



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

13 OCTOBER 2020

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 13 OCTOBER 2020 at 6:30PM

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

IN ATTENDANCE: The General Manager, Director Corporate and Governance, Acting Director Planning and Compliance, Acting 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 Jim Maxwell who is unable to attend the Meeting due to being out of the City on personal business.

MOTION

Moved Cr Wilson/Cr Betts

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

301/20 RESOLVED

2 COMMUNITY CONSULTATION

2.1 ITEM 8.3 - CROWN ROAD RESERVES KING GEORGE V AVENUE

Mr David McKinnon addressed Council in opposition to the recommendation.

3 MINUTES OF PREVIOUS MEETING SUBMITTED FOR APPROVAL

MOTION

Moved Cr Webb/Cr Rodda

That the Minutes of the Ordinary Meeting held on Tuesday, 22 September 2020, copies of which were circulated, be taken as read and confirmed as a correct record of the proceedings of the Meeting.

302/20 RESOLVED

4 DISCLOSURE OF INTEREST

Councillor Mark Rodda declared a conflict of interest in Item 8.1 "IPART Review of Prices Charged for Bulk Raw Water by WaterNSW and the Water Administration Ministerial Corporation" of the Business Paper, for the reason that he is employed by the Department of Trade and Investment Crown Lands Division. Cr Rodda further stated that it was a less than significant non pecuniary interest and that he would remain in the Chamber and participate in the debate.

Councillor Mark Rodda declared a conflict of interest in Item 8.3 “Crown Reserves King George V Avenue” of the Business Paper, for the reason that he is employed by the Department of Trade and Investment Crown Lands Division. Cr Rodda further stated that it was a less than significant non pecuniary interest and that he would remain in the Chamber and participate in the debate.

5 MAYORAL MINUTE

Nil

6 NOTICE OF MOTION

Nil

OPEN COUNCIL REPORTS

7 ENVIRONMENT AND PLANNING

7.1 TAMWORTH REGIONAL HERITAGE ASSISTANCE FUND 2020/21 AND TAMWORTH REGIONAL HERITAGE WORKING GROUP MEETING - 18 SEPTEMBER 2020

DIRECTORATE: PLANNING AND COMPLIANCE

AUTHOR: Sam Lobsey, Acting Director Planning and Compliance

MOTION

Moved Cr Wilson/Cr Tickle

That in relation to the report “Tamworth Regional Heritage Assistance Fund 2020/21 and Tamworth Regional Heritage Working Group Meeting – 18 September 2020”, Council:

- (i) support the recommendations of the Tamworth Regional Heritage Working Group that offers of financial assistance through the Heritage Assistance Fund to paint and/or repair, as required, be made to the owners and/or tenants of the following properties:
- | | | |
|-----|---|------------|
| 1. | 44 White Street, East Tamworth | \$0.00 |
| 2. | 130 Denison Street, West Tamworth (Project No. 1) | \$0.00 |
| 3. | 130 Denison Street, West Tamworth (Project No. 2) | \$1,000.00 |
| 4. | 395-401 Peel Street, Tamworth (Shearer’s Arcade) | \$5,000.00 |
| 5. | 170 Carthage Street, East Tamworth | \$3,000.00 |
| 6. | Lot 1 Denman Avenue, Kootingal | \$0.00 |
| 7. | 98 Fitzroy Street, Tamworth | \$3,000.00 |
| 8. | 141A-B Brisbane Street, Tamworth | \$2,500.00 |
| 9. | 110-126 Bloomfield Street, Somerton | \$6,000.00 |
| 10. | 52-54 Fitzroy Street, Barraba | \$2,000.00 |
| 11. | 222-224 Manilla Street, Manilla | \$0.00 |
| 12. | 147 Marius Street, Tamworth (Tamworth Hotel) | \$5,000.00 |
| 13. | Lot 2A King George V Avenue, Tamworth | Withdrawn |

