



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

23 FEBRUARY 2021

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 23 FEBRUARY 2021 at 6.30PM

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Minutes

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

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

1 APOLOGIES AND LEAVE OF ABSENCE

Nil

2 COMMUNITY CONSULTATION

Nil

3 MINUTES OF PREVIOUS MEETING SUBMITTED FOR APPROVAL

MOTION

Moved Cr Inglis/Cr Impey

That the Minutes of the Ordinary Meeting held on Tuesday, 9 February 2021, copies of which were circulated, be taken as read and confirmed as a correct record of the proceedings of the Meeting.

27/21 RESOLVED

4 DISCLOSURE OF INTEREST

Cr Russell Webb declared a conflict of interest in Item 12.3 “T042/2021 Tamworth Effluent Reuse Farm Operation Tender” of the Business Paper, for the reason that he is a close neighbour of one of the tenderers. Cr Webb further stated that it was a less than significant non pecuniary interest but he will leave the Chamber and not participate in the debate.

Cr Mark Rodda declared a conflict of interest in Item 12.4 “Expression of Interest for Council Managed Premises” of the Business Paper, for the reason that he is employed by the Department of Trade and Investment Crown Lands Division. Cr Rodda further stated that it was a less than significant non pecuniary interest but he will 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

7.1 PROPOSED ROAD NAME - INDUSTRIAL CLOSE, SUBDIVISION OF LOT 1 DP 1257277 GODDARD LANE, WESTDALE - DA2020-0034

DIRECTORATE: PLANNING AND COMPLIANCE
AUTHOR: Sam Lobsey, Manager - Development

MOTION

Moved Cr Tickle/Cr Betts

That in relation to the report “Proposed Road Name – Industrial Close, Subdivision of Lot 1 DP 1257277 Goddard Lane, Westdale – DA2020-0034”, Council:

- (i) approve in principle the road name ‘Industrial Close’;
- (ii) place on public exhibition the proposed road name to enable interested parties the opportunity to make comments; and
- (iii) provided no submissions are made which object to the proposed road name, proceed to publish the adopted name in the Government Gazette and notify Australia Post, NSW Land and Property Information, the Chief Executive of the Ambulance Services of NSW, NSW Fire Brigades, NSW Rural Fire Service, NSW Police Force, State Emergency Services and NSW Volunteer Rescue Association Incorporated with sufficient particulars for identification of the road.

28/21 **RESOLVED**

7.2 REQUEST TO CHANGE 88B INSTRUMENT REGARDING RESTRICTION TO USE FOR LOT 142 DP 1252694

DIRECTORATE: PLANNING AND COMPLIANCE
AUTHOR: Steve Brake, Manager Development Engineering

MOTION

Moved Cr Inglis/Cr Webb

That in relation to the report “Request to Change 88B Instrument Regarding Restriction to Use for Lot 142 DP 1252694”, Council:

- (i) enter into a Deed of Agreement authorising the amendment to the Restriction as to Use, affecting the property as identified in Lot 142 DP 1252694;
- (ii) with respect to that section of the S88B Instrument headed *Terms of Restrictions with respect to that section of the S88B numbered 5 in the plan*, replace the current wording which states “No dwelling shall be erected or remain erected on the burdened lot unless an all-weather access-way is constructed to the dwelling.” with “An all-weather access way shall be provided to serve any future dwelling. The access way shall connect the dwelling to the

existing road network.”

- (iii) execute the relevant Real Property Act Form to be registered at the New South Wales Land Registry Services (NSW LRS) to record that Council has exercised its discretion to vary the Restriction as to the Use of Land as described in the Deed of Agreement; and
- (iv) affix the Council Seal to the Deed of Agreement and the Real Property Act Form identified in resolutions (i) and (iii) above.

29/21 RESOLVED

8 INFRASTRUCTURE AND SERVICES

8.1 ADOPTION OF BARRABA TENNIS COURT HIRE FEES

DIRECTORATE: REGIONAL SERVICES
AUTHOR: Paul Kelly, Manager Sports and Recreation
Reference: Item 8.4 to Ordinary Council Meeting 15 December 2020
- Minute No 392/20

MOTION

Moved Cr Webb/Cr Maxwell

That in relation to the report “Adoption of Barraba Tennis Court Hire Fees”, Council:

- (i) adopt and implement the fees associated with the hire of the Barraba Tennis Courts, effective as of 1 March 2021; and
- (ii) inform the community on the process to book the Barraba Tennis Courts.

30/21 RESOLVED

8.2 BRIDGES AND MAJOR CULVERTS STRATEGY

DIRECTORATE: REGIONAL SERVICES
AUTHOR: Graeme McKenzie, Manager, Project Management and Engineering Services
Reference: PROJ2019-0194

MOTION

Moved Cr Betts/Cr Maxwell

That in relation to the report “Bridges and Major Culverts Strategy”, Council adopt the Strategy.

