



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

29 JUNE 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 29 JUNE 2021 at 6:30PM

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

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

1 APOLOGIES AND LEAVE OF ABSENCE

An apology was announced as having been received from Cr Charles Impey who is unable to attend the Meeting due to personal business.

MOTION

Moved Cr Maxwell/Cr Betts

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

173/21 RESOLVED

2 COMMUNITY CONSULTATION

Nil

3 MINUTES OF PREVIOUS MEETING SUBMITTED FOR APPROVAL

MOTION

Moved Cr Betts/Cr Tickle

That the Minutes of the Ordinary Meeting held on Tuesday, 8 June 2021, copies of which were circulated, be taken as read and confirmed as a correct record of the proceedings of the Meeting.

174/21 RESOLVED

4 DISCLOSURE OF INTEREST

Cr Inglis declared a conflict of interest in Item 9.3 – “Annual Operational Plan 2020-2021 Budget Variation Report - May 2021” and Item 9.5 – “Adoption of The Tamworth Regional Council Annual Operational Plan 2021/22”, for reason that he is a Director of StateCover Mutual Limited and as Tamworth Regional Council is a member of StateCover Mutual Limited and holds a partly paid share in such entity. Cr Inglis further stated that he has a less than significant, non-pecuniary interest in these matters and will remain in the Chamber and participate in the debate.

5 MAYORAL MINUTE

Nil

6 NOTICE OF MOTION

6.1 NOTICE OF MOTION – CR MARK RODDA - COUNCIL REFERENDUM DIRECT ELECTION OF MAYOR

MOTION

Moved Cr Rodda/Cr Wilson

That Tamworth Regional Council authorise a Constitutional Referendum be held concurrently with the 2021 Local Government Elections, to determine if the people of Tamworth Regional Council Local Government Area wish to select their Mayor by popular vote or retain the current arrangements.

THE MOTION FAILED

LOST 1/7

OPEN COUNCIL REPORTS

7 ENVIRONMENT AND PLANNING

Nil

8 INFRASTRUCTURE AND SERVICES

8.1 TAMWORTH REGIONAL LOCAL TRAFFIC COMMITTEE GENERAL MEETING MINUTES 2 JUNE 2021

DIRECTORATE: REGIONAL SERVICES
AUTHOR: Murray Russell, Manager Infrastructure and Works -
Regional Services

MOTION

Moved Cr Tickle/Cr Betts

That in relation to the report "Tamworth Regional Local Traffic Committee Meeting Minutes 2 June 2021" and item 87/2020 from 7 October 2020, Council:

- (i) approve the Australian Stock Horse Society 50th Anniversary procession and associated temporary traffic control and road closures on 24 July 2021;
- (ii) approve the installation of edge line marking on Kent Street, between Duri Road and Mahoney Avenue, South Tamworth;
- (iii) approve the installation of centre line marking on Tintinhull Road Tintinhull, from the New England Highway to the intersection of Porcupine Lane, being BB linemarking along the frontage of Tintinhull Public School, and S1 type for all other sections of the road;
- (iv) approve the installation of yellow line marking on the corner of Gorman Street and Piper Street intersection, North Tamworth, for 10 metres on both sides of Gorman Street to delineate the default No Stopping zone;
- (v) approve the detours, parking restriction changes and closure of part of the carpark fronting Fitzroy Street, Tamworth, from Thursday 22 July 2021 to Sunday 25 July 2021, for the Tamworth Antiques and Collectables Fair 2021 event; and
- (vi) approve the following changes to parking restrictions in the Tamworth Central Business District:
 - a) Town Hall Car Park – change all metered parking and two hour free parking to two hour metered parking;
 - b) Bourke Street on-street parking between Peel Street and Marius Street – change from two hour free parking to two hour metered parking and install parking ticket machines;
 - c) Kable Avenue, near 8-16 Kable Avenue (Officeworks) – remove parking ticket machines and change parking to two hour free parking;
 - d) Fitzroy Street on-street parking between Peel Street and Marius Street – change from four hour metered parking to two hour metered parking; and
 - e) White Street on-street parking between Peel Street and Marius Street (northern side of street) – change from four hour metered parking to two hour metered parking.