- | | | |
|-----|--|------------|
| 14. | 95 Carthage Street, East Tamworth | \$0.00 |
| 15. | 85-87 Queen Street, Barraba | \$3,000.00 |
| 16. | Rodney Street, Barraba (Barraba Showground) | \$1,500.00 |
| 17. | 140 Carthage Street, East Tamworth (Project No. 1) | \$0.00 |
| 18. | 140 Carthage Street, East Tamworth (Project No. 2) | \$0.00 |
| 19. | 885 Nundle Road, Piallamore | \$4,000.00 |
| 20. | 59 Fitzroy Street, East Tamworth | \$2,000.00 |
| 21. | 153 Carthage Street, Tamworth | \$3,000.00 |
- (ii) give delegated authority to the Director Planning and Compliance to reassign any surplus funding towards the below projects (in order):
1. 85-87 Queen Street, Barraba;
 2. 885 Nundle Road, Piallamore; and
 3. 153 Carthage Street, Tamworth; and
- (iii) receive and note the Minutes of the Tamworth Regional Heritage Working Group meeting held 18 September 2020.

303/20 RESOLVED

7.2 DRAFT AMENDMENT NO. 14 TO TAMWORTH REGIONAL DEVELOPMENT CONTROL PLAN (TRDCP) 2010 - WATER SENSITIVE DESIGN CONTROLS

DIRECTORATE: PLANNING AND COMPLIANCE
AUTHOR: Genevieve Harrison, Manager Integrated Planning

MOTION

Moved Cr Tickle/Cr Rodda

That in relation to the report “Draft Amendment No. 14 to Tamworth Regional Development Control Plan (TRDCP) 2010 – Water Sensitive Design Controls”, Council resolve to adopt the draft amendments as outlined in the TRDCP 2010 (Amendment No. 14) in Annexure 1 with the change to WSE Exemptions on Page 11 and Page 14 as follows:

- Water Sensitive Design (WSE) Controls (including plumbing for recycled water) do not apply to General Housing, Ancillary Structure development or Dual Occupancy where reticulated connection to water and sewer is not available or is not required; and
- deletion of the two paragraphs on Page 11 and 14 of the Annexure which refers to plumbing for recycled water and replaced with “when a new dwelling is being constructed the inclusion of additional underfloor drainage pipes to enable an external grey water re-use device to be connected”.

304/20 RESOLVED

8 INFRASTRUCTURE AND SERVICES

Councillor Mark Rodda declared a conflict of interest in this item of the Business Paper, for the reason that he is employed by the Department of Trade and Investment Crown Lands Division. Cr Rodda further stated that it was a less than significant non pecuniary interest and that he would remain in the Chamber and participate in the debate.

8.1 IPART REVIEW OF PRICES CHARGED FOR BULK RAW WATER BY WATERNSW AND THE WATER ADMINISTRATION MINISTERIAL CORPORATION

DIRECTORATE: WATER AND WASTE
AUTHOR: Bruce Logan, Director Water and Waste
Reference: Item 8.2 to Ordinary Council 13 November 2018 - Minute No 280/18

MOTION

Moved Cr Wilson/Cr Rodda

That in relation to the report “IPART Review of Prices Charged for Bulk Raw Water by WaterNSW and the Water Administration Ministerial Corporation”, Council provide a submission to IPART on the proposed prices and associated issues generally as detailed in the report.

305/20 RESOLVED

8.2 REINSTATEMENT OF REGULAR OUT OF HOURS WATER RESTRICTION PATROLS

DIRECTORATE: WATER AND WASTE
AUTHOR: Louise Cadell, Sustainability Officer - Water
Reference: Item 8.5 to Ordinary Council 11 June 2019 - Minute No 188/19

MOTION

Moved Cr Webb/Cr Impey

That in relation to the report “Reinstatement of Regular Out of Hours Water Restriction Patrols”, Council:

- (i) receive and note the report; and
- (ii) provide additional funding of \$5,000 per month, on an ongoing basis, from the Water Reserve to fund out of hours water restrictions patrols until 31 December 2020.

306/20 RESOLVED

Councillor Mark Rodda declared a conflict of interest in this item of the Business Paper, for the reason that he is employed by the Department of Trade and Investment Crown Lands Division. Cr Rodda further stated that it was a less than significant non pecuniary interest and that he would remain in the Chamber and participate in the debate.

