



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

23 MAY 2023

PAUL BENNETT
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 23 MAY 2023 at 6.30PM

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Minutes

PRESENT: Cr Russell Webb (Mayor), Cr Phil Betts, Cr Bede Burke, Cr Judy Coates, , 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.

1 APOLOGIES AND LEAVE OF ABSENCE

An apology was announced as having been received from Cr Stephen Mears who is unable to attend the Meeting due to being on personal leave.

MOTION

Moved Cr Southwell/Cr Burke

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

103/23 RESOLVED

2 COMMUNITY CONSULTATION

Nil

3 MINUTES OF PREVIOUS MEETING SUBMITTED FOR APPROVAL

MOTION

Moved Cr Coates/Cr Southwell

That the Minutes of the Ordinary Meeting held on Tuesday, 9 May 2023, copies of which were circulated, be taken as read and confirmed as a correct record of the proceedings of the Meeting.

104/23 RESOLVED

4 DISCLOSURE OF INTEREST

Nil

5 MAYORAL MINUTE

5.1 DAMAGING INCREASE IN EMERGENCY SERVICES LEVY COST

DIRECTORATE: OFFICE OF THE GENERAL MANAGER

AUTHOR: Russell Webb, Mayor

MOTION

Moved Cr Rodda/Cr Webb

That in relation to the report “Damaging Increase in Emergency Services Levy Cost”, Council:

- i) write to the Treasurer, the Minister for Emergency Services, the Minister for Local Government, the local State Member; and the State members of Barwon, Murray, Orange, Wollondilly, Lismore, and Monaro.
 - a. expressing Council’s strong opposition to the NSW Government’s last minute decision to impose an enormous Emergency Services Levy cost increase on councils for 2023/2024 by scrapping the Emergency Services Levy subsidy for councils and at a time after Council has publicly advertised its Operational Plan and annual budget to the community;
 - b. noting that as a consequence of the unannounced 73% increase in the State Emergency Service budget and an 18% increase in the Fire and Rescue NSW budget, Council’s 3.7% rate increase to provide essential community services and infrastructure has been significantly eroded;
 - c. advising that the Government’s decision may/will lead to a reduction in important local services and/or the cancellation of necessary infrastructure projects;
 - d. calling on the NSW Government to take immediate action to:
 - i. restore the ESL subsidy in 2023/2024;
 - ii. urgently introduce legislation to decouple the ESL from the rate peg to enable Councils to recover the full cost;
 - iii. develop a fairer, more transparent and financially sustainable method of funding critically important emergency services in consultation with local government;
- (ii) write to the Chair of the Independent Pricing and Regulatory Tribunal (IPART) advising that Council’s forced emergency services contribution is manifestly disproportionate to the 2023/2024 rate cap, which has resulted in additional financial stress;
- (iii) write to the President of Local Government NSW seeking the Association’s ongoing advocacy to bring about a relief in the burden of Councils’ emergency services contribution.

105/23 RESOLVED

6 NOTICE OF MOTION

Nil

OPEN COUNCIL REPORTS

7 ENVIRONMENT AND PLANNING

7.1 PROPOSED ROAD NAME FOR EVERGREEN VIEWS ESTATE, KOOTINGAL SUBDIVISION (LOT 18 DP 18807)

DIRECTORATE: LIVEABLE COMMUNITIES
AUTHOR: Sam Lobsey, Manager - Development

MOTION

Moved Cr Southwell/Cr Tickle

That in relation to the report “Proposed Road Name for Evergreen Views Estate, Kootingal Subdivision (Lot 18 DP 18807)”, Council:

- (i) approve in principle the road name: ‘Daisy’ Close;
- (ii) advertise the proposed road name as required by the Roads Act 1993 Section 162, Roads Regulation 2018 Part 2 Division 1 Section 7, to enable interested parties the opportunity to make comment; and
- (iii) provided no submissions are made which object to the proposed road name, proceed to publish the adopted name in the Government Gazette.

106/23 RESOLVED

7.2 MANILLA RAILWAY VIADUCT AND UNDERBRIDGE - POTENTIAL STATE HERITAGE REGISTER LISTING

DIRECTORATE: LIVEABLE COMMUNITIES
AUTHOR: Gina Vereker, Director Liveable Communities
Reference: Item 7.2 to Ordinary Council Meeting 17 December 2019 - Minute No. 451/19

MOTION

Moved Cr Betts/Cr Tickle

That in relation to the report “Manilla Railway Viaduct and Underbridge - Potential State Heritage Register Listing”, Council lodge a submission to the Heritage Council of NSW:

- (i) outlining its support of the State Heritage Listing; and
- (ii) clarifying that its support does not extend to Council accepting ownership or responsibility for the Viaduct and Underbridge in the future.

