



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 437 Peel Street, Tamworth

9 AUGUST 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 9 AUGUST 2022 at 6:30PM

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

IN ATTENDANCE: The General Manager, Director Liveable Communities, Director Growth and Prosperity, 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 Mark Rodda who is unable to attend the Meeting for personal reasons, and Cr Helen Tickle who is unable to attend the Meeting due to being out of town on personal business.

MOTION

Moved Cr Sutherland/Cr Mears

That the apologies be accepted and Cr Mark Rodda and Cr Helen Tickle be granted leave of absence from the Meeting.

224/22 RESOLVED

2 COMMUNITY CONSULTATION

5.1 REGIONAL UNLIMITED - THE AUNTY YVONNE KENT COMMEMORATIVE PORTRAIT

Peter Dillon – addressed Council to speak in support of the motion.

10.2 TAMWORTH REGIONAL YOUTH COUNCIL - MINUTES OF THE ORDINARY MEETING HELD ON 28 JULY 2022

Jack Lyon – addressed Council to speak in support of the recommendation.

3 MINUTES OF PREVIOUS MEETING SUBMITTED FOR APPROVAL

MOTION

Moved Cr Southwell/Cr Coates

That the Minutes of the Ordinary Meeting held on Tuesday, 26 July 2022, copies of which were circulated, be taken as read and confirmed as a correct record of the proceedings of the Meeting.

225/22 RESOLVED

4 DISCLOSURE OF INTEREST

Cr Phil Betts declared a conflict of interest in Item 12.2 “Langens Lane, Moore Creek - Land Acquisition for Road Realignment and Transfer of Proposed Part Road Closure” of the Business Paper, for the reason that a family member submitted a letter in relation to the proposal and site access as an adjacent land holder. Cr Betts further stated that it was a less than significant nonpecuniary interest and he would not remain in the Chamber.

Cr Brooke Southwell declared a conflict of interest in Item 12.6 “Proposed Lease Agreement for 127 Marius Street, Tamworth” of the Business Paper, for the reason that she has family working in the real estate industry. Cr Southwell further stated that it was a less than significant nonpecuniary interest and she would not remain in the Chamber.

5 MAYORAL MINUTE

5.1 NOTICE OF MOTION – CR RUSSELL WEBB - REGIONAL UNLIMITED - THE AUNTY YVONNE KENT COMMEMORATIVE PORTRAIT PROJECT

Reference: Item 5.1 to Ordinary Council 14 June 2022 – Minute No 155/22

MOTION

Moved Cr Webb

That in relation to the Mayoral Minute 'Regional Unlimited – The Aunty Yvonne Kent Commemorative Portrait Project', Council accepts the offer to become the Platinum Sponsor of the project by providing a combined cash and in-kind contribution of \$25,000.

226/22 RESOLVED

AMENDMENT

MOTION

Moved Cr Southwell/Cr Mears

That in relation to the Mayoral Minute 'Regional Unlimited – The Aunty Yvonne Kent Commemorative Portrait Project', Council contribute a combined cash and in-kind contribution of \$15,000 (\$5,000 in kind and \$10,000 cash).

MOTION LOST

6 NOTICE OF MOTION

Nil

OPEN COUNCIL REPORTS

7 ENVIRONMENT AND PLANNING

Nil

8 INFRASTRUCTURE AND SERVICES

8.1 ECONOMIC BENEFITS OF A MORE RELIABLE WATER SUPPLY FOR TAMWORTH STUDY

DIRECTORATE: WATER AND WASTE
AUTHOR: Louise Cadell, Sustainability Officer - Water
Reference: Item 8.4 to Ordinary Council 26 October 2021 - Minute No. 309/21

MOTION

Moved Cr Coates/Cr Southwell

That in relation to the report “Economic Benefits of a More Reliable Water Supply for Tamworth study”, Council receive and note the report.

227/22 RESOLVED

9 GOVERNANCE, STRATEGY AND FINANCE

Nil

10 COMMUNITY SERVICES

10.1 TAMWORTH REGIONAL YOUTH COUNCIL - MINUTES OF THE ORDINARY MEETING HELD ON 30 JUNE 2022

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

MOTION

Moved Cr Sutherland/Cr Southwell

That in relation to the report “Tamworth Regional Youth Council - Minutes of the Ordinary Meeting held on 30 June 2022”, Council receive and note the minutes.