AMENDMENT

Moved Cr Tickle/Cr Betts

That in relation to the report “Tamworth Regional Local Traffic Committee Meeting Minutes 2 June 2021” and item 87/2020 from 7 October 2020, Council:

- (i) approve the Australian Stock Horse Society 50th Anniversary procession and associated temporary traffic control and road closures on 24 July 2021;
- (ii) approve the installation of edge line marking on Kent Street, between Duri Road and Mahoney Avenue, South Tamworth;
- (iii) approve the installation of centre line marking on Tintinhull Road Tintinhull, from the New England Highway to the intersection of Porcupine Lane, being BB linemarking along the frontage of Tintinhull Public School, and S1 type for all other sections of the road;
- (iv) approve the installation of yellow line marking on the corner of Gorman Street and Piper Street intersection, North Tamworth, for 10 metres on both sides of Gorman Street to delineate the default No Stopping zone;
- (v) approve the detours, parking restriction changes and closure of part of the carpark fronting Fitzroy Street, Tamworth, from Thursday 22 July 2021 to Sunday 25 July 2021, for the Tamworth Antiques and Collectables Fair 2021 event; and
- (vi) approve the following changes to parking restrictions in the Tamworth Central Business District:
 - a) Town Hall Car Park – change all metered parking and two hour free parking to two hour metered parking;
 - b) Bourke Street on-street parking between Peel Street and Marius Street – change from two hour free parking to two hour metered parking and install parking ticket machines; ensuring that the meter in front of 30 Bourke Street is installed on the top side of the driveway;
 - c) Kable Avenue, near 8-16 Kable Avenue (Officeworks) – remove parking ticket machines and change parking to two hour free parking;
 - d) Fitzroy Street on-street parking between Peel Street and Marius Street – change from four hour metered parking to two hour metered parking; and
 - e) White Street on-street parking between Peel Street and Marius Street (northern side of street) – change from four hour metered parking to two hour metered parking.

AMENDMENT PASSED

THE AMENDMENT BECAME THE MOTION

175/21 RESOLVED

9 GOVERNANCE, STRATEGY AND FINANCE

9.1 WRITING OFF OF RATES AND CHARGES FOR 2020/2021

DIRECTORATE: CORPORATE AND GOVERNANCE
AUTHOR: Seon Millsted, Revenue Accountant

MOTION

Moved Cr Tickle/Cr Betts

That in relation to the report "Writing Off of Rates and Charges for 2020/2021", Council approve the writing off of Rates and Charges totalling \$114,182.11 in accordance with Section 131 of the Local Government (General) Regulation 2005.

176/21 RESOLVED

9.2 MEDIA SPOKESPERSON - PERMANENT DELEGATIONS FOR COUNCILLORS

DIRECTORATE: CORPORATE AND GOVERNANCE
AUTHOR: Karlee Cole, Manager Communications and Engagement

MOTION

Moved Cr Maxwell/Cr Wilson

That in relation to the report "Media Spokesperson – Permanent Delegations", Council agree to and adopt the permanent delegations identified for each Council Committee.

177/21 RESOLVED

Cr Glenn Inglis declared a conflict of interest in this Item, for reason that he is a Director of StateCover Mutual Limited and as Tamworth Regional Council is a member of StateCover Mutual Limited and holds a partly paid share in such entity. Cr Inglis further stated that he has a less than significant, non-pecuniary interest in these matters and will remain in the Chamber and participate in the debate.

9.3 ANNUAL OPERATIONAL PLAN 2020-2021 BUDGET VARIATION REPORT - MAY 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 Tickle

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

178/21 RESOLVED

9.4 COUNCIL INVESTMENTS MAY 2021

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

MOTION

Moved Cr Tickle/Cr Wilson

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

179/21 RESOLVED

Cr Glenn Inglis declared a conflict of interest in this Item, for reason that he is a Director of StateCover Mutual Limited and as Tamworth Regional Council is a member of StateCover Mutual Limited and holds a partly paid share in such entity. Cr Inglis further stated that he has a less than significant, non-pecuniary interest in these matters and will remain in the Chamber and participate in the debate.

