



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**

24 SEPTEMBER 2019

**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 24 SEPTEMBER 2019 at 6:30PM

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MINUTES

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

IN ATTENDANCE: The Acting General Manager, Acting Director Corporate and Governance, Director Planning and Compliance, Acting Director Regional Services and Director Water and Waste.

1 APOLOGIES AND LEAVE OF ABSENCE

An apology was announced as having been received from Cr Russell Webb who is unable to attend the Meeting due to being out of the city on personal business.

MOTION

Moved Cr Betts/Cr Maxwell

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

308/19 RESOLVED

2 COMMUNITY CONSULTATION

2.1 ITEM 7.1 - DEVELOPMENT APPLICATION No. 2019-0097 FOR THE DEMOLITION OF AN EXISTING DWELLING AND CONSTRUCTION OF A NEW DWELLING AT 828 MORRISONS GAP ROAD, HANGING ROCK - FILE NO SF5761

Mr Jim Robinson addressed Council in support of the recommendation.

2.2 ITEM 7.1 - DEVELOPMENT APPLICATION No. 2019-0097 FOR THE DEMOLITION OF AN EXISTING DWELLING AND CONSTRUCTION OF A NEW DWELLING AT 828 MORRISONS GAP ROAD, HANGING ROCK - FILE NO SF5761

Mr Russell Sydenham addressed Council in support of the recommendation.

2.3 ITEM 7.1 - DEVELOPMENT APPLICATION No. 2019-0097 FOR THE DEMOLITION OF AN EXISTING DWELLING AND CONSTRUCTION OF A NEW DWELLING AT 828 MORRISONS GAP ROAD, HANGING ROCK - FILE NO SF5761

Mr Mark Daly addressed Council in support of the recommendation.

2.4 ITEM 7.1 - DEVELOPMENT APPLICATION No. 2019-0097 FOR THE DEMOLITION OF AN EXISTING DWELLING AND CONSTRUCTION OF A NEW DWELLING AT 828 MORRISONS GAP ROAD, HANGING ROCK - FILE NO SF5761

Ms Pam Simpson addressed Council in support of the recommendation.

2.5 ITEM 7.1 - DEVELOPMENT APPLICATION No. 2019-0097 FOR THE DEMOLITION OF AN EXISTING DWELLING AND CONSTRUCTION OF A NEW DWELLING AT 828 MORRISONS GAP ROAD, HANGING ROCK - FILE No SF5761

Mr Mark Eather addressed Council in opposition of the recommendation.

MOTION

Moved Cr Wilson/Cr Inglis

That the time be extended for Mr Mark Eather's Community Consultation item.

MOTION DEFEATED

2.6 ITEM 7.1 - DEVELOPMENT APPLICATION No. 2019-0097 FOR THE DEMOLITION OF AN EXISTING DWELLING AND CONSTRUCTION OF A NEW DWELLING AT 828 MORRISONS GAP ROAD, HANGING ROCK - FILE No SF5761

Ms Zuzana Savage transferred her Community Consultation time to Mr Mark Eather. Mr Mark Eather addressed Council in opposition of the recommendation.

3 MINUTES OF PREVIOUS MEETING SUBMITTED FOR APPROVAL

MOTION

Moved Cr Inglis/Cr Impey

That the Minutes of the Ordinary Meeting held on Tuesday, 10 September 2019, copies of which were circulated, be taken as read and confirmed as a correct record of the proceedings of the Meeting.

309/19 RESOLVED

4 DISCLOSURE OF INTEREST

Nil

5 MAYORAL MINUTE

Nil

6 NOTICE OF MOTION

Nil

OPEN COUNCIL REPORTS

7 ENVIRONMENT AND PLANNING

7.1 DEVELOPMENT APPLICATION No. DA2019-0097 FOR THE DEMOLITION OF AN EXISTING DWELLING AND CONSTRUCTION OF A NEW DWELLING AT 828 MORRISONS GAP ROAD, HANGING ROCK (LOTS 46 AND 47 DP 753722) – FILE No SF5761

DIRECTORATE: PLANNING AND COMPLIANCE
AUTHOR: Amanda Faulkner, Senior Development Assessment Planner

MOTION

Moved Cr Betts/Cr Maxwell

That in relation to Development Application No. 2019-0097 for the Demolition of an Existing Dwelling and Construction of a New Dwelling at 828 Morrisons Gap Road, Hanging Rock (Lots 46 and 47 DP 753722), the application be refused for the following reasons:

- (i) on the basis that the development application has failed to adequately address clause 7.3 of the Biodiversity Conservation Act 2016;
- (ii) on the basis that the development application has failed to adequately address the requirements of Planning for Bushfire Protection;
- (iii) on the basis that the development application has failed to adequately address Part 2 of the State Environmental Planning Policy No.44 – Koala Habitat Protection;
- (iv) the application is not considered to meet the objectives of the RU1 Primary Production zone, as the chosen location of the dwelling will not minimise the potential for conflict between land uses and properties;
- (v) on the basis that the BASIX Certificate does not correspond in all relevant aspects with the description contained in the application and accompanying documents in accordance with the State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 and Clause 164A(4) of the Environmental Planning and Assessment Regulation 2000;
- (vi) on the basis that the development application has failed to satisfy the following requirements of the Tamworth Regional Development Control Plan 2010:
 - a. failure to submit legible and accurate plans to enable Council to carry out a proper and complete assessment of the application;
 - b. the application has not demonstrated compliance with the water servicing requirements;
 - c. the application has not provided details with regard to the height of proposed fencing or the location or type of access gates to provide vehicle access to the site;
 - d. the application has not provided adequate information to demonstrate that all weather 2WD access in the location shown on the part site plan is or can be provided; and
 - e. the application has not provided documentary evidence that the subject site has the legal right to access the site over Lot 210 DP 819485 and the adjoining reserve.
- (vii) the application is considered unacceptable as the development will likely have a significant social and economic impact on the local community as identified in the submissions made in accordance with the Act;
- (viii) as a result of the insufficient information that has been submitted with the application, Council is unable to be satisfied that the site is suitable for the development as proposed;
- (ix) the site is not considered suitable given the matters of public interest raised in the submissions made in accordance with the Act; and
- (x) given the perceived and potential social and economic impacts this development may have on the local community and the economy, as raised in

the submissions. It is not in the public interest to approve the development.

310/19 RESOLVED

COUNCILLORS WHO VOTED FOR THE DECISION	COUNCILLORS WHO VOTED AGAINST THE DECISION
1. Cr Phil Betts 2. Cr Charles Impey 3. Cr Glenn Inglis 4. Cr Jim Maxwell 5. Cr Col Murray 6. Cr Mark Rodda 7. Cr Helen Tickle 8. Cr Juanita Wilson	Nil

8 INFRASTRUCTURE AND SERVICES

8.1 TAMWORTH VETERANS CRICKET ENGLAND TOUR MATCH FEE WAIVER REQUEST – FILE NO SF8773

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

MOTION

Moved Cr Wilson/Cr Maxwell

That in relation to the report “Tamworth Veterans Cricket England Tour Match Fee Waiver Request”, Council contribute to the Civic Reception and Cricket Match by:

- (i) waiving the field and park hire charges; and
- (ii) paying the cost of catering, marque hire and other minor operational expenses.

311/19 RESOLVED

8.2 LIVE LIFE GET ACTIVE FEE WAIVER REQUEST REVIEW – FILE NO SF8773

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

Reference: Item 9.2 to Ordinary Council 26 February 2019 - Minute No 41/19

MOTION

Moved Cr Betts/Cr Impey

That in relation to the report “Live Life Get Active Fee Waiver Request Review”, Council waive the \$865.00 fee associated with the program to operate until 31 December 2019.

312/19 RESOLVED

8.3 TAMWORTH REGIONAL LOCAL TRAFFIC COMMITTEE MEETING - GENERAL - 4 SEPTEMBER 2019 – FILE No SF1387

DIRECTORATE: REGIONAL SERVICES
AUTHOR: Murray Russell, Manager Infrastructure and Works
Reference: Item 8.5 to Ordinary Council 27 August 2019 - Minute No 278/19

MOTION

Moved Cr Impey/Cr Tickle

That in relation to the report “Tamworth Regional Local Traffic Committee Meeting – General – 4 September 2019”, Council:

- (i) approve the installation of no stopping signage and yellow linemarking on Ebsworth Street, from the Gipps Street corner to the southern side of the pedestrian ramps on both sides of Ebsworth Street;
- (ii) approve removing the existing bus zone near the corner in front of 29 Dean Street, and relocating the bus stop in front of 27 Dean Street;
- (iii) refer the installation of a 15 metre bus zone on Johnston Street from the corner of Barton Lane, and the relocation of the no parking zone and disability parking zone to the Tamworth Regional Local Traffic Committee for further investigation;
- (iv) approve the Nundle Road/Premier Street general intersection arrangement, and refer matters relating to the school zone to Roads and Maritime Services for review;
- (iv) approve the construction of the Stewart Avenue cycleway, including approximately 320 metres of mixed traffic zone, and the reduction of service road width adjacent to the Dampier Street/Gunnedah Road roundabout, with the installation of blisters, line marking, and regulatory signage as depicted in the attached drawings;
- (v) approve Tamworth Triathlon Club’s summer triathlon series in Kootingal, to be held between 12 October 2019 and 28 March 2020, with the bike leg on-road as per the attached plan, with marshals and signs along the route; and
- (vii) approve the installation of a disability parking zone in front of 21 Dowe Street, utilising the existing layback for access to the footpath.