8.3 CROWN ROAD RESERVES KING GEORGE V AVENUE

DIRECTORATE: REGIONAL SERVICES
AUTHOR: Michael Hazelwood, Acting Manager Infrastructure and Works

MOTION

Moved Cr Tickle/Cr Betts

That in relation to the report “Crown Road Reserves King George V Avenue”, Council request transfer of all five Crown Road Reserves to Council.

AMENDMENT

Moved Cr Wilson

That in relation to the report “Crown Road Reserves King George V Avenue”, Council request transfer of Crown Roads 1, 2 and 3 to Council.

AMENDMENT LAPSED

The Amendment LAPSED for want of a seconder.

The Motion was CARRIED.

307/20 RESOLVED

8.4 DROUGHT MANAGEMENT PLAN REVIEW AND POST DROUGHT COMMUNITY WATER SURVEY

DIRECTORATE: WATER AND WASTE
AUTHOR: Tracey Carr, Sustainability Coordinator

MOTION

Moved Cr Tickle/Cr Impey

That in relation to the report “Drought Management Plan Review and Post Drought Community Water Survey”, Council:

- (i) receive and note the report;
- (ii) commence a review of the Drought Management Plan across the whole Council area when all centres, receiving treated water from Council, are on Level 2 Water Restrictions or below;
- (iii) undertake a detailed post drought community water survey engaging all residents connected to a drinking water supply operated by Council when all centres, receiving treated water from Council, are on Level 3 Water Restrictions or below;
- (iv) as part of the survey in (iii) above, engage an appropriately and experienced consultant to undertake a phone based survey to ensure sufficient responses are received to provide a statistically significant response which will provide meaningful feedback to the Drought Management Plan review; and
- (v) request the Director Water and Waste hold a Councillor Workshop to consider the questions for the survey.

308/20 RESOLVED

8.5 DAMS SAFETY NSW - INTRODUCTION OF A LEVY FOR ALL DECLARED DAM OWNERS

DIRECTORATE: WATER AND WASTE
AUTHOR: Bruce Logan, Director Water and Waste

MOTION

Moved Cr Webb/Cr Betts

That in relation to the report “Dams Safety NSW – Introduction of a Levy for all Declared Dam Owners”, Council:

- (i) receive and note the report;
- (ii) note the total payment for Council in year 1, should the levy be introduced, would be \$35,996.40 not \$12,120 as detailed in the report; and
- (iii) make a submission in relation to this proposal as enumerated in the report.

309/20 RESOLVED

8.6 5 GLEN STREET COLEDALE - WAIVER OF FEES FOR DISPOSAL OF ASBESTOS CONTAINING MATERIALS AT FOREST ROAD LANDFILL

DIRECTORATE: WATER AND WASTE
AUTHOR: Morne Hattingh, Manager - Waste and Resource Recovery

MOTION

Moved Cr Wilson/Cr Impey

That in relation to the report “5 Glen Street Coledale - Waiver of Fees for Disposal of Asbestos Containing Materials at Forest Road Landfill”, Council:

- (i) receive and note the report; and
- (ii) agree to waive the waste disposal fees for asbestos containing material sourced from the property located at 5 Glen Street Coledale and delivered to the Forest Road Landfill to a maximum of 100 Tonnes.

310/20 RESOLVED

8.7 FOREST ROAD LANDFILL - SITE MASTER PLAN

DIRECTORATE: WATER AND WASTE
AUTHOR: Morne Hattingh, Manager - Waste and Resource Recovery

MOTION

Moved Cr Betts/Cr Tickle

That in relation to the report “Forest Road Landfill Master Plan”, Council:

- (i) receive and note this report;
- (ii) agree to adopt the Site Master Plan and associated Action Plan as listed in the report; and

- (iii) incorporate the action plan and other capital works listed in the Site Master Plan into a revised long-term capital works program for solid waste and prepare financial models for Council's future consideration based on this revised capital works program.

