



# TAMWORTH REGIONAL COUNCIL

## ORDINARY COUNCIL MINUTES

of the **Meeting of Tamworth Regional Council** held in the **Lands Building**  
**Nemingha Room, 25-27 Fitzroy Street, Tamworth**

**26 JULY 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 26 JULY 2022 at 6:30PM**

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**PRESENT:** Cr Russell Webb (Mayor), Cr Phil Betts, 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.

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

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

### **MOTION**

#### **Moved Cr Mears/Cr Southwell**

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

**209/22 RESOLVED**

## **2 COMMUNITY CONSULTATION**

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

### **MOTION**

#### **Moved Cr Mears/Cr Betts**

That the Minutes of the Ordinary Meeting held on Tuesday, 12 July 2022, copies of which were circulated, be taken as read and confirmed as a correct record of the proceedings of the Meeting.

**210/22 RESOLVED**

## **4 DISCLOSURE OF INTEREST**

Nil

## **5 MAYORAL MINUTE**

Nil

## **6 NOTICE OF MOTION**

### **6.1 NOTICE OF MOTION – CR MARC SUTHERLAND - CLOSING THE GAP STRATEGY AND IMPLEMENTATION PLAN**

#### **MOTION**

#### **Moved Cr Sutherland/Cr Southwell**

That Tamworth Regional Council commit the necessary resources to develop a comprehensive Closing the Gap Strategy and Implementation Plan that aligns with the National Strategy to overcome inequality between Indigenous and non-Indigenous Australians.

**211/22 RESOLVED**

## **OPEN COUNCIL REPORTS**

### **7 ENVIRONMENT AND PLANNING**

Nil

## **8 INFRASTRUCTURE AND SERVICES**

### **8.1 CLASSIFICATION OF ROADS FOLLOWING COMPLETION OF THE NAMOI RIVER CROSSING PROJECT**

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

**Reference:** Item 12.3 to Ordinary Council 26 May 2020 - Minute No 146/20

#### **MOTION**

##### **Moved Cr Coates/Cr Mears**

That in relation to the report "Classification of Roads following Completion of the Namoi River Crossing Project", Council approves the reclassification of the roads as State, Regional and Local as set out in the body of this report.

**212/22 RESOLVED**

### **8.2 PROPOSED NSW TOUCH ASSOCIATION JUNIOR STATE CUP NORTHERN CONFERENCE FEE WAIVER REQUEST**

**DIRECTORATE:** REGIONAL SERVICES  
**AUTHOR:** Paul Kelly, Manager Sports and Recreation  
Blake Mammarella, Sports Venue - Program Officer

#### **MOTION**

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

That in relation to the report "Proposed NSW Touch Association Junior State Cup Northern Conference Fee Waiver Request", Council approve a complete fee waiver for all fees associated with the proposed event.

**213/22 RESOLVED**

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

### **9.1 ANNUAL OPERATIONAL PLAN 2021/2022 BUDGET VARIATION REPORT - JUNE 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 Sutherland/Cr Southwell**

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

**214/22 RESOLVED**

### **9.2 COUNCIL INVESTMENTS JUNE 2022**

**DIRECTORATE:** OFFICE OF THE GENERAL MANAGER  
**AUTHOR:** Tiffany Pugh (nee Newman), Rates Accountant  
Sherrill Young, Finance Manager

#### **MOTION**

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

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

**215/22 RESOLVED**



### **9.3 LOCAL GOVERNMENT NSW 2022 CONFERENCE**

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

#### **MOTION**

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

That in relation to the report “Local Government NSW 2022 Conference”, Council:

- (i) determine issues that are important to Tamworth regional Council for motions to be drafted and request a further report to be prepared for approval;
- (ii) authorise the Mayor, Deputy Mayor and Councillors Coates and Southwell to attend the 2022 Local Government NSW Conference as Voting Delegates together with the General Manager; and
- (iii) nominate Councillors Betts, Tickle and Burke to attend the Conference as observers in accordance with Council’s Policy for the attendance of observers.

**216/22 RESOLVED**

### **9.4 PROPOSED SALE OF LAND FOR UNPAID RATES AND CHARGES**

**DIRECTORATE:** OFFICE OF THE GENERAL MANAGER  
**AUTHOR:** Tiffany Pugh (nee Newman), Rates Accountant

#### **MOTION**

##### **Moved Cr Southwell/Cr Mears**

That in relation to the report “Proposed Sale of Land for Unpaid Rates and Charges”, Council:

- (i) resolve to sell the properties listed in Confidential Enclosure 1 at auction, to recover outstanding rates and charges in accordance with Chapter 17, Part 2, Division 5 of the Local Government Act 1993; and;
- (ii) determine that an arrangement satisfactory to Council to avoid the proposed sale will require 50% of the total overdue amount of rates and charges (including extra charges) to be paid in full prior to the date fixed for sale, and a satisfactory payment arrangement entered into to clear the arrears.