313/19 RESOLVED

8.4 PROPOSED FEES FOR TAMWORTH ATHLETIC CENTRE AND TAMWORTH CYCLING CENTRE – FILE No SF8134

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

MOTION

Moved Cr Wilson/Cr Inglis

That in relation to the report “Proposed Fees for Tamworth Athletic Centre and Tamworth Cycling Centre”, Council:

- (i) approve in principle the proposed fee structure for the athletics and cycling centres at the Northern Inland Centre of Sporting Excellence;

- (ii) approve for the fees to be placed on public exhibition for 28 days; and
- (iii) request a future report outlining any submissions made during this period.

314/19 RESOLVED

8.5 DIRECT POTABLE REUSE OF WESTDALE WASTEWATER TREATMENT PLANT EFFLUENT – FILE NO SF572

DIRECTORATE: WATER AND WASTE
AUTHOR: Daniel Coe, Manager Water and Waste
Reference: Item 11.1 to Ordinary Council 25 June 2019

MOTION

Moved Cr Maxwell/Cr Inglis

That in relation to the report “Direct Potable Reuse of Westdale Wastewater Treatment Plant Effluent”, Council:

- (i) not pursue the option of Direct or Indirect Potable Reuse at this time, but continue to pursue the four preferred options identified previously as part of the 2015 – Tamworth Bulk Water Supply Long Term Augmentation Options Review 2015; and
- (ii) consider Direct and Indirect Potable Reuse again if there is some technological or some other change that could reduce issues identified with these types of schemes.

315/19 RESOLVED

9 GOVERNANCE, STRATEGY AND FINANCE

9.1 RETURNING OFFICER – FILE NO SF819

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

MOTION

Moved Cr Inglis/Cr Maxwell

That the advice in relation to the role of the Returning Officer for any election required for the position of Mayor and Deputy Mayor be received and noted and the General Manager act as the Returning Officer for the election of the Deputy Mayor.

316/19 RESOLVED

9.2 DETERMINATION OF METHOD OF VOTING FOR ELECTION OF DEPUTY MAYOR – FILE NO SF819

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

MOTION

Moved Cr Inglis/Cr Maxwell

That Council elect the Deputy Mayor for the ensuing term by Ordinary Ballot.

317/19 RESOLVED

ELECTION OF DEPUTY MAYOR

That the following Item 9.3 Nomination for the Position of Deputy Mayor be conducted by the Returning Officer.

Chairperson, Cr Col Murray vacated the Chair and handed the Meeting over to the Acting General Manager for conduct of an election and appointment of the Deputy Mayor for the ensuing 2019/2020 Deputy Mayoral term.

9.3 NOMINATION FOR THE POSITION OF DEPUTY MAYOR – FILE No SF819

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

MOTION

Moved Cr Maxwell/Cr Tickle

In accordance with Schedule 7 of the Local Government (General) Regulation 2005, the Acting General Manager as the Returning Officer announced that one nomination for the position of Deputy Mayor was received. The Returning Officer announced that the nomination was for Cr Phil Betts.

The Returning Officer called for further nominations for the position of Deputy Mayor for the ensuing term. No further nominations were received.

The Returning Officer declared that Cr Phil Betts had been elected to the position of Deputy Mayor for the 2019/2020 Term.

318/19 RESOLVED

The Acting General Manager vacated the Chair and Cr Col Murray as Mayor occupied the Chair for the remainder of the Meeting.

9.4 COUNCIL INVESTMENTS AUGUST 2019 – FILE No SF9655

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

MOTION

Moved Cr Rodda/Cr Maxwell

That in relation to the report “Council Investments August 2019”, Council receive and note the report.

319/19 RESOLVED

9.5 ANNUAL OPERATIONAL PLAN 2019/20 BUDGET VARIATION REPORT - AUGUST 2019 – FILE No SF7920

DIRECTORATE: CORPORATE AND GOVERNANCE
AUTHOR: Michael Gould, Acting Manager Financial Services
Reference: Item 9.1 to Ordinary Council 25 June 2019 - Minute No 204/19

MOTION

Moved Cr Wilson/Cr Impey

That in relation to the report “Annual Operational Plan 2019/20 Budget Variation

Report – August 2019”, Council note and approve the variations to the existing budget included in the attached ANNEXURE.