107/23 RESOLVED

8 INFRASTRUCTURE AND SERVICES

8.1 TAMWORTH MOUNTAIN BIKERS REQUEST FOR A ZERO TURN MOWER

DIRECTORATE: REGIONAL SERVICES
AUTHOR: Paul Kelly, Manager - Sports and Recreation

MOTION

Moved Cr Coates/Cr Tickle

That in relation to the report “Tamworth Mountain Bikers Request for a Zero Turn Mower”, Council allocate the Tamworth Mountain Bikers with a suitable Zero Turn Mower on the following basis:

- (i) Tamworth Mountain Bikers will be responsible for the garaging, security, and normal maintenance and running costs, whilst this item of Council plant is allocated to this community group;
- (ii) at times mutually convenient Council’s Fleet staff will carry out an annual inspection of this item for safety reasons and/or professional advice to assist them in the maintenance of the mower; and
- (iii) Council’s Manager Plant, Fleet and Building Services will be delegated the responsibility of nominating the time when this item of plant is deemed unserviceable at which time the mower is to be returned to Council for write-off and disposal.

108/23 RESOLVED

8.2 TAMWORTH REGIONAL LOCAL TRAFFIC COMMITTEE GENERAL MEETING - 3 MAY 2023

DIRECTORATE: REGIONAL SERVICES
AUTHOR: Steven Marshall, Strategy, Assets and Design Engineer

MOTION

Moved Cr Betts/Cr Burke

That in relation to the report “Tamworth Regional Local Traffic Committee General Meeting - 3 May 2023”, Council:

- (i) approve the installation of new median islands, line marking and signage on the south western side of the Brisbane and Raglan Streets intersection in East Tamworth;
- (ii) approve the installation of a new median, line marking and signage on the north eastern side of the Brisbane and Napier Streets intersection in East Tamworth;
- (iii) approve the installation of new median islands, line marking and signage on Warral Road, West Tamworth;
- (iv) approve the relocation of the School Children’s Crossing and the installation of new kerb blisters, line marking and signage on Petra Avenue, South Tamworth;
- (v) approve the installation of a wombat crossing, line marking and signage on the north eastern side of the Brisbane and Upper Streets intersection in East

Tamworth;

- (vi) approve the installation of a wombat crossing, line marking and signage on Hillvue Road, South Tamworth;
- (vii) approve the installation of a wombat crossing, line marking and signage on the northern side of the Denman Avenue and Barber Street intersection in Kootingal;
- (viii) approve the installation of a wombat crossing, line marking and signage on the southern side of the Denman Avenue and Irvine Street intersection in Kootingal;
- (ix) approve the proposed traffic impacts and road closures associated with the Tamworth NAIDOC Week march from 9.30am to 11.00am on 7 July 2023; and
- (x) approve the proposed traffic impacts associated with the Manilla Vintage Machinery Street Rally from 11.00am to 12.00pm on 10 June 2023.

109/23 RESOLVED

9 GOVERNANCE, STRATEGY AND FINANCE

9.1 COUNCIL INVESTMENTS APRIL 2023

DIRECTORATE: OFFICE OF THE GENERAL MANAGER
AUTHOR: Sherrill Young, Manager - Financial Services
Jodie McMahon, Accountant

MOTION

Moved Cr Rodda/Cr Sutherland

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

110/23 RESOLVED

9.2 ANNUAL OPERATIONAL PLAN 2022/2023 BUDGET VARIATION REPORT - APRIL 2023

DIRECTORATE: OFFICE OF THE GENERAL MANAGER
AUTHOR: Sherrill Young, Manager - Financial Services
Reference: Item 9.2 to Ordinary Council 28 June 2022 - Minute No 191/22

MOTION

Moved Cr Coates/Cr Sutherland

That in relation to the report "Annual Operational Plan 2022/2023 Budget Variation Report - April 2023", Council note and approve the variations to the existing budget as listed in ANNEXURE 1 attached to the report.

111/23 RESOLVED

9.3 2022/2023 QUARTERLY BUDGET REVIEW STATEMENTS TO 31 MARCH 2023

DIRECTORATE: OFFICE OF THE GENERAL MANAGER
AUTHOR: Sherrill Young, Manager - Financial Services
Michael Gould, Management Accountant

Reference: Item 9.2 to Ordinary Council 28 June 2022 - Minute No 191/22

MOTION

Moved Cr Betts/Cr Southwell

That in relation to the report “2022/2023 Quarterly Budget Review Statements to 31 March 2023” Council receive and note the report and related statements.