228/22 RESOLVED

10.2 TAMWORTH REGIONAL YOUTH COUNCIL - MINUTES OF THE ORDINARY MEETING HELD ON 28 JULY 2022

DIRECTORATE: LIVEABLE COMMUNITIES

AUTHOR: Gina Vereker, Director Liveable Communities

MOTION

Moved Cr Coates/Cr Southwell

That in relation to the report "Tamworth Regional Youth Council - Minutes of the Ordinary Meeting held on 28 July 2022", Council:

- (i) receive and note the minutes;
- (ii) in collaboration with the Youth Council work with the University of New England, relevant state agencies and community organisations to complete a final version of the Youth Strategy for consideration prior to the end of the 2022 calendar year; and
- (iii) commit to funding the implementation of the Youth Council Action Plan to the amount of \$10,000.00 and continue to take advantage of relevant funding programs to assist with that implementation.

229/22 RESOLVED

11 REPORTS TO BE CONSIDERED IN CLOSED COUNCIL

At 7:16pm, 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 Coates

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.

230/22 RESOLVED

TENDER T005/2023 - UPGRADE OF DELINEATION FOR MOONBI TO HALLSVILLE ROUTE UPGRADE (PACKAGE 4)

DIRECTORATE: REGIONAL SERVICES

AUTHOR: Callum Fletcher, Senior Project Engineer

The Council will determine this matter in part of the meeting closed to the public pursuant to Section 10A(2) (c)&(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. and information that would, if disclosed, confer a commercial advantage on a competitor of Council.

LANGENS LANE, MOORE CREEK - LAND ACQUISITION FOR ROAD REALIGNMENT AND TRANSFER OF PROPOSED PART ROAD CLOSURE

DIRECTORATE: REGIONAL SERVICES

AUTHOR: Callum Fletcher, Senior Project Engineer

Reference: Item 12.2 to Ordinary Council 12 April 2022 - Minute No 102/22
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.

TENDER T026/2022 - BOURNES LANE RESERVOIR AND PIPELINE

DIRECTORATE: WATER AND WASTE

AUTHOR: Nathan Morgan, Senior Project Engineer

Reference: Item 12.1 to Ordinary Council 8 March 2022 - Minute No. 72/22
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.

PROPOSED ACQUISITION OF A SEWER EASEMENT - DURR ROAD

DIRECTORATE: WATER AND WASTE

AUTHOR: Ian Cross, Senior Project 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)&(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.

CHALLENGE COMMUNITY SERVICES – UPDATE ON NEGOTIATIONS

DIRECTORATE: WATER AND WASTE

AUTHOR: Bruce Logan, Director Water and Waste

Reference: Item 12.2 to Ordinary Council 28 September 2021 - Minute No 273/21

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.

PROPOSED LEASE AGREEMENT FOR 127 MARIUS STREET, TAMWORTH

DIRECTORATE: GROWTH AND PROSPERITY

AUTHOR: Luke Stevenson, Commercial Property Officer

Reference: Item 12.3 to Ordinary Council 26 July 2022

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.

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 TENDER T005/2023 - UPGRADE OF DELINEATION FOR MOONBI TO HALLSVILLE ROUTE UPGRADE (PACKAGE 4)

DIRECTORATE:

REGIONAL SERVICES

AUTHOR:

Callum Fletcher, Senior Project Engineer

MOTION

Moved Cr Coates/Cr Sutherland

That in relation to the report “Tender T005/2023 - Upgrade of Delineation for Moonbi to Hallsville Route Upgrade (Package 4)”, Council:

- (i) accept the tender submitted by TPE Enterprises Pty Ltd (ABN 96 643 471 050) for the lump sum amount of \$307,952.96 (excluding GST) for all items in this package (excluding optional items) associated with the Moonbi to Hallsville Route Upgrade;
- (ii) accept the tender submitted by TPE Enterprises Pty Ltd for the optional additional contract sum of \$140,807.04 (excluding GST) for all guardrail and asphalt items in this package associated with the upgrade of the Moonbi to Hallsville Route Upgrade;
- (iii) accept the tender submitted by TPE Enterprises Pty Ltd for schedule of rates items noted in the report for the optional centre line marking and guidepost installation in this package associated with the upgrade of the Moonbi to Hallsville Route Upgrade; and
- (iv) authorise the affixing of the Seal of Council to this Contract.