311/20 RESOLVED

9 GOVERNANCE, STRATEGY AND FINANCE

9.1 PUBLIC INTEREST DISCLOSURES AND CODE OF CONDUCT COMPLAINTS

DIRECTORATE: CORPORATE AND GOVERNANCE
AUTHOR: Karen Litchfield, Manager Governance

MOTION

Moved Cr Webb/Cr Betts

That in relation to the report "Public Interest Disclosures and Code of Conduct Complaints", Council receive and note the report.

312/20 RESOLVED

9.2 AUSTRALIA DAY 2021

DIRECTORATE: CORPORATE AND GOVERNANCE
AUTHOR: Karen Litchfield, Manager Governance

MOTION

Moved Cr Betts/Cr Rodda

That in relation to the report "Australia Day 2021", Council:

- (i) receive and note the report; and
- (iii) endorse the online event to announce the Australia Day Awards.

313/20 RESOLVED

9.3 2019/2020 GENERAL PURPOSE AND SPECIAL PURPOSE FINANCIAL REPORTS FOR AUDIT

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

MOTION

Moved Cr Inglis/Cr Impey

That in relation to the report "2019/2020 General Purpose and Special Purpose Financial Reports for Audit" for the period ending 30 June 2020, Council:

- (i) resolve to present the Audited General Purpose and Special Purpose Financial Reports, together with the Auditors Reports at a Public Meeting to be held as part of Council's Meeting on 17 November 2020, in accordance with Section 419 (1) of the Local Government Act 1993;
- (ii) record as an opinion of Council pursuant to Section 413 (2c) of the Local Government Act 1993 (NSW) (as amended), that the General Purpose Financial Reports for Tamworth Regional Council for the period ending 30 June 2020:

- (a) have been prepared in accordance with:
- the Local Government Act 1993 (as amended) and Regulations made thereafter;
 - the Australian Accounting Standards and professional pronouncements; and
 - the Local Government Code of Accounting Practice and Financial Reporting;
- (b) the General Purpose Financial Report presents fairly Council's operating result and financial position for the year;
- (c) the General Purpose Financial Report accords with Council's accounting and other records; and
- (d) the signatories are not aware of anything that would make the General Purpose Financial Report false or misleading in any way;
- (iii) record as an opinion of Council pursuant to the Local Government Code of Accounting Practice and Financial Reporting, that the Special Purpose Financial Reports for Tamworth Regional Council for the period ending 30 June 2020:
- (a) have been prepared in accordance with:
- the NSW Government Policy Statement "Application of National Competition Policy to Local Government";
 - the Division of Local Government Guidelines "Pricing & Costing for Council Businesses: A Guide to Competitive Neutrality"; and
 - the Local Government Code of Accounting Practice and Financial Reporting;
- (b) the Special Purpose Financial Reports present fairly the operating result and financial position for each of Council's declared Business Activities for the year;
- (c) the Special Purpose Financial Reports accord with Council's accounting and other records; and
- (d) the signatories are not aware of anything that would make the Special Purpose Financial Reports false or misleading in any way.

314/20 RESOLVED

9.4 DISCLOSURE OF INTEREST RETURNS

DIRECTORATE: CORPORATE AND GOVERNANCE
AUTHOR: Elizabeth Lantz, Administration Supervisor
Reference: DOCUMENTS TABLED

MOTION

Moved Cr Webb/Cr Impey

That in relation to the report "Disclosure of Interest Returns", Council:

- (i) note that Councillors and designated persons have completed and lodged Disclosure of Interest Returns prior to the first Council Meeting after 30 September 2020; and
- (ii) advise the Office of Local Government accordingly.

315/20 RESOLVED

10 COMMUNITY SERVICES

10.1 TAMWORTH REGION ARTS ADVISORY COMMITTEE (TRAAC) - MINUTES - 3 SEPTEMBER 2020

DIRECTORATE: GROWTH AND PROSPERITY
AUTHOR: Bridget Guthrie, Director Tamworth Regional Gallery and Museums

MOTION

Moved Cr Inglis/Cr Wilson

That in relation to the report "Tamworth Region Arts Advisory Committee (TRAAC) – Minutes – 3 September 2020", Council receives and notes the Minutes.

