council 13 December 2011 - Minute No. 446/11

MOTION

Moved Cr Betts/Cr Sutherland

That in relation to the report “Dungowan Pipeline Early Works - Ownership and New Connections”, Council:

- (i) rescind the resolution made at its meeting of 13 December 2011 as follows:

That in relation to the report “Connection to the Dungowan Pipeline”, Council:

- not allow any new connections to the Dungowan or Connors Creek Dam Pipelines until after legislation has been passed providing Council with a statutory exclusion from liability for water supplied under the terms and conditions of the Water Act;
- (ii) agree to accept ownership and operation of the first stage of the new Dungowan Pipeline from Calala Treatment Plant to the connection point with the Chaffey Dam Pipeline and the old Dungowan Pipeline;
 - (iii) agree that ownership/operation of the whole length of the new Dungowan Pipeline from Calala Water Treatment Plant to the new Dungowan Dam, if constructed, will be subject to further discussion;
 - (iv) agree to allow connection to the first stage of the new Dungowan pipeline to property traversed by the new pipeline provided that:
 - the connection would only be provided on the basis the property owner signed an Agreement in relation to that connection and the conditions

under which the connection and the water taken from that connection is supplied;

- the connection would be provided free of charge by Water Infrastructure NSW during the construction of the pipeline;
- if a connection is requested after construction of the first stage of the new Dungowan pipeline has been completed, or the pipeline has been installed across a property before a connection is requested, then the full cost of connection will be met by the property owner;

(v) not allow any further connections to the old Dungowan Pipeline between the connection with the Chaffey Dam pipeline and the existing Dungowan Dam;

(vi) not allow any connections to the Split Rock Dam to Barraba Pipeline; and

(vii) allow connection to the Connors Creek Dam Pipeline to property traversed by the pipeline on the condition the connection would only be provided if the property owner signed an Agreement in relation to that connection and the conditions under which the connection and the water taken from that connection is supplied.

56/22 RESOLVED

13 RESOLUTIONS PASSED IN CLOSED COUNCIL

MOTION

Moved Cr Burke/Cr Southwell

That Council move into Open Council.

57/22 RESOLVED

At 7.23pm 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 7.24pm.

Cr Russell Webb, Chairperson

Tuesday, 8 March 2022

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