31/21 RESOLVED

8.3 DRAFT PLAN OF MANAGEMENT FOR COMMUNITY LAND

DIRECTORATE: REGIONAL SERVICES
AUTHOR: Paul Kelly, Manager Sports and Recreation
Reference: Item 8.1 to Ordinary Council 15 December 2020 - Minute No 389/20

MOTION

Moved Cr Wilson/Cr Impey

That in relation to the report “Draft Plan of Management for Community Land”, Council:

- (i) acknowledge the submissions received through public exhibition; and
- (ii) adopt the amended Draft Plan of Management for Community Land.

32/21 RESOLVED

8.4 TAMWORTH REGIONAL LOCAL TRAFFIC COMMITTEE - MEETING - 10 FEBRUARY 2021

DIRECTORATE: REGIONAL SERVICES
AUTHOR: Michael Hazelwood, Acting Manager Infrastructure and Works

MOTION

Moved Cr Tickle/Cr Inglis

That in relation to the report “Tamworth Regional Local Traffic Committee – Meeting – 10 February 2021”, Council:

- (i) approve the installation of no parking signage “Electric Vehicles Excepted Only While Charging’ in the NRMA electronic charging bay, in the CWA carpark, Kable Avenue, Tamworth;
- (ii) approve the installation of a No Stopping zone on Arthur Street, adjacent to 72 Court Street, Manilla, to improve line of sight for vehicles entering the intersection from the east on Court Street, Manilla;
- (iii) approve the installation of a disability parking bay on Bourke Street, adjacent to 229 Peel Street, Tamworth;
- (iv) approve the installation of proposed line marking and signs for the proposed Calala Lane and Campbell Road Calala roundabout; and
- (v) approve the installation of a 13 metre, 15 minute parking zone adjacent to 223 Goonoo Goonoo Road, South Tamworth.

33/21 RESOLVED

9 GOVERNANCE, STRATEGY AND FINANCE

9.1 COUNCIL INVESTMENTS JANUARY 2021

DIRECTORATE: CORPORATE AND GOVERNANCE
AUTHOR: Sherrill Young, Manager Financial Services

MOTION

Moved Cr Webb/Cr Inglis

That in relation to the report “Council Investments January 2021”, Council receive and note the report.

34/21 RESOLVED

9.2 ANNUAL OPERATIONAL PLAN 2020/2021 BUDGET VARIATION REPORT - DECEMBER 2020 AND JANUARY 2021

DIRECTORATE: CORPORATE AND GOVERNANCE
AUTHOR: Sherrill Young, Manager Financial Services
Reference: Item 9.3 to Ordinary Council 23 June 2020 - Minute No 173/20

MOTION

Moved Cr Inglis/Cr Impey

That in relation to the report “Annual Operational Plan 2020/2021 Budget Variation Report – December 2020 and January 2021”, Council note and approve the variations to the existing budget included in the attached Annexure.

35/21 RESOLVED

9.3 2020/2021 QUARTERLY BUDGET REVIEW STATEMENTS TO 31 DECEMBER 2020

DIRECTORATE: CORPORATE AND GOVERNANCE
AUTHOR: Sherrill Young, Manager Financial Services
Reference: SF9146

MOTION

Moved Cr Wilson/Cr Webb

That in relation to the report “2020/2021 Quarterly Budget Review Statements to 31 December 2020”, Council receive and note the report and related statements.

36/21 RESOLVED

9.4 TAMWORTH REGIONAL COUNCIL 2020/2021 DELIVERY PROGRAM AND ANNUAL OPERATIONAL PLAN BI-ANNUAL REPORT - 1 JULY 2020 TO 31 DECEMBER 2020

DIRECTORATE: PLANNING AND COMPLIANCE
AUTHOR: Sonya Vickery, Integrated Planner - IP&R
Reference: Item 9.1 to Ordinary Council 26 June 2018 - Minute No 217/18

MOTION

Moved Cr Inglis/Cr Maxwell

That in relation to the report “Tamworth Regional Council 2020/2021 Delivery Program and Annual Operational Plan Bi-Annual Report – 1 July 2020 to 31 December 2020”, Council receive and note the report.

