



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 MARCH 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 24 MARCH 2020 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, Cr Russell Webb and Cr Juanita Wilson.

IN ATTENDANCE: The General Manager, Director Corporate and Governance and Acting Director Planning and Compliance.

1 APOLOGIES AND LEAVE OF ABSENCE

Nil

2 COMMUNITY CONSULTATION

2.1 ITEM 3 - MINUTES OF PREVIOUS MEETING SUBMITTED FOR APPROVAL - FILE NO SF10115

Mr James Treloar addressed Council in support of the recommendation.

3 MINUTES OF PREVIOUS MEETING SUBMITTED FOR APPROVAL

MOTION

Moved Cr Betts/Cr Inglis

That the Minutes of the Ordinary Meeting held on Tuesday, 10 March 2020, copies of which were circulated, be taken as read and confirmed as a correct record of the proceedings of the Meeting.

68/20 RESOLVED

4 DISCLOSURE OF INTEREST

Nil

5 MAYORAL MINUTE

5.1 REDUCTION OF ORDINARY MEETINGS – FILE NO SF806

DIRECTORATE: OFFICE OF THE GENERAL MANAGER

AUTHOR: Col Murray, Mayor

MOTION

Moved Cr Murray

That in relation to the report “Reduction of Ordinary Meetings”, Council:

- (i) cancel the Ordinary Meetings scheduled for Tuesday 14 April 2020, Tuesday 12 May 2020 and Tuesday 9 June 2020; and
- (ii) encourage members of the public not directly speaking in community consultation to watch the meeting via live streaming instead of attending in person.

69/20 RESOLVED

5.2 COVID-19: INSTRUMENT OF DELEGATION TO THE MAYOR (EMERGENCY ADMINISTRATIVE PROVISIONS) – FILE NO SF7674

DIRECTORATE: OFFICE OF THE GENERAL MANAGER
AUTHOR: Col Murray, Mayor

MOTION

Moved Cr Murray

That in relation to the report “COVID-19: Instrument of Delegation to the Mayor (Emergency Administrative Provisions”, Council:

- (i) adopt the Instrument of Delegation to the Mayor dated 24 March 2020, as detailed in the attachment to this report;
- (ii) direct the General Manager to provide a consolidated report once a month to all Councillors specifying any actions taken under this delegation as adopted by Council and including regular email updates on all activities; and
- (iii) request that once activation of the current Business Continuity Plan ceases, a consolidated report to the first available Meeting of Council will be submitted which lists all decisions made under this delegation.

70/20 RESOLVED

6 NOTICE OF MOTION

Nil

OPEN COUNCIL REPORTS

7 ENVIRONMENT AND PLANNING

7.1 EXHIBITION OF THE TAMWORTH REGIONAL COUNCIL DEVELOPMENT CONTROL PLAN 2010 (AMENDMENT NO. 14) WATER SENSITIVE DESIGN CONTROLS – FILE NO SF4939

DIRECTORATE: PLANNING AND COMPLIANCE
AUTHOR: Sam Lobsey, Manager Development

Reference: Item 6.1 to Ordinary Council 8 October 2019 - Minute No 344/19
Item 8.2 to Ordinary Council 17 December 2019 - Minute No 455/19

MOTION

Moved Cr Tickle/Cr Rodda

That in relation to the report “Exhibition of the Tamworth Regional Council Development Control Plan 2010 (Amendment No.14) Water Sensitive Design Controls”, Council:

- (i) determine to place the draft water sensitive design control amendments to Tamworth Regional Development Control Plan 2010 (Amendment No. 14) on public exhibition in accordance with Part 3 of the Environmental Planning and Assessment Regulations 2000, for a period of not less than 28 days;
- (ii) following public exhibition, request a report be submitted to a future Meeting of Council to detail the outcome of the public exhibition process;

- (iii) change pages 12 and 15 of the annexure after “Plumbing for recycled water”, include another dot point which reads:
- “for all new dwellings Plumbing for recycled water is a mandatory requirement. Two out of the remaining five WSE measures must also be selected; and
- (iv) change pages 12 and 14 of the annexure – In the Greywater diversion device dot point. It should read:
- “The device can be switched by the householder to divert greywater from the laundry tub **and/bathroom where available** by gravity directly to the diversion line”

71/20 RESOLVED

8 INFRASTRUCTURE AND SERVICES

8.1 DEMOLITION/REMOVAL OF DWELLINGS AND OTHER INFRASTRUCTURE DUNGOWAN VALLEY – FILE NO SF7045

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

MOTION

Moved Cr Maxwell/Cr Impey

That in relation to the report “Demolition/Removal of Dwellings and Other Infrastructure Dungowan Valley”, Council:

- agree to seek quotations for the sale and removal of sheds as detailed in the report;
- agree to the demolition of other dwellings and associated infrastructure as detailed in the report; and
- fund the demolition works by providing \$100,000 from the Water Reserve.

