



TAMWORTH REGIONAL COUNCIL

EXTRAORDINARY COUNCIL MINUTES

of the **Extraordinary Meeting of Tamworth Regional Council** held in the **Council Chambers, 4th Floor Ray Walsh House, 437 Peel Street, Tamworth**

9 JUNE 2020

**PAUL BENNETT
GENERAL MANAGER**

EXTRAORDINARY COUNCIL MINUTES

Extraordinary Meeting of Tamworth Regional Council held in the Council Chambers,
4th Floor Ray Walsh House, 437 Peel Street, Tamworth
TUESDAY 9 JUNE 2020 at 6:30PM

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Minutes

PRESENT: Cr Phil Betts (Acting Mayor), Cr Charles Impey, Cr Glenn Inglis, Cr Jim Maxwell, 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, Director Business and Community, Director Regional Services and Director Water and Waste.

1 APOLOGIES AND LEAVE OF ABSENCE

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

MOTION

Moved Cr Maxwell/Cr Inglis

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

155/20 RESOLVED

2 COMMUNITY CONSULTATION

Nil

3 DISCLOSURE OF INTEREST

Councillor Mark Rodda declared a conflict of interest in Item 6.2 “Extraction of Water from the Scott Road Drift Wells” 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.

OPEN COUNCIL REPORTS

4 INFRASTRUCTURE AND SERVICES

4.1 TAMWORTH REGIONAL COUNCIL - WASTE MANAGEMENT WORKING GROUP TERMS OF REFERENCE – FILE NO SF3101

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

MOTION

Moved Cr Webb/Cr Impey

That in relation to the report “Tamworth Regional Council – Waste Management Working Group Terms of Reference”, Council adopt the Terms of Reference.

156/20 RESOLVED

5 REPORTS TO BE CONSIDERED IN CLOSED COUNCIL

At 6:33pm, 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 Rodda/Cr Tickle

That Item 6.2 be discussed in Open Council as it is a matter of public interest.

MOTION LOST

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.

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MOTION

Moved Cr Maxwell/Cr Wilson

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.

157/20 RESOLVED

5.1 RICHARDSON HOUSE, BARRABA – FILE NO LF7103

DIRECTORATE: CORPORATE AND GOVERNANCE

AUTHOR: Kirilee Ringland, Manager Property and Legal Services

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.

5.2 EXTRACTION OF WATER FROM THE SCOTT ROAD DRIFT WELLS – FILE NO SF9442

DIRECTORATE: WATER AND WASTE

AUTHOR: Bruce Logan, Director Water and Waste

4 CONFIDENTIAL ENCLOSURES ENCLOSED

Council will determine this matter in part of the Meeting closed to the public pursuant to Section 10A(2) (g) of the Local Government Act 1993, on the grounds that the matter and information is advice concerning litigation, or advice as comprises a discussion of

this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

5.3 HOPSCOTCH CAFE AND RESTAURANT AT TAMWORTH REGIONAL PLAYGROUND, BICENTENNIAL PARK TAMWORTH – FILE NO LF6602

DIRECTORATE: CORPORATE AND GOVERNANCE

AUTHOR: Kirrilee Ringland, Manager Property and Legal Services

Reference: Item 8.11 to Ordinary Council 12 August 2014 - Minute No 213/14
Item 13.4 to Ordinary Council 28 October 2014 - Minute No 345/14
Item 8.5 to Ordinary Council 25 August 2015 - Minute 212/15
Item 15.2 to Ordinary Council 23 August 2016 - Minute No 257/16
Item 14.1 to Ordinary Council 22 November 2016 - Minute No 372/16
Item 14.2 to Ordinary Council 23 May 2017 - Minute No 156/17

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.

5.4 LICENCE AGREEMENT WITH THE NSW DEPARTMENT OF EDUCATION FOR USE OF RESIDENTIAL FACILITIES AT THE INTERNATIONAL FLIGHT TRAINING TAMWORTH COLLEGE – FILE NO SF10267

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.