316/20 RESOLVED

10.2 DISABILITY ACCESS WORKING GROUP MEETING - 22 SEPTEMBER 2020

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

MOTION

Moved Cr Betts/Cr Impey

That in relation to the report "Disability Access Working Group Meeting – 22 September 2020", Council receive and note the Minutes.

317/20 RESOLVED

10.3 CRIME PREVENTION WORKING GROUP MEETING - 7 AUGUST 2020

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

MOTION

Moved Cr Wilson/Cr Impey

That in relation to the report "Crime Prevention Working Group Meeting – 7 August 2020", Council receive and note the Minutes of the Crime Prevention Working Group Meeting held 7 August 2020.

318/20 RESOLVED

11 REPORTS TO BE CONSIDERED IN CLOSED COUNCIL

At 7:45pm, 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.

There was no written response from the public. 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 advised that it is a requirement of Clause 253 of the Local Government (General) Regulation 2005, that any resolution passed in Closed Council, be made public as soon as practicable after the Meeting has ended. At the end of the Closed Council Meeting and upon resumption in Open Council, the Chairperson will provide a summary of those resolutions passed in Closed Council.

MOTION

Moved Cr Inglis/Cr Webb

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.

319/20 RESOLVED

11.1 REQUEST REGARDING RESTRICTION AS TO USE

DIRECTORATE: CORPORATE AND GOVERNANCE

AUTHOR: Kirrilee Ringland, Manager Property and Legal Services

2 CONFIDENTIAL ENCLOSURES ENCLOSED

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.

11.2 TAMWORTH GLOBAL GATEWAY PARK (TGGP) TRUNK STORMWATER PRECAST CULVERT SUPPLY

DIRECTORATE: REGIONAL SERVICES

AUTHOR: Mark Gardiner, Senior Project Management Engineer

Reference: Item 12.4 to Ordinary Council 11 February 2020 - Minute No 26/20

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.

12 CLOSED COUNCIL REPORTS

12.1 REQUEST REGARDING RESTRICTION AS TO USE

DIRECTORATE: CORPORATE AND GOVERNANCE

AUTHOR: Kirrilee Ringland, Manager Property and Legal Services

MOTION

Moved Cr Inglis/Cr Betts

That in relation to the report "Request Regarding Restriction as to Use", Council:

- (i) enter into a Deed of Agreement authorising the amendment to the Restriction as to Use affecting the property as identified in the body of the report;
- (ii) execute the relevant Real Property Act Form to be registered at the New South Wales Land Registry Services to record that Council has exercised its discretion to vary the Restriction as to the Use of Land as described in the Deed of

Agreement; and

- (iii) affix the Council Seal to the Deed of Agreement and the Real Property Act Form identified in resolutions (i) and (ii) above.

320/20 RESOLVED

12.2 TAMWORTH GLOBAL GATEWAY PARK (TGGP) TRUNK STORMWATER PRECAST CULVERT SUPPLY

DIRECTORATE: REGIONAL SERVICES
AUTHOR: Mark Gardiner, Senior Project Management Engineer
Reference: Item 12.4 to Ordinary Council 11 February 2020 - Minute No 26/20

MOTION

Moved Cr Betts/Cr Webb

That in relation to the report “Tamworth Global Gateway Park (TGGP) Trunk Stormwater Precast Culvert Supply”, Council:

- (i) approve execution of a schedule of rates contract with Holcim (Australia) Pty Ltd t/as Humes (ABN 87 099 732 297) for the supply of precast concrete culvert components for the Tamworth Global Gateway Park trunk stormwater drainage project; and
- (ii) authorise the Seal of Council to be affixed to this contract.

321/20 RESOLVED

13 RESOLUTIONS PASSED IN CLOSED COUNCIL

MOTION

Moved Cr Betts/Cr Wilson

That Council move into Open Council.

322/20 RESOLVED

At 7:48pm 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 7:49pm.

Cr Col Murray, Chairperson
Tuesday, 27 October 2020

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