9.5 ADOPTION OF THE TAMWORTH REGIONAL COUNCIL ANNUAL OPERATIONAL PLAN 2021/22

DIRECTORATE: OFFICE OF THE GENERAL MANAGER
AUTHOR: Anna Russell, Acting Manager Strategy and Performance

Reference: Item 9.4 to Ordinary Council 27 April 2021 - Minute No 106/21
Item 9.1 to Ordinary Council 13 April 2021 - Minute No 85/21

MOTION

Moved Cr Tickle/Cr Inglis

That in relation to the report "Adoption of the Tamworth Regional Council Annual Operation Plan 2021/22", Council make the following determinations:

- (i) in accordance with Section 404 and 405 of the Local Government Act 1993, Council adopt the Tamworth Regional Council Annual Operational Plan 2021/22, as described in ANNEXURE 1, ANNEXURE 2 and ANNEXURE 3, noting amendments made to the exhibited draft, refer ANNEXURE 4;
- (ii) in accordance with Part 9, Division 5, clause 211(2) of the Local Government (General) Regulation 2005, Council approve expenditure and vote funds as detailed in the Tamworth Regional Council Annual Operational Plan 2021/22, subject to the amendments as outlined in ANNEXURE 4 of this report;
- (iii) that in relation to ordinary rates, Council adopt the 2.0% annual maximum rate peg, as approved by the Independent Pricing and Regulatory Tribunal, and in accordance with Section 494 of the Local Government Act 1993, Council make and levy the ordinary rates for the year 1 July 2021 to 30 June 2022, as ATTACHED, refer ANNEXURE 2;
- (iv) that in relation to water supply charges; in accordance with Section 501 and Section 502 of the Local Government Act 1993, Council make and levy the charges in ANNEXURE 2 for Water Supply Services in 2021/22;
- (v) that in relation to sewerage service charges; in accordance with Section 501 and Section 502 of the Local Government Act 1993, Council make and levy the charges in ANNEXURE 2 for Sewerage Services in 2021/22;
- (vi) that in relation to waste management charges, in accordance with Section 496 and Section 501 and Section 502 of the Local Government Act 1993, Council make and levy the annual charges in ANNEXURE 2 for Waste Management Services in 2021/22;
- (vii) that in relation to stormwater management service charges, in accordance with Section 496A of the Local Government Act 1993, Council make and impose the

charges in ANNEXURE 2 for Stormwater Management Services in 2021/22, to fund works identified in the Tamworth Urban Area Stormwater Management Plan;

- (viii) that in relation to interest on overdue rates and charges, Council make and impose the maximum charge for interest of 6% from 1 July 2021 to 30 June 2022 inclusive on overdue rates and charges as determined by the Minister for Local Government, in accordance with Section 566 (3) of the Local Government Act 1993; and
- (ix) that in relation to the exhibited fees and charges in ANNEXURE 3, fees and charges for services provided by Council as detailed in ANNEXURE 3 of the Tamworth Regional Council Annual Operational Plan 2021/22 be adopted in accordance with Section 502 of the Local Government Act 1993, and other relevant legislation as described in the annexure, noting amendments made to the exhibited draft, refer ANNEXURE 4.

180/21 RESOLVED

9.6 STORES INVENTORY WRITE OFF

DIRECTORATE:

CORPORATE AND GOVERNANCE

AUTHOR:

Sherrill Young, Manager Financial Services

MOTION

Moved Cr Wilson/Cr Betts

That in relation to the report "Stores Inventory Write Off", Council:

- (i) receive and note the report; and
- (ii) authorise the write off of \$1,939.58 being obsolete inventory.

181/21 RESOLVED

9.7 COUNCILLOR ANNUAL FEES FOR THE 2021/2022 FINANCIAL YEAR

DIRECTORATE: OFFICE OF THE GENERAL MANAGER
AUTHOR: Jason Collins, Executive Manager - Strategy and Performance

MOTION

Moved Cr Tickle/Cr Maxwell

That in relation to the report “Councillor Annual Fees for the 2021/2022 Financial Year”, Council fix and determine the annual fee payable to Councillors and Mayor of Tamworth Regional Council for the 2021/2022 financial year effective from 1 July 2021, at the maximum allowable amount for a Regional Centre Council.