72/20 RESOLVED

8.2 SUSTAINABLE NORTH WEST COMMITTEE'S AMAZING ENVIRO RACE SPONSORSHIP REQUEST – FILE NO SF8857

DIRECTORATE: WATER AND WASTE
AUTHOR: Angela Dodson, Sustainability Officer

MOTION

Moved Cr Wilson/Cr Tickle

That in relation to the report “Sustainable North West Committee’s Amazing Enviro Race Sponsorship Request”, Council:

- agree to sponsorship at the Gold level proposed of \$6,000 per year towards sponsoring this event for the next three financial years, commencing in 2020-2021; and
- fund the sponsorship with 50% from the Water Reserve and 50% from the Waste Reserve.

73/20 RESOLVED

9 GOVERNANCE, STRATEGY AND FINANCE

9.1 2020 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT – MOTION FOR SUBMISSION – FILE NO SF1385

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

Reference: Item 9.1 to Ordinary Council 25 February 2020 – Minute No 17/20

MOTION

Moved Cr Webb/Cr Inglis

That in relation to the report “2020 National General Assembly of Local Government – Motion for Submission”, Council authorise the following motion to be submitted:

- (i) that this National General Assembly call on the Commonwealth Government to urgently review the current national approach to the management of natural disasters and catastrophic events to establish a more effective and efficient whole of government response that includes working better with State Government, Territory Government and Local Government.

74/20 RESOLVED

9.2 TAMWORTH REGIONAL COUNCIL – PROPOSED 2020/21 DRAFT FEES AND CHARGES – FILE NO SF8134

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

MOTION

Moved Cr Inglis/Cr Wilson

That in relation to the report “Tamworth Regional Council – Proposed 2020/21 Fees and Charges”, Council approve in principal the rates, fees and charges proposed for the 2020/21 financial year, as per the attached documents, for inclusion in the draft 2020/21 Annual Operational Plan.

75/20 RESOLVED

9.3 COUNCIL INVESTMENTS FEBRUARY 2020 – FILE NO SF9655

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

MOTION

Moved Cr Betts/Cr Webb

That in relation to the report “Council Investments February 2020”, Council receive and note the report.

76/20 RESOLVED

9.4 ANNUAL OPERATIONAL PLAN 2019/2020 BUDGET VARIATION REPORT - FEBRUARY 2020 – FILE NO SF9146

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

MOTION

Moved Cr Wilson/Cr Tickle

That in relation to the report “Annual Operational Plan 2019/2020 Budget Variation Report – February 2020”, Council note and approve the variations to the existing budget included in the attached Annexure.

77/20 RESOLVED

9.5 COUNCIL'S INVESTMENT POLICY – FILE NO SF9655

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

MOTION

Moved Cr Impey/Cr Inglis

That in relation to the report “Council’s Investment Policy”, Council:

- (i) endorse the draft Investment Policy and advertise the proposed policy for a period of 28 days for public comments prior to formal adoption by Council; and
- (ii) request a further report to Council following the review period to consider any public comments on the Investment policy.

78/20 RESOLVED

10 COMMUNITY SERVICES

10.1 DOLLY PARTON'S IMAGINATION LIBRARY YEARLY REVIEW – FILE NO SF8901

DIRECTORATE: BUSINESS AND COMMUNITY
AUTHOR: Karina Tyler, Economic Development Officer

MOTION

Moved Cr Wilson/Cr Betts

That in relation to the report “Dolly Parton’s Imagination Library Yearly Review”, Council:

- (i) receive and note the report;
- (ii) allocate \$70,000 from the Youth Services Reserve to assist in funding the project for the 2020/2021 financial year;
- (iii) promote the initiative across the Tamworth Regional Council Local Government Area and actively pursue corporate and community sponsorship of the project; and

- (iv) evaluate the project at the conclusion of the 2020/2021 year to determine future funding.

79/20 RESOLVED

11 REPORTS FROM DELEGATES

11.1 AUSTRALIAN INSTITUTE OF COMPANY DIRECTORS AUSTRALIAN GOVERNANCE SUMMIT 2020 – FILE No SF1037

DIRECTORATE: OFFICE OF THE GENERAL MANAGER
AUTHOR: Glenn Inglis, Councillor

MOTION

Moved Cr Inglis/Cr Rodda

That in relation to the report “Australian Institute of Company Directors Australian Governance Summit 2020”, Council receive and note the report.