320/19 RESOLVED

9.6 2018/2019 GENERAL PURPOSE AND SPECIAL PURPOSE FINANCIAL REPORTS FOR AUDIT – FILE NO SF8837

DIRECTORATE: CORPORATE AND GOVERNANCE

AUTHOR: Sherrill Young, Manager Financial Services

MOTION

Moved Cr Inglis/Cr Maxwell

That in relation to the report “2018/2019 General Purpose and Special Purpose Financial Reports for Audit” for the period ending 30 June 2019, 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 12 November 2019, in accordance with Section 419 (1) of the Local Government Act 1993;
- (ii) record as an opinion of the 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 2019:
 - (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 the Council’s operating result and financial position for the year;
 - (c) the General Purpose Financial Report accords with the 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 the 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 2019:
 - (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”;
 - the Local Government Code of Accounting Practice and Financial Reporting; and

- (b) the Special Purpose Financial Reports present fairly the operating result and financial position for each of the Council's declared Business Activities for the year;
- (c) the Special Purpose Financial Reports accord with the 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.

321/19 RESOLVED

9.7 EXHIBITION OF THE TAMWORTH REGIONAL COUNCIL COMMUNITY PARTICIPATION PLAN – FILE NO SF9703

DIRECTORATE: PLANNING AND COMPLIANCE
AUTHOR: Sonya Vickery, Integrated Planner - IP&R

MOTION

Moved Cr Betts/Cr Tickle

That in relation to the report "Exhibition of the Tamworth Regional Council Community Participation Plan", Council:

- (i) place the subject plan on public exhibition for a period of 28 days;
- (ii) amend the Tamworth Regional Council Development Control Plan 2010, as outlined in the report and that this change be put on public exhibition for 28 days; and
- (iii) following public exhibition a report will be submitted to Council to consider any submissions received during the exhibition period.

322/19 RESOLVED

10 COMMUNITY SERVICES

10.1 CENTRAL NORTHERN REGIONAL LIBRARY - MEETING MINUTES 4 SEPTEMBER 2019 – FILE NO SF2712

DIRECTORATE: BUSINESS AND COMMUNITY
AUTHOR: Kay Delahunt, Manager Cultural Services

MOTION

Moved Cr Wilson/Cr Rodda

That in relation to the report "Central Northern Regional Library – Meeting Minutes 4 September 2019", Council receive and note the Minutes.

323/19 RESOLVED

10.2 THE VIEW FROM 1919 REGIONAL TOUR – FILE NO SF7208

DIRECTORATE: BUSINESS AND COMMUNITY
AUTHOR: Bridget Guthrie, Director Tamworth Regional Gallery and Museums

MOTION

Moved Cr Maxwell/Cr Wilson

That in relation to the report "The View from 1919 Regional Tour", Council agrees to

loan the identified artworks from the Gallery's Permanent Collection to tour other regional galleries.

324/19 RESOLVED

10.3 UPGRADES TO CROWN LANDS BUILDING TO SUIT COMMUNITY MEETING REQUIREMENTS – FILE NO SF9872

DIRECTORATE: BUSINESS AND COMMUNITY
AUTHOR: Kate Baker, Co-Ordinator Economic and Destination Development

MOTION

Moved Cr Rodda/Cr Tickle

That in relation to the report "Upgrades to Crown Lands Building to Suit Community Meeting Requirements", Council allocate \$20,000 from the General Fund to cover the costs associated with purchasing furniture, installing WiFi, installing internal and directional room signage and upgrading internal door hardware and locks to the building.

325/19 RESOLVED

11 REPORTS TO BE CONSIDERED IN CLOSED COUNCIL

At 7:39pm, 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 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 Maxwell/Cr Inglis

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.

326/19 RESOLVED

11.1 SUPPLY AND DELIVERY OF TWO MOTOR GRADERS – FILE NO T123/2019

DIRECTORATE: REGIONAL SERVICES
AUTHOR: George Shearman, Manager Plant, Fleet and Building Services
3 CONFIDENTIAL ENCLOSURES ENCLOSED

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.

11.2 PROPOSED SURRENDER AND NEW LEASE OF TELECOMMUNICATION FACILITY - PART LOT 6 SECTION 4 IN DP 758951 – FILE NO SF636

DIRECTORATE: CORPORATE AND GOVERNANCE

AUTHOR: Kirrilee Ringland, Acting General Counsel

Reference: Item 15.4 to Ordinary Council 28 May 2019 - Minute No 180/19

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.