6 CLOSED COUNCIL REPORTS

6.1 RICHARDSON HOUSE, BARRABA – FILE NO LF7103

DIRECTORATE: CORPORATE AND GOVERNANCE
AUTHOR: Kirrilee Ringland, Manager Property and Legal Services

MOTION

Moved Cr Webb/Cr Tickle

That in relation to the report “Richardson House, Barraba”, Council:

- (i) authorise the Mayor and General Manager to enter into negotiations on the basis of the information set out in the body of the report;
- (ii) authorise the affixing of the Seal of Council to the surrender, transfer and any other documents related to the Lease in order to complete the transaction.

158/20 RESOLVED

6.2 EXTRACTION OF WATER FROM THE SCOTT ROAD DRIFT WELLS – FILE NO SF9442

DIRECTORATE: WATER AND WASTE
AUTHOR: Bruce Logan, Director Water and Waste
4 CONFIDENTIAL ENCLOSURES ENCLOSED

MOTION

Moved Cr Webb/Cr Tickle

That in relation to the report “Extraction of Water from the Scott Road Drift Wells”, Council adopt Recommendation 1 as detailed in the body of the report.

AMENDMENT

Moved Cr Inglis/Cr Wilson

That in relation to the report “Extraction of Water from the Scott Road Drift Wells”, Council:

- (i) adopt Recommendation 2 as detailed in the body of the report, and further seek approval under the Water Supply (Critical Needs) Act 2019, to exceed licence conditions on an agreed basis to ensure minimum supplies;
- (ii) make urgent representation to the Premier to have all previous issues and correspondence raised with regard to access to extractions through Council’s Scott Road drift wells urgently addressed; and
- (iii) advise the Premier that the inaction of DPIE – Water Group is seriously placing Tamworth’s water supply at further risk.

AMENDMENT PASSED

THE AMENDMENT BECAME THE MOTION

159/20 RESOLVED

7.3 HOPSCOTCH CAFE AND RESTAURANT AT TAMWORTH REGIONAL PLAYGROUND, BICENTENNIAL PARK TAMWORTH – FILE NO LF6602

DIRECTORATE: CORPORATE AND GOVERNANCE
AUTHOR: Kirrilee Ringland, Manager Property and Legal Services

Reference: Item 8.11 to Ordinary Council 12 August 2014 - Minute No 213/14
Item 13.4 to Ordinary Council 28 October 2014 - Minute No 345/14
Item 8.5 to Ordinary Council 25 August 2015 - Minute 212/15
Item 15.2 to Ordinary Council 23 August 2016 - Minute No 257/16
Item 14.1 to Ordinary Council 22 November 2016 - Minute No 372/16
Item 14.2 to Ordinary Council 23 May 2017 - Minute No 156/17

MOTION

Moved Cr Webb/Cr Tickle

That in relation to the report “Hopscotch Café and Restaurant at Tamworth Regional Playground, Bicentennial Park Tamworth”, Council:

- (i) authorise the Mayor and the General Manager to enter into a Variation of Lease in the terms as set out in the body of this report; and
- (ii) authorise the affixing of the Seal of Council to the Variation and any other documentation required to give effect to Council’s resolution.

160/20 RESOLVED

6.4 LICENCE AGREEMENT WITH THE NSW DEPARTMENT OF EDUCATION FOR USE OF RESIDENTIAL FACILITIES AT THE INTERNATIONAL FLIGHT TRAINING TAMWORTH COLLEGE – FILE NO SF10267

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

MOTION

Moved Cr Inglis/Cr Tickle

That in relation to the report “Licence Agreement with the NSW Department of Education for use of Residential Facilities at the International Flight Training Tamworth College”, Council:

- (i) receive and note the report; and
- (ii) authorise the Mayor and General Manager to sign the Licence Agreement between Council and the NSW Department of Education.

161/20 RESOLVED

7 RESOLUTIONS PASSED IN CLOSED COUNCIL

MOTION

Moved Cr Maxwell/Cr Tickle

That Council move into Open Council.

162/20 RESOLVED

At 7:14pm 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 Extraordinary Meeting of Council concluded at 7:16pm.

Cr Phil Betts, Chairperson

Tuesday, 23 June 2020

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