80/20 RESOLVED

12 REPORTS TO BE CONSIDERED IN CLOSED COUNCIL

At 7:34pm, 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.

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MOTION

Moved Cr Maxwell/Cr Tickle

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.

81/20 RESOLVED

12.1 TENDER A2019/65 - NORTHERN INLAND REGIONAL WASTE - TENDER FOR CRUSHING AND SCREENING OF CONCRETE, BRICK AND TILE – FILE NO SF1182

DIRECTORATE: WATER AND WASTE

AUTHOR: Bruce Logan, Director 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) (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.

12.2 PROPOSED RESTRICTION AS TO USE AND PUBLIC POSITIVE COVENANT OVER PART LOT 140 IN DEPOSITED PLAN 1223292 WINDMILL HILL ESTATE NORTH TAMWORTH – FILE NO LF32328

DIRECTORATE: CORPORATE AND GOVERNANCE

AUTHOR: Kirrilee Ringland, Manager Property and Legal Services

Reference: Item 14.1 to Ordinary Council 25 July 2017 - Minute No. 236/17

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.

12.3 PROPOSAL TO LICENCE THE TAMWORTH REGIONAL BOTANIC GARDEN KIOSK – FILE NO E079/2020

DIRECTORATE: REGIONAL SERVICES

AUTHOR: Paul Kelly, Manager Sports and Recreation

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.

12.4 FIRE AND RESCUE NSW INSPECTION REPORT – FILE NO LF290

DIRECTORATE: PLANNING AND COMPLIANCE

AUTHOR: Nicole Chegwyn, Team Leader - Building Certification

2 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.

12.5 LEASE TO EASTERN AUSTRALIA AIRLINES - QANTAS CLUB LOUNGE AT TAMWORTH REGIONAL AIRPORT – FILE NO SF8060

DIRECTORATE: BUSINESS AND COMMUNITY

AUTHOR: John Sommerlad, Director Business and Community

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&(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.

12.6 PROPOSAL TO RENEW LEASE OF SPACE IN COUNCIL BUILDING – FILE NO LF5037

DIRECTORATE: CORPORATE AND GOVERNANCE

AUTHOR: Kirrilee Ringland, Manager Property and Legal Services

Reference: Item 16.4 to Ordinary Council 24 September 2019 - Minute No 330/19

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.

12.7 EXPRESSION OF INTEREST E068/2020 - TAMWORTH REGIONAL AIRPORT - LEASE OF HANGAR NO 6 – FILE NO E068/2020

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.

13 CLOSED COUNCIL REPORTS

13.1 TENDER A2019/65 - NORTHERN INLAND REGIONAL WASTE - TENDER FOR CRUSHING AND SCREENING OF CONCRETE, BRICK AND TILE – FILE NO SF1182

DIRECTORATE: WATER AND WASTE

AUTHOR: Bruce Logan, Director Water and Waste

MOTION

Moved Cr Betts/Cr Maxwell

That in relation to the report “Tender A2019/65 – Northern Inland Regional Waste - Tender for Crushing and Screening of Concrete, Brick and Tile”, Council accept the Tender of GCE Contractors for the supplied schedule of rates as provided in their Tender submission.

82/20 RESOLVED

13.2 PROPOSED RESTRICTION AS TO USE AND PUBLIC POSITIVE COVENANT OVER PART LOT 140 IN DEPOSITED PLAN 1223292 WINDMILL HILL ESTATE NORTH TAMWORTH – FILE NO LF32328

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

Reference: Item 14.1 to Ordinary Council 25 July 2017 - Minute No. 236/17

1 CONFIDENTIAL ENCLOSURES ENCLOSED

MOTION

Moved Cr Wilson/Cr Impey

That in relation to the report “Proposed Restriction as to Use and Public Positive Covenant Over Part Lot 140 in Deposited Plan 1223292 Windmill Hill Estate North Tamworth”, Council:

- (i) authorise the Mayor and General Manager to execute a document creating a Restriction as to Use and a Public Positive Covenant under s88E of the Conveyancing Act 1919, for the purposes of satisfying the requirements of the Federal Department of Environment; and
- (ii) authorising the affixing of the Seal of Council to the documents.