11.3 PROPOSAL TO RENEW LEASE, PART 7-11 ANNE STREET, SOUTH TAMWORTH – FILE NO LF226

DIRECTORATE: CORPORATE AND GOVERNANCE

AUTHOR: Kirrilee Ringland, Acting General Counsel

1 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.

11.4 PROPOSAL TO LEASE SPACE IN COUNCIL BUILDING – FILE NO LF5037

DIRECTORATE: CORPORATE AND GOVERNANCE

AUTHOR: Kirrilee Ringland, Acting General Counsel

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.

11.5 TENDER T149/2019 AUSTRALIAN EQUINE AND LIVESTOCK EVENTS CENTRE (AELEC) STABLE BEDDING SUPPLY AND ORGANIC WASTE COLLECTION – FILE NO T149/2019

DIRECTORATE: BUSINESS AND COMMUNITY

AUTHOR: Mike Rowland, Precinct Manager – Sports Venues Precinct

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.

11.6 WESTDALE WASTEWATER TREATMENT PLANT – SLUDGE LAGOON MAINTENANCE – FILE NO SF572

DIRECTORATE: WATER AND WASTE

AUTHOR: Daniel Coe, Manager Water and Waste

1 CONFIDENTIAL ENCLOSURES ENCLOSED

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.

11.7 PROPOSED SURRENDER AND GRANT OF NEW LEASE OF TELECOMMUNICATION FACILITY - PART LOT 1 IN DP 414587 – FILE NO LF5907

DIRECTORATE: CORPORATE AND GOVERNANCE

AUTHOR: Kirrilee Ringland, Acting General Counsel

1 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.

11.8 WEST TAMWORTH TENNIS CLUB LICENCE AGREEMENT – FILE NO SF3297

DIRECTORATE: REGIONAL SERVICES

AUTHOR: Paul Kelly, Manager Sports and Recreation

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.

11.9 CAFÉ SUB-LEASE AT THE TAMWORTH VISITOR INFORMATION CENTRE – FILE NO SF5847

DIRECTORATE: BUSINESS AND COMMUNITY

AUTHOR: Kate Baker, Co-Ordinator Economic and Destination Development

Reference: Item 14.5 to Ordinary Council 30 April 2019 - Minute No 137/19

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.

11.10 POSSIBLE ACQUISITION OF A PORTION OF PROPERTY FOR DRAINAGE - BYLONG ROAD – FILE No SF9783

DIRECTORATE: WATER AND WASTE
AUTHOR: Bruce Logan, Director Water and Waste
Reference: Item 8.3 to Ordinary Council 13 February 2018 - Minute No 15/18
Item 14.4 to Ordinary Council 25 September 2018 - Minute No 212/18

2 CONFIDENTIAL ENCLOSURES ENCLOSED

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.

11.11 PROPOSED ACQUISITION OF LAND – FILE No SF9866

DIRECTORATE: CORPORATE AND GOVERNANCE
AUTHOR: Kirrilee Ringland, Acting General Counsel
Reference: Item 14.3 to Ordinary Council 27 September 2016 - Minute No 293/16
Item 14.5 to Ordinary Council dated 12 June 2018 - Minute No 202/18

3 CONFIDENTIAL ENCLOSURES ENCLOSED

Council will determine this matter in part of the Meeting closed to the public pursuant to Section 10A(2) (c)&(d) 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.

11.12 TENDER NO T014/2020 – TAMWORTH REGIONAL AIRPORT – FLYING COLLEGE OPERATIONS – SUPPLY OF CATERING, HOSPITALITY, CLEANING AND MAINTENANCE SERVICES – FILE No T014/2020

DIRECTORATE: BUSINESS AND COMMUNITY
AUTHOR: John Sommerlad, Director Business and Community

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

11.13 POSSIBLE ACQUISITION OF A PORTION OF PROPERTY FOR DRAINAGE – BYLONG ROAD – FILE No LF983

DIRECTORATE: WATER AND WASTE
AUTHOR: Bruce Logan, Director Water and Waste
Reference: Item 8.3 to Ordinary Council 13 February 2018 - Minute No 15/18
Item 14.4 to Ordinary Council 25 September 2018 - Minute No 212/18

2 CONFIDENTIAL ENCLOSURES ENCLOSED

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.

