



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

26 SEPTEMBER 2023

GINA VEREKER
ACTING 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 26 SEPTEMBER 2023 at 6.30PM

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PRESENT: Cr Phil Betts, Cr Bede Burke, Cr Stephen Mears, Cr Brooke Southwell, Cr Mark Rodda, Cr Helen Tickle.

IN ATTENDANCE: Acting General Manager - Director Liveable Communities, Director Regional Services and Executive Manager Strategy and Performance.

MOTION

Moved Cr Burke/Cr Tickle

That in the absence of the Mayor and Deputy Mayor, Cr Phil Betts be appointed to chair the Meeting,

237/23 RESOLVED

1 APOLOGIES AND LEAVE OF ABSENCE

An apology was announced as having been received from:

- Mayor Russell Webb who is unable to attend the Meeting due to being away on Council Business
- Cr Judy Coates who is unable to attend the Meeting due to illness; and
- Cr Marc Sutherland who is unable to attend the Meeting due to being away on personal business.

MOTION

Moved Cr Burke/Cr Mears

That the apology be accepted from Mayor Russell Webb, Cr Judy Coates and Cr Marc Sutherland and they be granted leave of absence from the Meeting.

238/23 RESOLVED

2 COMMUNITY CONSULTATION

Nil

3 MINUTES OF PREVIOUS MEETING SUBMITTED FOR APPROVAL

MOTION

Moved Cr Southwell/Cr Tickle

That the Minutes of the Ordinary Meeting held on Tuesday, 12 September 2023, copies of which were circulated, be taken as read and confirmed as a correct record of the proceedings of the Meeting.

239/23 RESOLVED

4 DISCLOSURE OF INTEREST

Councillor Brooke Southwell declared an interest in Item 9.1 – Place Management and Section 355 Committee Activities, of the Business Paper for the reason that a family member is a member of the committee. Councillor Southwell further stated that this was a less than significant, non pecuniary interest and she would remain in the Chamber.

5 MAYORAL MINUTE

Nil

6 NOTICE OF MOTION

Nil

OPEN COUNCIL REPORTS

7 ENVIRONMENT AND PLANNING

Nil

8 INFRASTRUCTURE AND SERVICES

8.1 TAMWORTH CITY WIDE FLOODPLAIN RISK MANAGEMENT STUDY

DIRECTORATE: REGIONAL SERVICES
AUTHOR: Aidan Pugh, Senior Stormwater Engineer
Reference: Item 7.1 to Ordinary Council 12 June 2012 - Minute No 181/12
Item 7.7 to Ordinary Council 24 April 2012 - Minute No 128/12
Item 8.4 7 to Ordinary Council 10 September 2019 - Minute No 296/19

MOTION

Moved Cr Burke/Cr Mears

That in relation to the report “Tamworth City Wide Floodplain Risk Management Study”, Council:

- (i) receive and adopt the Tamworth City Wide Floodplain Risk Management Plan; and
- (ii) adopt the flood planning area for Tamworth based on the findings of the study.

240/23 RESOLVED

9 GOVERNANCE, STRATEGY AND FINANCE

9.1 PLACE MANAGEMENT AND SECTION 355 COMMITTEE ACTIVITIES

DIRECTORATE: LIVEABLE COMMUNITIES
AUTHOR: Jodie Archer, Place Manager
Lisa Hannaford, Place Manager

MOTION

Moved Cr Rodda/Cr Tickle

That in relation to the report “Place Management and Section 355 Committee Activities”, Council:

- (i) receive and note the Minutes of the following Committees:

Barraba Showground Management Committee	26 April 2023
Bendemeer Town Hall Committee AGM	12 August 2023
Bendemeer Town Hall Committee	12 August 2023
Duri Progress Association	20 June 2023
Duri Progress Association AGM	18 July 2023
Duri Progress Association	18 July 2023
Grey Fergie Tractor Muster Committee AGM	29 July 2023