112/23 RESOLVED

9.4 CONFIDENTIAL COUNCIL REPORTS

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

MOTION

Moved Cr Southwell/Cr Tickle

That in relation to the report “Confidential Council Reports”, Council receive and note the report.

113/23 RESOLVED

9.5 AUDIT, RISK AND IMPROVEMENT COMMITTEE

DIRECTORATE: OFFICE OF THE GENERAL MANAGER
AUTHOR: Karen Litchfield, Internal Auditor

MOTION

Moved Cr Coates/Cr Tickle

That in relation to the report “Audit, Risk and Improvement Committee”, Council:

- (i) receive and note the Minutes of the meeting held 4 May 2023;
- (ii) approve the extension of Mr Ron Gillard as Chair to the Audit, Risk and Improvement Committee until 31 October 2026; and
- (iii) accept the Probit Report recommended by the Audit, Risk and Improvement Committee.

114/23 RESOLVED

9.6 COUNCILLOR ANNUAL FEES FOR THE 2023/2024 FINANCIAL YEAR

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

MOTION

Moved Cr Betts/Cr Sutherland

That in relation to the report “Councillor Annual Fees for the 2023/2024 Financial Year”, Council fix and determine the annual fee payable to Councillors and Mayor of Tamworth Regional Council for the 2023/2024 financial year effective from 1 July 2023, at the maximum allowable amount for a Regional Centre Council.

115/23 RESOLVED

10 COMMUNITY SERVICES

10.1 TAMWORTH REGION ARTS ADVISORY COMMITTEE MINUTES - 6 APRIL 2023

DIRECTORATE: LIVEABLE COMMUNITIES
AUTHOR: Bridget Guthrie, Director Art Gallery and Museums

MOTION

Moved Cr Coates/Cr Sutherland

That in relation to the report “Tamworth Region Arts Advisory Committee Minutes - 6 April 2023” Council:

- (i) receive and note the Minutes;
- (ii) approve the design by Asiyeh Ansari for the Women, Life, Freedom mural; and
- (iii) defer approval of the location of the mural pending further consideration by the TRAAC.

116/23 RESOLVED

MATTER ARISING

MOTION

Moved Cr Rodda/Cr Sutherland

That staff prepare a Report to Council regarding planning for the future location of the Stargazer public art.

117/23 RESOLVED

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

At 7.25pm, 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 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.

118/23 RESOLVED

PROPOSED ASSIGNMENT OF LEASE BETWEEN TAMWORTH REGIONAL COUNCIL AND INDOOR SPORTS DEVELOPMENT PTY LIMITED - 7-11 ANNE STREET, TAMWORTH

DIRECTORATE: GROWTH AND PROSPERITY

AUTHOR: Nicholas Hawkins, Commercial Property Officer

Reference: Item 12.1 to Ordinary Council 224 August 2021 - Minute No 245/21

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&(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.

EXPRESSION OF INTEREST E075-2023 PROPOSED ASSIGNMENT OF WEABONGA RECREATION RESERVE

DIRECTORATE: LIVEABLE COMMUNITIES

AUTHOR: Lisa Hannaford, Place Manager

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) (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.

EXPRESSION OF INTEREST E074-2023 PROPOSED AGISTMENT OF LIMBRI RECREATION RESERVE

DIRECTORATE: LIVEABLE COMMUNITIES

AUTHOR: Lisa Hannaford, Place Manager

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) (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.

EXPRESSION OF INTEREST E073-2023 PROPOSED AGISTMENT OF DUNGOWAN RECREATION RESERVE

DIRECTORATE: LIVEABLE COMMUNITIES

AUTHOR: Lisa Hannaford, Place Manager

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) (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 T083-2023 - ARCADIA LEAD-IN TRUNK SEWERMAIN AND WATERMAIN – STAGE 1

DIRECTORATE: WATER AND WASTE

AUTHOR: Ian Cross, Senior Project Engineer

Reference: Item 12.4 to Ordinary Council 09 May 2023 - Minute No 96/23

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.