11.14 TENDER T032/2020 – CALALA 120ML WATER STORAGE DAM – FLOATING COVER – FILE NO T032/2020

DIRECTORATE: WATER AND WASTE
AUTHOR: Daniel Coe, Manager Water and Waste
Reference: Item 12.7 to Ordinary Council 13 August 2019 – Minute No 268/19
Item 11.5 to Ordinary Council 10 September 2019 – Minute No 306/19

Council will determine this matter in part of the Meeting closed to the public pursuant to Section 10A(2) (c)&(d) 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 SUPPLY AND DELIVERY OF TWO MOTOR GRADERS – FILE NO T123/2019

DIRECTORATE: REGIONAL SERVICES
AUTHOR: George Shearman, Manager Plant, Fleet and Building Services

MOTION

Moved Cr Maxwell/Cr Betts

That in relation to the report “Supply and Delivery of Two Motor Graders”, Council award the tender to WesTrac Pty Ltd, ABN 63 009 342 572, for the Supply and Delivery of two Caterpillar 140 Motor Graders for a changeover of \$666,153.68 excluding GST.

327/19 RESOLVED

12.2 PROPOSED SURRENDER AND NEW LEASE OF TELECOMMUNICATION FACILITY - PART LOT 6 SECTION 4 IN DP 758951 – FILE NO SF636

DIRECTORATE: CORPORATE AND GOVERNANCE
AUTHOR: Kirrilee Ringland, Acting General Counsel
Reference: Item 15.4 to Ordinary Council 28 May 2019 - Minute No 180/19

MOTION

Moved Cr Inglis/Cr Betts

That in relation to the report “Proposed Surrender and New Lease of Telecommunication Facility – Part Lot 6 Section 4 in DP 758951”, Council:

- (i) authorise the Mayor and General Manager to respond to a proposal regarding

- the current Lease on the terms as set out in the body of the report; and
- (ii) authorise the affixing of the Seal of Council to the documents required to give effect to this resolution.

328/19 RESOLVED

12.3 PROPOSAL TO RENEW LEASE, PART 7-11 ANNE STREET, SOUTH TAMWORTH – FILE NO LF226

DIRECTORATE: CORPORATE AND GOVERNANCE
AUTHOR: Kirrilee Ringland, Acting General Counsel
1 CONFIDENTIAL ENCLOSURES ENCLOSED

MOTION

Moved Cr Maxwell/Cr Impey

That in relation to the report “Proposal to Renew Lease, Part 7-11 Anne Street, South Tamworth”, Council:

- (i) authorise the Mayor and General Manager to negotiate the renewal of the lease agreement of part of the premises described as part 7-11 Anne Street, South Tamworth on terms detailed in the body of the report;
- (ii) authorise the affixing of the Seal of Council to the Lease and all associated documentation; and
- (iii) continue the subsidised rate on receipt of an annual report from the lessee.

329/19 RESOLVED

12.4 PROPOSAL TO LEASE SPACE IN COUNCIL BUILDING – FILE NO LF5037

DIRECTORATE: CORPORATE AND GOVERNANCE
AUTHOR: Kirrilee Ringland, Acting General Counsel

MOTION

Moved Cr Tickle/Cr Inglis

That in relation to the report “Proposal to Lease Space in Council Building”, Council:

- (i) authorise the Mayor and General Manager to negotiate terms acceptable to Council for the lease of space as set out in the body of this report; and
- (ii) authorise the affixing of the Seal of Council to the Lease and any associated documentation.

330/19 RESOLVED

12.5 TENDER T149/2019 AUSTRALIAN EQUINE AND LIVESTOCK EVENTS CENTRE (AELEC) STABLE BEDDING SUPPLY AND ORGANIC WASTE COLLECTION – FILE NO T149/2019

DIRECTORATE: BUSINESS AND COMMUNITY
AUTHOR: Mike Rowland, Precinct Manager – Sports Venues Precinct

MOTION

Moved Cr Wilson/Cr Betts

That in relation to the report “Tender T149/2019 Australian Equine and Livestock

Events Centre (AELEC) Stable Bedding Supply and Organic Waste Collection”, Council:

- (i) accept the schedule of prices tender submitted by Biffins Excavation Hire Pty Ltd; and
- (ii) authorise the Seal of Council to be affixed to the contract documentation.

331/19 RESOLVED

12.6 WESTDALE WASTEWATER TREATMENT PLANT – SLUDGE LAGOON MAINTENANCE – FILE NO SF572

DIRECTORATE: WATER AND WASTE

AUTHOR: Daniel Coe, Manager Water and Waste

1 CONFIDENTIAL ENCLOSURES ENCLOSED

MOTION

Moved Cr Maxwell/Cr Impey

That in relation to the report “Westdale Wastewater Treatment Plant - Sludge Lagoon Maintenance”, Council:

- (i) accept the guaranteed maximum price quotation from Bergmeier Environmental to clean out Sludge Lagoon B at Westdale Wastewater Treatment Plant to return it to its full operational capacity; and
- (ii) allocate \$108,000 from the Wastewater Reserve to fund this work.