**217/22 RESOLVED**

## **10 COMMUNITY SERVICES**

Nil

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

At 7.06pm, 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 Coates/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.

### **218/22 RESOLVED**

#### **TAMWORTH GLOBAL GATEWAY PARK - PRECINCT BIODIVERSITY ASSESSMENT AND STAGE 8 DESIGN FUNDING**

**DIRECTORATE: REGIONAL SERVICES**

**AUTHOR: Callum Fletcher, Senior Project Engineer**

**Reference: Item 8.1 to Ordinary Council 26 October 2021 – Minute No 306/21**

**1 ENCLOSURES ENCLOSED**

**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.

#### **MOONBI GAP ROAD, MOONBI - 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.

**PROPOSED LEASE AGREEMENT FOR NDL BUILDING**

**DIRECTORATE:** OFFICE OF THE GENERAL MANAGER  
**AUTHOR:** Rami Abu-Shaqra, Chief Financial Officer

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 T002/2023 - SUPPLY AND DELIVERY OF REINFORCED CONCRETE BOX CULVERT UNITS FOR JEWRY STREET EXTENSION**

**DIRECTORATE:** REGIONAL SERVICES  
**AUTHOR:** Callum Fletcher, Senior Project Engineer  
**Reference:** Item 8.4 to Ordinary Council 14 June 2022 - Minutes No 161/22  
**1 ENCLOSURES ENCLOSED**

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

## **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 TAMWORTH GLOBAL GATEWAY PARK - PRECINCT BIODIVERSITY ASSESSMENT AND STAGE 8 DESIGN FUNDING

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

**Reference:** Item 8.1 to Ordinary Council 26 October 2021 – Minute No 306/21

#### MOTION

##### Moved Cr Betts/Cr Rodda

That in relation to the report “Tamworth Global Gateway Park - Precinct Biodiversity Assessment and Stage 8 Design Funding”, Council approve the allocation of the following amounts from the Westdale Land Reserve:

- i) \$70,000 to fund additional species surveys associated with the precinct biodiversity assessment; and
- ii) \$160,000 to fund detailed design of Stage 8 as part of Phase 2 of the Tamworth Global Gateway Park.

**219/22 RESOLVED**

### 12.2 MOONBI GAP ROAD, MOONBI - LAND ACQUISITION FOR ROAD REALIGNMENT

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

**3 CONFIDENTIAL ENCLOSURES ENCLOSED**

#### MOTION

##### Moved Cr Southwell/Cr Mears

That in relation to the report “Moonbi Gap Road, Moonbi - 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.

**220/22 RESOLVED**

### **12.3 PROPOSED LEASE AGREEMENT FOR NDL BUILDING**

**DIRECTORATE:** OFFICE OF THE GENERAL MANAGER  
**AUTHOR:** Rami Abu-Shaqra, Chief Financial Officer

#### **MOTION**

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

That in relation to the report “Proposed Lease Agreement for NDL Building”, Council:

- (i) authorise the Mayor and the General Manager to enter an agreement with the owners of Northern Daily Leader Building (NDL) on the terms detailed in the body of the report; and
- (ii) authorise the affixing of the Seal of Council to the legal documentation.

**221/22 RESOLVED**

### **12.4 TENDER T002/2023 - SUPPLY AND DELIVERY OF REINFORCED CONCRETE BOX CULVERT UNITS FOR JEWRY STREET EXTENSION**

**DIRECTORATE:** REGIONAL SERVICES  
**AUTHOR:** Callum Fletcher, Senior Project Engineer  
**Reference:** Item 8.4 to Ordinary Council 14 June 2022 - Minutes No 161/22

**1 ENCLOSURES ENCLOSED**

#### **MOTION**

##### **Moved Cr Betts/Cr Rodda**

That in relation to the report “Tender T002/2023 - Supply and Delivery of Reinforced Concrete Box Culvert Units for Jewry Street Extension”, Council:

- (i) accept the tender submitted by Precast Civil Industries Pty Ltd T/A BCP Precast (ABN 78 615 726 924) for the schedule of rates outlined within the report for all items associated with the supply and delivery of reinforced concrete box culvert units for the Jewry Street Extension project; and
- (ii) authorise the affixing of the Seal of Council to this Contract.

**222/22 RESOLVED**

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

### **MOTION**

**Moved Cr Sutherland/Cr Mears**

That Council move into Open Council.

**223/22 RESOLVED**

At 7.28pm 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 7.29pm.

Cr Russell Webb, Chairperson

Tuesday, 9 August 2022

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