Grey Fergie Tractor Muster Committee	29 July 2023
Kootingal Recreational Reserve Committee	9 August 2023
Loomberah Hall Committee	6 June 2023
Loomberah Hall Committee AGM	25 July 2023
Loomberah Hall Committee	25 July 2023
Manilla Showground Committee	22 February 2023
Moonbi Museum Committee	5 April 2023
Moonbi Museum Committee	7 June 2023
Moonbi Museum Committee	5 July 2023
Nundle History and Heritage Research Committee	11 July 2023
Piallamore Recreation Reserve Committee	15 March 2023
Somerton War Memorial Hall and Recreation Ground Committee	28 February 2023
Somerton War Memorial Hall and Recreation Ground Committee	23 April 2023
Tamworth Regional Sound and Film Archive Committee AGM	11 July 2023
Tamworth Regional Sound and Film Archive Committee	11 July 2023
Weabonga Recreation Reserve Committee	13 July 2023;
(ii) appoint the following executive members and members to the Bendemeer Town Hall Committee Meeting as an outcome of its meeting held on 12 August 2023:	
Chairperson	Edwina Byrne
Deputy Chairperson	Kerry Brown
Secretary	Carolann Brown
Treasurer	Anne Doak
Booking Officer	Winston Doak
Members: Wayne Denholm and Margaret Hemmings;	
(iii) appoint the following executive members and members to the Duri Progress Association as an outcome of the Association's Annual General Meeting held on 18 July 2023:	
Chairperson	Darrin Alderson
Deputy Chairperson	Chris Ware
Secretary	Lindsay Donaldson
Treasurer	Priscilla Collins
Media Officer	Brydie Frazer

Gymkhana Conveners

Lachie Ware and David Ware

Hall Committee: J Alderson, Billie Jane Wood, K Haskins and R McRae;

- (iv) appoint the following executive members and members to the Grey Fergie Tractor Muster Committee as an outcome of its Annual General Meeting held on 29 July 2023:

Chairperson

Winston Doak

Secretary

Anne Doak

Treasurer

Greg Offord

Members: Verity Treeve, Jaki Dressing, Alison Smith, Fiona Stanford, Steven Bailey, Michael Breedon, Leanne Summers and Matthew Burton;

- (v) appoint the following executive members and members to the Loomberah War Memorial Hall Committee as an outcome of its Annual General Meeting held on 25 July 2023:

Chairperson

Liz Blackburn

Secretary

Vacant

Treasurer

Tanya McKnight

Booking Officer

Rebecca Barwick

Publicity Officer

Karlie Tongue

Members: Derani Barwick, Ian Pittman, Janelle Tongue, Kate Ponto, Leanne Ponto and Trish Moore.

- (vi) appoint Trish Moore as Secretary of the Loomberah War Memorial Hall Committee as an outcome of its General Meeting held on 25 July 2023;

- (vii) in accordance with Section 377 of the Local Government Act and in response to the decision of the Nundle History and Heritage Research Section 355 Committee:

i. withdraw the delegation of the Nundle History and Heritage Research Section 355 Committee to foster an interest in, and research and preservation of, the history and heritage of Nundle and district;

ii. determine that any assets and liabilities held by the Committee be transferred to Council; and

iii. acknowledge and thank all members of the Committee for their contribution to date;

- (viii) appoint the following executive members and members to the Tamworth Regional Film and Sound Archive Committee as an outcome of its Annual General Meeting held on 11 July 2023:

Chairperson

Allan Alderson

Deputy Chairperson

Vic Kolesnikoff

Secretary

Ces Ledwos

Treasurer

Miranda Heckenberg

Communications Officer/ Social Media Administrator

Vic Kolesnikoff

Members: Ian Austin, Robyn Byrnes, Dan Alderson, John Vickery and Trish Cunningham; and

- (ix) appoint Ben Healy, David Pitt, Olivia Wozgo and Sarah Rumble as new members of the Weabonga Hall and Recreation Reserve Local Committee as an outcome of its meeting held on 13 July 2023.