332/19 RESOLVED

12.7 PROPOSED SURRENDER AND GRANT OF NEW LEASE OF TELECOMMUNICATION FACILITY - PART LOT 1 IN DP 414587 – FILE NO LF5907

DIRECTORATE: CORPORATE AND GOVERNANCE

AUTHOR: Kirrilee Ringland, Acting General Counsel

1 CONFIDENTIAL ENCLOSURES ENCLOSED

MOTION

Moved Cr Inglis/Cr Betts

That in relation to the report “Proposed Surrender and Grant of New Lease of Telecommunication Facility – Part Lot 1 in DP 414587”, Council:

- (i) authorise the Mayor and General Manager to respond to a proposal regarding the current Lease on the terms as set out in the body of the report; and
- (ii) authorise the affixing of the Seal of Council to the documents required to give effect to the resolution.

333/19 RESOLVED

12.8 WEST TAMWORTH TENNIS CLUB LICENCE AGREEMENT – FILE NO SF3297

DIRECTORATE: REGIONAL SERVICES

AUTHOR: Paul Kelly, Manager Sports and Recreation

MOTION

Moved Cr Tickle/Cr Wilson

That in relation to the report “West Tamworth Tennis Club Licence Agreement”, Council approve:

- (i) the Mayor and General Manager to enter into negotiations with West Tamworth Tennis Club Incorporated on terms described in the body of this report; and
- (ii) the affixing of the Seal of Council to the Licence Agreement and any associated documents.

334/19 RESOLVED

12.9 CAFÉ SUB-LEASE AT THE TAMWORTH VISITOR INFORMATION CENTRE – FILE No SF5847

DIRECTORATE: BUSINESS AND COMMUNITY
AUTHOR: Kate Baker, Co-Ordinator Economic and Destination Development

Reference: Item 14.5 to Ordinary Council 30 April 2019 - Minute No 137/19

2 CONFIDENTIAL ENCLOSURES ENCLOSED

MOTION

Moved Cr Tickle/Cr Impey

That in relation to the report “Café Sub-Lease At The Tamworth Visitor Information Centre”, Council:

- (i) authorise the Mayor and General Manager to negotiate a sub-lease with Pavilion Australia Pty Ltd to operate a café at the Tamworth Visitor Information Centre within the terms outlined in the body of the report;
- (ii) approve the funding of the improvement works outlined; and
- (iii) authorise the affixing of the Council Seal on the sub-lease documents.

335/19 RESOLVED

12.10 POSSIBLE ACQUISITION OF A PORTION OF PROPERTY FOR DRAINAGE - BYLONG ROAD – FILE No SF9783

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

Reference: Item 8.3 to Ordinary Council 13 February 2018 - Minute No 15/18
Item 14.4 to Ordinary Council 25 September 2018 - Minute No 212/18

2 CONFIDENTIAL ENCLOSURES ENCLOSED

MOTION

Moved Cr Maxwell/Cr Betts

That in relation to the report “Possible Acquisition of a Portion of Property for Drainage – Bylong Road”, Council:

- (i) agree to pay the owners of Lot 12 DP38886 the amount as detailed in the report for the acquisition of part of the property;
- (ii) provide funds from the appropriate Section 94 Reserve to fund the acquisition

and other payments;

- (iii) authorise the affixing of the Seal of Council to the Deed of Agreement and any associated documentation to effect the transfer of the land;
- (iv) give public notice of the intention to classify the land as Operational Land; and
- (v) resolve to classify the land as Operational Land upon acquisition subject to any submission which may be made on advertising the intention to classify the land as Operational Land.

336/19 RESOLVED

12.11 PROPOSED ACQUISITION OF LAND – FILE NO SF9866

DIRECTORATE: CORPORATE AND GOVERNANCE

AUTHOR: Kirrilee Ringland, Acting General Counsel

**Reference: Item 14.3 to Ordinary Council 27 September 2016 -
Minute No 293/16
Item 14.5 to Ordinary Council dated 12 June 2018 -
Minute No 202/18**

3 CONFIDENTIAL ENCLOSURES ENCLOSED

MOTION

Moved Cr Maxwell/Cr Betts

That in relation to the report “Proposed Acquisition of Land”, Council:

- (i) authorise the Mayor and General Manager to negotiate the purchase of Lot 3 DP 842662, Lots 34 & 14 DP 755338 and Lots 8 & 22 DP 755336 on terms detailed in the body of this report;
- (ii) authorise the General Manager to bid at the auction within the parameters as set out in the body of this report;
- (iii) authorise the expenditure for the acquisition of the property from the Water Reserve;
- (iv) authorise the affixing of the Seal of Council to the Contract for the Sale of Land, the Transfer and all associated land transfer documents;
- (v) give public notice of the intention to classify the land as Operational Land; and
- (vi) resolve to classify the land as Operational Land upon acquisition subject to any submission which may be made on advertising the intention to classify the land as Operational Land.