12 CLOSED COUNCIL REPORTS

12.1 PROPOSED ASSIGNMENT OF LEASE BETWEEN TAMWORTH REGIONAL COUNCIL AND INDOOR SPORTS DEVELOPMENT PTY LIMITED - 7-11 ANNE STREET, TAMWORTH

DIRECTORATE: GROWTH AND PROSPERITY
AUTHOR: Nicholas Hawkins, Commercial Property Officer
Reference: Item 12.1 to Ordinary Council 224 August 2021 - Minute No 245/21

MOTION

Moved Cr Coates/Cr Tickle

That in relation to the report “Proposed Assignment of Lease between Tamworth Regional Council and Indoor Sports Development Pty Limited - 7-11 Anne Street, Tamworth”, Council:

- (i) authorise the Mayor and General manager to enter into a Deed of Assignment regarding the lease of the property known as 7-11 Anne Street and being more particularly described as part Lot 4 in DP 211713; and
- (ii) authorise the affixing of the Seal of Council to the Deed of Assignment and all associated documents.

119/23 RESOLVED

12.2 EXPRESSION OF INTEREST E075-2023 PROPOSED ASSIGNMENT OF WEABONGA RECREATION RESERVE

DIRECTORATE: LIVEABLE COMMUNITIES
AUTHOR: Lisa Hannaford, Place Manager

1 ENCLOSURES ENCLOSED
1 CONFIDENTIAL ENCLOSURES ENCLOSED

MOTION

Moved Cr Betts/Cr Tickle

That in relation to the report “Expression of Interest E075-2023 Proposed Assignment of Weabonga Recreation Reserve”, Council:

- (i) reject the single submission received on the basis it did not meet the Expression of Interest criteria; and
- (ii) re-advertise the Expression of Interest for assignment at the Weabonga Recreation Reserve for a period of 28 days.

120/23 RESOLVED

12.3 EXPRESSION OF INTEREST E074-2023 PROPOSED AGISTMENT OF LIMBRI RECREATION RESERVE

DIRECTORATE: LIVEABLE COMMUNITIES
AUTHOR: Lisa Hannaford, Place Manager

1 ENCLOSURES ENCLOSED
1 CONFIDENTIAL ENCLOSURES ENCLOSED

MOTION

Moved Cr Burke/Cr Tickle

That in relation to the report “Expression of Interest E074-2023 Proposed Agistment of Limbri Recreation Reserve”, Council:

- (i) authorise the Mayor and General Manager to enter into negotiations in relation to the Agistment Agreement for the land with Raymond John Coleman as discussed in the body of this report;
- (ii) authorise the Mayor and General Manager’s signature and the affixing of the Seal of Council to the Agistment Agreement.

121/23 RESOLVED

12.4 EXPRESSION OF INTEREST E073-2023 PROPOSED AGISTMENT OF DUNGOWAN RECREATION RESERVE

DIRECTORATE: LIVEABLE COMMUNITIES
AUTHOR: Lisa Hannaford, Place Manager

1 ENCLOSURES ENCLOSED
1 CONFIDENTIAL ENCLOSURES ENCLOSED

MOTION

Moved Cr Southwell/Cr Coates

That in relation to the report “Expression of Interest E073-2023 Proposed Agistment of Dungowan Recreation Reserve”, Council:

- (i) authorise the Mayor and General Manager to enter into negotiations in relation to the Agistment Agreement for the land with the party as discussed in the body of this report; and
- (ii) authorise the Mayor and General Manager’s signature and the affixing of the Seal of Council on the Agistment Agreement.

122/23 RESOLVED

12.5 TENDER T083-2023 - ARCADIA LEAD-IN TRUNK SEWERMAIN AND WATERMAIN – STAGE 1

DIRECTORATE: WATER AND WASTE
AUTHOR: Ian Cross, Senior Project Engineer
Reference: Item 12.4 to Ordinary Council 09 May 2023 - Minute No 96/23

MOTION

Moved Cr Betts/Cr Coates

That in relation to the report “Tender T083-2023 - Arcadia Lead-in Trunk Sewermain and Watermain – Stage 1”, Council:

- (i) accept the Tender from Killard Infrastructure Pty Ltd as the preferred Tender to undertake the works associated with the Arcadia Lead-in Trunk Sewermain and Watermain – Stage 1 provided the Completion Undertaking (in the form of a bank guarantee) required under the contract is increased to 6% of the Contract Price.

123/23 RESOLVED

13 RESOLUTIONS PASSED IN CLOSED COUNCIL

MOTION

Moved Cr Coates/Cr Southwell

That Council move into Open Council.

124/23 RESOLVED

At 7.30pm 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 7.31pm.

Cr Russell Webb, Chairperson

Tuesday, 6 June 2023

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