241/23 RESOLVED

9.2 ANNUAL OPERATIONAL PLAN 2023/2024 BUDGET VARIATION REPORT - AUGUST 2023

DIRECTORATE:

OFFICE OF THE GENERAL MANAGER

AUTHOR:

Sherrill Young, Manager - Financial Services

Reference:

Item 9.5 to Ordinary Council 29 June 2023 - Minute No 146/23

MOTION

Moved Cr Mears/Cr Burke

That in relation to the report "Annual Operational Plan 2023/2024 Budget Variation Report - August 2023", Council note and approve the variations to the existing budget as listed in ANNEXURE 1 attached to the report.

242/23 RESOLVED

9.3 COUNCIL INVESTMENTS AUGUST 2023

DIRECTORATE:

OFFICE OF THE GENERAL MANAGER

AUTHOR:

**Sherrill Young, Manager - Financial Services
Lauren McPherson, Senior Accountant**

MOTION

Moved Cr Tickle/Cr Mears

That in relation to the report "Council Investments August 2023", Council receive and note the report.

243/23 RESOLVED

10 COMMUNITY SERVICES

10.1 TAMWORTH REGIONAL YOUTH COUNCIL - MINUTES OF THE ORDINARY MEETING HELD ON 31 AUGUST 2023

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

MOTION

Moved Cr Southwell/Cr Mears

That in relation to the report "Tamworth Regional Youth Council - Minutes of the Ordinary Meeting held on 31 August 2023", Council receive and note the minutes.

244/23 RESOLVED

11 REPORTS TO BE CONSIDERED IN CLOSED COUNCIL

At 6.52pm, 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 Mears/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.

245/23 RESOLVED

LAND ACQUISITION FOR SHARED PATH - GRAND MEADOWS DRIVE, NORTH TAMWORTH

DIRECTORATE: REGIONAL SERVICES

AUTHOR: Daniel Stewart, Senior Design Engineer

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) 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 T159-2023 - SPRAYED BITUMEN SEALING OF LOCAL, REGIONAL AND STATE ROADS

DIRECTORATE: REGIONAL SERVICES

AUTHOR: Jay Morrow, Senior Operations Engineer (Technical)

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&(d)iii 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, reveal a trade secret.

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 LAND ACQUISITION FOR SHARED PATH - GRAND MEADOWS DRIVE, NORTH TAMWORTH

DIRECTORATE: REGIONAL SERVICES
AUTHOR: Daniel Stewart, Senior Design Engineer

MOTION

Moved Cr Rodda/Cr Southwell

That in relation to the report "Land Acquisition for Shared Path - Grand Meadows Drive, North Tamworth", Council:

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

246/23 RESOLVED

12.2 TENDER T159-2023 - SPRAYED BITUMEN SEALING OF LOCAL, REGIONAL AND STATE ROADS

DIRECTORATE: REGIONAL SERVICES
AUTHOR: Jay Morrow, Senior Operations Engineer (Technical)
1 CONFIDENTIAL ENCLOSURES ENCLOSED

MOTION

Moved Cr Mears/Cr Southwell

That in relation to the report "Tender T159-2023 - Sprayed Bitumen Sealing of Local, Regional and State Roads", Council:

- (i) accept the schedule of rates tenders submitted by Boral Limited t/a Bitupave (ABN: 13 008 421 761), BMR Quarries Pty Ltd t/a Roadwork Industries Pty Ltd (ABN: 98 112 732 797), COLAS NSW Pty Ltd (ABN: 16 064 662 148), Fenworx Pty Ltd t/a Newpave Asphalt Pty Ltd (ABN: 97 163 872 106) and RPQ/NSW Spray Seal Pty Ltd (ABN: 30 113 612 098) and place all accepted tenderers on the panel for the provision of bitumen spray sealing services for the period of 27 September 2023 to 30 June 2025; and
- (ii) authorise the affixing of the Seal of Council to each schedule of rates contract with Boral Limited, BMR Quarries Pty Ltd, COLAS NSW Pty Ltd, Fenworx Pty Ltd and RPQ/NSW Spray Seal Pty Ltd.

247/23 RESOLVED

13 RESOLUTIONS PASSED IN CLOSED COUNCIL

MOTION

Moved Cr Burke/Cr Tickle

That Council move into Open Council.

248/23 RESOLVED

At 6:56pm 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 6:57pm.

Cr Phil Betts, Chairperson

Tuesday, 10 October 2023

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