37/21 RESOLVED

9.5 TAMWORTH PERFORMING ARTS CENTRE AND CULTURAL PRECINCT - FUNCTIONAL AND TECHNICAL DESIGN BRIEF

DIRECTORATE: GROWTH AND PROSPERITY
AUTHOR: Peter Ross, Manager Entertainment Venues
Reference: Item 9.5 to Ordinary Council 17 December 2019 - Minute No 466/19
Item 9.2 to Ordinary Council 22 October 2019 - Minute No 379/19
Item 13.2 to Ordinary Council 9 October 2018 - Minute No 228/18

MOTION

Moved Cr Wilson/Cr Impey

That in relation to the report “Tamworth Performing Arts Centre and Cultural Precinct – Functional and Technical Design Brief”, Council:

- (i) approve the Tamworth Performing Arts Centre and Cultural Precinct Functional and Technical Design Brief for use in further design and construction planning; and
- (ii) approve the expression of interest process for the engagement of a lead architect.

38/21 RESOLVED

9.6 LOCAL GOVERNMENT NSW INTERNATIONAL WOMEN'S DAY LUNCH

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

MOTION

Moved Cr Maxwell/Cr Impey

That in relation to the report "Local Government NSW International Women's Day Lunch", Council approve the attendance of Councillors Tickle and Wilson at the Local Government NSW International Women's Day Lunch, being held in Sydney on 8 March 2021.

39/21 RESOLVED

10 COMMUNITY SERVICES

10.1 SUMMARY OF FEES WAIVED FOR THE PERIOD 1 JULY 2020 TO 31 DECEMBER 2020

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

MOTION

Moved Cr Wilson/Cr Tickle

That in relation to the report "Summary of Fees Waived for the Period 1 July 2020 to 31 December 2020", Council receive and note the report.

40/21 RESOLVED

10.2 TAMWORTH REGIONAL MUSEUMS ENGAGEMENT STRATEGY, VERSION 2

DIRECTORATE: GROWTH AND PROSPERITY
AUTHOR: Bridget Guthrie, Director Tamworth Regional Gallery and Museums

MOTION

Moved Cr Inglis/Cr Tickle

That in relation to the report "Tamworth Regional Museums Engagement Strategy, Version 2", Council adopt the updated, accurate Strategy that reflects the recent advances by Council for the museum sector.

41/21 RESOLVED

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

At 7.17pm, 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 Inglis/Cr Betts

That the confidential reports as listed be considered in a Meeting closed to the public in accordance with Section 10A(2) of the Local Government Act 1993.

42/21 RESOLVED

11.1 TENDER T079/2021 - TAMWORTH GLOBAL GATEWAY PARK - STAGE 1 AND 2 - CONSTRUCTION OF ELECTRICAL, STREET LIGHTING AND COMMUNICATIONS INFRASTRUCTURE

DIRECTORATE: REGIONAL SERVICES

AUTHOR: Callum Fletcher, Senior Project Engineer

Reference: Item 11.4 to Ordinary Council 9 February 2021 - Minute No 19/21

Item 9.1 to Ordinary Council 8 September 2020 - Minute No 275/20

Item 8.3 to Ordinary Council 28 July 2020 - Minute No 206/20

Item 12.4 to Ordinary Council 11 February 2020 - Minute No 25/20

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.

11.2 TENDER T072/2021 - REHABILITATION OF SEWER MAINTENANCE HOLES IN TAMWORTH NSW

DIRECTORATE: WATER AND WASTE

AUTHOR: Daniel Coe, Manager - Water 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) (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.

11.3 T042/2021 TAMWORTH EFFLUENT REUSE FARM OPERATION TENDER

DIRECTORATE: WATER AND WASTE

AUTHOR: Daniel Coe, Manager - Water Operations

Reference: Item 16.4 to Ordinary Council 10 March 2020 - Minute No 65/20
Item 9.4 to Ordinary Council 8 September 2020 - Minute No 278/20

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)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.

11.4 EXPRESSION OF INTEREST FOR COUNCIL MANAGED PREMISES

DIRECTORATE: CORPORATE AND GOVERNANCE

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 of the Local Government Act 1993, on the grounds that the matter and information is information that would, if disclosed, confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business and commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

11.5 T050/2021 - PROVISION OF COMMISSIONING AND SUPPORT SERVICES FOR SUPERVISORY CONTROL AND DATA ACQUISITION (SCADA) AND PROGRAMMABLE LOGIC CONTROL (PLC) SYSTEMS

DIRECTORATE: WATER AND WASTE

AUTHOR: Daniel Coe, Manager - Water 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) (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.