83/20 RESOLVED

13.3 PROPOSAL TO LICENCE THE TAMWORTH REGIONAL BOTANIC GARDEN KIOSK – FILE NO E079/2020

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

1 CONFIDENTIAL ENCLOSURES ENCLOSED

MOTION

Moved Cr Tickle/Cr Wilson

That in relation to the report “Proposal to Licence the Tamworth Regional Botanic Garden Kiosk”, Council:

- (i) authorise the Mayor and General Manager to enter into a Licence Agreement for the use of the kiosk at the Tamworth Regional Botanic Garden on the terms set out in the body of this report; and
- (ii) authorise the affixing of the Seal of Council to the Licence and any associated documentation.

84/20 RESOLVED

13.4 FIRE AND RESCUE NSW INSPECTION REPORT – FILE NO LF290

DIRECTORATE: PLANNING AND COMPLIANCE
AUTHOR: Nicole Chegwyn, Team Leader - Building Certification
2 CONFIDENTIAL ENCLOSURES ENCLOSED

MOTION

Moved Cr Webb/Cr Rodda

That in relation to the report “Fire and Rescue NSW Inspection Report” Council:

- (i) note receipt of the report with Reference Number BFS20/248 (10314) dated 5 February 2020 forwarded to Tamworth Regional Council on behalf of the Commissioner of Fire and Rescue NSW, be tabled at Council’s Meeting as required by Schedule 5, Part 8, Section 17(2), of the Environmental Planning and Assessment Act 1979;
- (ii) note and acknowledge the recommendations contained within the report requiring the rectification of fire safety breaches at the subject property;
- (iii) authorise Council staff to follow up compliance with the Notice of Proposed Order (Fire Safety Order) issued by Fire and Rescue NSW;
- (iv) authorise Council staff to follow up compliance action based on the recommendations contained within the report which will also include follow up of the unauthorised use and building works in conjunction with the building owner; and
- (v) notify Fire and Rescue NSW (FRNSW) of Council’s actions in relation to this matter.

85/20 RESOLVED

13.5 LEASE TO EASTERN AUSTRALIA AIRLINES - QANTAS CLUB LOUNGE AT TAMWORTH REGIONAL AIRPORT – FILE NO SF8060

DIRECTORATE: BUSINESS AND COMMUNITY
AUTHOR: John Sommerlad, Director Business and Community
1 CONFIDENTIAL ENCLOSURES ENCLOSED

MOTION

Moved Cr Webb/Cr Inglis

That in relation to the report “Lease to Eastern Australia Airlines – Qantas Club Lounge at Tamworth Regional Airport” Council:

- (i) approve a five year lease with a five year option commencing on the 21 December 2018, on the terms outlined in the body of the report; and
- (ii) authorise the affixing of the Seal of Council on the lease and associated documents.

86/20 RESOLVED

13.6 PROPOSAL TO RENEW LEASE OF SPACE IN COUNCIL BUILDING – FILE NO LF5037

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

Reference: Item 16.4 to Ordinary Council 24 September 2019 - Minute No 330/19

MOTION

Moved Cr Inglis/Cr Betts

That in relation to the report “Proposed Lease of 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.

87/20 RESOLVED

13.7 EXPRESSION OF INTEREST E068/2020 - TAMWORTH REGIONAL AIRPORT - LEASE OF HANGAR NO 6 – FILE NO E068/2020

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

MOTION

Moved Cr Webb/Cr Wilson

That in relation to the report “Expression of Interest E068/2020 – Tamworth Regional Airport – Lease of Hangar No 6” Council:

- (i) note there were two Expressions of Interest received for this lease from:
 - a) Sigma Aerospace Pty Ltd
 - b) BPW Aviation Pty Ltd;
- (ii) accept the Expression of Interest from Sigma Aerospace for a period of five years with a further option of five years;
- (iii) 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;
- (iv) authorise the affixing of the Seal of Council to the Lease and any associated documentation;
- (v) agree should the successful company not be in a position to sign the lease and occupy the hangar at this time due to the current economic climate, Council hold the lease in abeyance until 1 October 2020;
- (vi) authorise as an interim measure if the lease is not executed use of the hangar as a parking area for aircraft on a month-by-month basis with a market rate to be applied as determined by the Director Business and Community; and
- (vii) authorise the preparation of short term rental agreements for the occupation of available space.

88/20 RESOLVED

14 RESOLUTIONS PASSED IN CLOSED COUNCIL

MOTION

Moved Cr Maxwell/Cr Tickle

That Council move into Open Council.

89/20 RESOLVED

At 7:57pm 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 7:58pm.

Cr Col Murray, Chairperson

Tuesday, 14 April 2020

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