182/21 RESOLVED

10 COMMUNITY SERVICES

10.1 CRIME PREVENTION WORKING GROUP MEETING - 14 MAY 2021

DIRECTORATE: PLANNING AND COMPLIANCE
AUTHOR: Gino Tiberi, Crime Prevention Officer

MOTION

Moved Cr Inglis/Cr Betts

That, in relation to the report “Crime Prevention Working Group Meeting – 14 May 2021”, Council:

- (i) receive and note the Minutes of the Crime Prevention Working Group Meeting held 14 May 2021; and
- (ii) consider the following recommendations of the Crime Prevention Working Group Meeting:
 - that Council consider the appointment of an Aboriginal Cultural Officer at Tamworth Regional Council;
 - that Council partner with the Police to produce an information package outlining effective strategies for rural landholders to minimise the risk and occurrence of rural crime.

183/21 RESOLVED

10.2 TAMWORTH REGION INCLUSIVE CULTURE ADVISORY COMMITTEE (TRICAC) - MINUTES - 12 MAY 2021

DIRECTORATE: GROWTH AND PROSPERITY
AUTHOR: Kay Delahunt, Manager - Cultural and Community Services

MOTION

Moved Cr Wilson/Cr Tickle

That in relation to the report "Tamworth Region Inclusive Culture Advisory Committee (TRICAC) – Minutes – 12 May 2021", Council receive and note the Minutes.

184/21 RESOLVED

11 REPORTS TO BE CONSIDERED IN CLOSED COUNCIL

At 7.28pm, 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 Betts/Cr Maxwell

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.

185/21 RESOLVED

11.1 PURCHASE OF PROPERTY FOR SEWER AUGMENTATION

DIRECTORATE: WATER AND WASTE
AUTHOR: Justin Lalor, Strategy 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)&(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.

L.1 TENDER T059/2008 - TAMWORTH EFFLUENT REUSE FARM OPERATIONS

DIRECTORATE: WATER AND WASTE

AUTHOR: Bruce Logan, Director Water and Waste

Reference: 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 PURCHASE OF PROPERTY FOR SEWER AUGMENTATION

DIRECTORATE: WATER AND WASTE
AUTHOR: Justin Lalor, Strategy Engineer

MOTION

Moved Cr Tickle/Cr Wilson

That in relation to the report “Purchase of Property for Sewer Augmentation”, Council agree to proceed with Option 1 as detailed in the report.

AMENDMENT

Moved Cr Inglis/Cr Wilson

That in relation to the report “Purchase of Property for Sewer Augmentation”, Council agree to proceed with Option 1 as detailed in the report, with an amendment to Option 1, being that Council approved the purchase of the property described at an amount not exceeding the valuation plus 50% of the difference of the valuation and the asking price.

AMENDMENT PASSED

THE AMENDMENT BECAME THE MOTION

186/21 RESOLVED

L.1 TENDER T059/2008 - TAMWORTH EFFLUENT REUSE FARM OPERATIONS

DIRECTORATE: WATER AND WASTE
AUTHOR: Bruce Logan, Director Water and Waste
Reference: Item 12.4 to Ordinary Council 25 May 2021 - Minute No 155/21

1 CONFIDENTIAL ENCLOSURES ENCLOSED

MOTION

Moved Cr Betts/Cr Tickle

That in relation to the report “Tender T059/2008 – Tamworth Effluent Reuse Farm Operations”, Council agree with Recommendation 1 as detailed in the body of the report.

187/21 RESOLVED

13 RESOLUTIONS PASSED IN CLOSED COUNCIL

MOTION

Moved Cr Betts/Cr Tickle

That Council move into Open Council.

188/21 RESOLVED

At 7.43pm 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 7.44pm.

Cr Col Murray, Chairperson

Tuesday, 13 July 2021

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