337/19 RESOLVED

12.12 TENDER NO T014/2020 – TAMWORTH REGIONAL AIRPORT – FLYING COLLEGE OPERATIONS – SUPPLY OF CATERING, HOSPITALITY, CLEANING AND MAINTENANCE SERVICES – FILE NO T014/2020

DIRECTORATE: BUSINESS AND COMMUNITY

AUTHOR: John Sommerlad, Director Business and Community

MOTION

Moved Cr Wilson/Cr Inglis

“That in relation to the report “ Tender No T014/2020- Tamworth Regional Airport- Flying College Operations – Supply of Catering, Hospitality, Cleaning and

Maintenance Services”, Council:

- (i) note that there were three Tenders received from:
 - Cater Care
 - Eurest – Compass Group Pty Ltd; and
 - Global Catering Services Pty Ltd;
- (ii) decline to accept any of the Tenders which were submitted from the three companies under Regulation No 178, clause 3 of the Local Government Act;
- (iii) enter into direct negotiations with the preferred tenderer under clause 3 (e) of the regulations with the intention to enter into a contract with that company as:
 - (a) Council’s reasons for declining to invite fresh tenders is the original tender was widely distributed; and
 - (b) Council’s reasons for entering into negotiations with the preferred tender is to obtain a better pricing outcome which better suits the operations of the Residential Complex; and
- (iv) submit a further report to Council on the results of those negotiations.

338/19 RESOLVED

12.13 POSSIBLE ACQUISITION OF A PORTION OF PROPERTY FOR DRAINAGE – BYLONG ROAD – FILE NO LF983

DIRECTORATE: WATER AND WASTE
AUTHOR: Bruce Logan, Director Water and Waste
Reference: Item 8.3 to Ordinary Council 13 February 2018 - Minute No 15/18
Item 14.4 to Ordinary Council 25 September 2018 - Minute No 212/18

2 CONFIDENTIAL ENCLOSURES ENCLOSED

MOTION

Moved Cr Inglis/Cr Impey

That in relation to the report “Possible Acquisition of a Portion of Property for Drainage – Bylong Road”, Council:

- (i) agree to pay the owners of Lot 13 DP38886 the amount as detailed in the report for the acquisition of part of the property;
- (ii) provide funds from the appropriate Section 94 Reserve to fund the acquisition and other payments;
- (iii) authorise the affixing of the Seal of Council to the Deed of Agreement and any associated documentation to effect the transfer of the land;
- (iv) give public notice of the intention to classify the land as Operational Land; and
- (v) resolve to classify the land as Operational Land upon acquisition subject to any submission which may be made on advertising the intention to classify the land as Operational Land.

339/19 RESOLVED

12.14 TENDER T032/2020 – CALALA 120ML WATER STORAGE DAM – FLOATING COVER – FILE NO T032/2020

DIRECTORATE: WATER AND WASTE
AUTHOR: Daniel Coe, Manager Water and Waste
Reference: Item 12.7 to Ordinary Council 13 August 2019 – Minute No 268/19
Item 11.5 to Ordinary Council 10 September 2019 – Minute No 306/19

MOTION

Moved Cr Wilson/Cr Rodda

That in relation to the report “Tender T032/2020 – Calala 120ML Water Storage Dam – Floating Cover”, Council:

- (i) agree to seek a variation with KCE Pty Ltd of up to the amount detailed in the body of the report to include the design and installation of a floating cover for the 120 Megalitre water storage at the Calala Water Treatment Plant as part of the current contract; and
- (ii) provide additional funds from the Water Reserve to pay for the variation.

340/19 RESOLVED

13 RESOLUTIONS PASSED IN CLOSED COUNCIL

MOTION

Moved Cr Tickle/Cr Rodda

That Council move into Open Council.

341/19 RESOLVED

At 8:20pm the meeting moved back into Open Council.

In accordance with clause 253 of the Local Government (General) Regulation 2005, 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 8:22pm.

Cr Col Murray, Chairperson

Tuesday, 8 October 2019

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