231/22 RESOLVED

Cr Phil Betts left the meeting, the time being 7:20pm

12.2 LANGENS LANE, MOORE CREEK - LAND ACQUISITION FOR ROAD REALIGNMENT AND TRANSFER OF PROPOSED PART ROAD CLOSURE

DIRECTORATE: REGIONAL SERVICES
AUTHOR: Callum Fletcher, Senior Project Engineer
Reference: Item 12.2 to Ordinary Council 12 April 2022 - Minute No 102/22

3 CONFIDENTIAL ENCLOSURES ENCLOSED

MOTION

Moved Cr Coates/Cr Southwell

That in relation to the report “Langens Lane, Moore Creek - Land Acquisition for Road Realignment and Transfer of Proposed Part Road Closure”, Council:

- (i) acknowledge receipt of the submissions as detailed below;
- (ii) authorise the Mayor and General Manager to negotiate the resolution of any matters raised in the submissions;
- (iii) authorise the closure of the part of the road as detailed in the previous report to Council to proceed, refer to Item 12.2 to Ordinary Council 12 April 2022 – Minute No 102/22.

232/22 RESOLVED

Cr Phil Betts returned to the meeting, the time being 7:21pm

12.3 TENDER T026/2022 - BOURNES LANE RESERVOIR AND PIPELINE

DIRECTORATE: WATER AND WASTE
AUTHOR: Nathan Morgan, Senior Project Engineer
Reference: Item 12.1 to Ordinary Council 8 March 2022 - Minute No. 72/22

1 CONFIDENTIAL ENCLOSURES ENCLOSED

MOTION

Moved Cr Southwell/Cr Coates

That in relation to the report “Tender T026/2022 - Bournes Lane Reservoir and Pipeline”, Council allocate an additional \$1.25M from the Water Reserve to the previously approved budget for the project, for soil stabilisation of embankments on site.

233/22 RESOLVED

12.4 PROPOSED ACQUISITION OF A SEWER EASEMENT - DURI ROAD

DIRECTORATE:

WATER AND WASTE

AUTHOR:

Ian Cross, Senior Project Engineer

2 CONFIDENTIAL ENCLOSURES ENCLOSED

MOTION

Moved Cr Coates/Cr Mears

That in relation to the report “Proposed Acquisition of a Sewer Easement - Duri Road”, Council:

- (i) agree to pay the owner of Lot 1 in DP38808 the amount as detailed in the report for the acquisition of a sewer easement 8 metres wide along the eastern boundary of the property;
- (ii) agree to pay the owner of Lot 2 in DP38808 the amount as detailed in the report for the acquisition of a sewer easement 8 metres wide along the eastern boundary of the property;
- (iii) provide funds from the Wastewater Reserve for the acquisition of the easement and other costs as required; and
- (iv) authorise the affixing of the Seal of Council to the Deed of Agreement and any associated documentation required to give effect to Council’s resolution.

234/22 RESOLVED

12.5 CHALLENGE COMMUNITY SERVICES – UPDATE ON NEGOTIATIONS

DIRECTORATE:

WATER AND WASTE

AUTHOR:

Bruce Logan, Director Water and Waste

Reference:

**Item 12.2 to Ordinary Council 28 September 2021 -
Minute No 273/21**

MOTION

Moved Cr Betts/Cr Mears

That in relation to the report “Challenge Community Services – Update on Negotiations”, Council adopt the recommendation as detailed in the report.

235/22 RESOLVED

Cr Brooke Southwell left the meeting, the time being 7:34pm

12.6 PROPOSED LEASE AGREEMENT FOR 127 MARIUS STREET, TAMWORTH

DIRECTORATE: GROWTH AND PROSPERITY
AUTHOR: Luke Stevenson, Commercial Property Officer
Reference: Item 12.3 to Ordinary Council 26 July 2022

MOTION

Moved Cr Betts/Cr Mears

That in relation to the report “Proposed Lease Agreement for 127 Marius Street, Tamworth”, Council:

- (i) authorise the Mayor and General Manager to negotiate the terms of the proposed lease as set out in the body of this report; and
- (ii) authorise the affixing of the Seal of Council to the lease agreement or any other documents required to give effect to this resolution.

236/22 RESOLVED

Cr Brooke Southwell returned to the meeting, the time being 7:36pm

13 RESOLUTIONS PASSED IN CLOSED COUNCIL

MOTION

Moved Cr Mears/Cr Southwell

That Council move into Open Council.

237/22 RESOLVED

At 7:36pm 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 7:37pm.

Cr Russell Webb, Chairperson
Tuesday, 23 August 2022

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