12 CLOSED COUNCIL REPORTS

12.1 TENDER T079/2021 - TAMWORTH GLOBAL GATEWAY PARK - STAGE 1 AND 2 - CONSTRUCTION OF ELECTRICAL, STREET LIGHTING AND COMMUNICATIONS INFRASTRUCTURE

DIRECTORATE: REGIONAL SERVICES
AUTHOR: Callum Fletcher, Senior Project Engineer
Reference: Item 11.4 to Ordinary Council 9 February 2021 - Minute No 19/21
Item 9.1 to Ordinary Council 8 September 2020 - Minute No 275/20
Item 8.3 to Ordinary Council 28 July 2020 - Minute No 206/20
Item 12.4 to Ordinary Council 11 February 2020 - Minute No 25/20

MOTION

Moved Cr Inglis/Cr Impey

That in relation to the report "Tender T079/2021 – Tamworth Global Gateway Park – Stage 1 and 2 – Construction of Electrical, Street Lighting and Communications Infrastructure", Council:

- (i) accept the tender submitted by Midstate Power Pty Ltd (ABN 47 600 936 552) for the lump sum amount of \$1,001,240.00 (excluding GST) for all items associated with the electrical, street lighting and communications infrastructure construction works for Stages 1 and 2 of the Tamworth Global Gateway Park; and
- (ii) approve Council's seal to be affixed to this Contract.

43/21 RESOLVED

12.2 TENDER T072/2021 - REHABILITATION OF SEWER MAINTENANCE HOLES IN TAMWORTH NSW

DIRECTORATE: WATER AND WASTE
AUTHOR: Daniel Coe, Manager - Water Operations
1 CONFIDENTIAL ENCLOSURES ENCLOSED

MOTION

Moved Cr Wilson/Cr Betts

That in relation to the report "Tender T072/2021 – Rehabilitation of Sewer Maintenance Holes in Tamworth NSW", Council accept the conforming Tender from Infranew, at the prices detailed in the report, to undertake the contracted works.

44/21 RESOLVED

12.3 T042/2021 TAMWORTH EFFLUENT REUSE FARM OPERATION TENDER

DIRECTORATE: WATER AND WASTE
AUTHOR: Daniel Coe, Manager - Water Operations
Reference: Item 16.4 to Ordinary Council 10 March 2020 - Minute No 65/20
Item 9.4 to Ordinary Council 8 September 2020 - Minute No 278/20

1 CONFIDENTIAL ENCLOSURES ENCLOSED

MOTION

Moved Cr Maxwell/Cr Wilson

That in relation to the report “T042/2021 Tamworth Effluent Reuse Farm Operation Tender”, Council:

- (i) proceed to commercial finalisation of the Alternative Tender offer from Manuka Chaff Pty Ltd, for the operation of the Tamworth Effluent Reuse Farm (TERF) for an initial five year period term with the option for a five year extension at Council’s sole discretion;
- (ii) formally notify unsuccessful tenderers of the outcome of the tender process;
- (iii) request the Director Water and Waste negotiate with the current operator the most advantageous transition process and timeframe, for all parties, to ensure a smooth transition of the operation of the farm and report back to Council when these negotiations have been concluded;
- (iv) authorise the affixing of the Seal of Council to the TERF Operation Project Agreement and associated copies of these documents; and
- (v) consider providing funding for the upgrading of existing TERF irrigation infrastructure as part of the 2021/2022 financial year budget process.

45/21 RESOLVED

12.4 EXPRESSION OF INTEREST FOR COUNCIL MANAGED PREMISES

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

2 CONFIDENTIAL ENCLOSURES ENCLOSED

MOTION

Moved Cr Inglis/Cr Impey

That in relation to the report “Expression of Interest for Council Managed Premises”, Council:

- (i) authorise the Mayor and General Manager to negotiate a Crown Lease Agreement and write to the Minister for approval of the Lease terms with the nominated party;
- (ii) authorise the affixing of the Seal of Council to all legal documentation relating to the agreement for the lease of the Reserve.

46/21 RESOLVED

12.5 T050/2021 - PROVISION OF COMMISSIONING AND SUPPORT SERVICES FOR SUPERVISORY CONTROL AND DATA ACQUISITION (SCADA) AND PROGRAMMABLE LOGI CONTROL (PLC) SYSTEMS

DIRECTORATE: WATER AND WASTE

AUTHOR: Daniel Coe, Manager - Water Operations

1 CONFIDENTIAL ENCLOSURES ENCLOSED

MOTION

Moved Cr Betts/Cr Wilson

That in relation to the report “T050/2021 - Provision of Commissioning and Support Services for Supervisory Control and Data Acquisition (SCADA) and Programmable Logi Control (PLC) Systems”, Council appoint the following companies to a panel to provide commissioning and support services:

- (i) InTouch Software Solutions;
- (ii) Alliance Automation; and
- (iii) 360 Engineering.

47/21 RESOLVED

13 RESOLUTIONS PASSED IN CLOSED COUNCIL

MOTION

Moved Cr Maxwell/Cr Impey

That Council move into Closed Council.

48/21 RESOLVED

At 7.34pm 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 7.34pm.

Cr Col Murray, Chairperson

Tuesday, 9 March 2021

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