



# 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**

**8 SEPTEMBER 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 8 SEPTEMBER 2020 at 6:30PM**

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**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, Acting Director Planning and Compliance, Acting Director Growth and Prosperity, Acting Director Regional Services and Director Water and Waste.

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**1 APOLOGIES AND LEAVE OF ABSENCE**

Nil

**2 COMMUNITY CONSULTATION**

Nil

**3 MINUTES OF PREVIOUS MEETING SUBMITTED FOR APPROVAL**

**MOTION**

**Moved Cr Rodda/Cr Webb**

That the Minutes of the Ordinary Meeting held on Tuesday, 25 August 2020, copies of which were circulated, be taken as read and confirmed as a correct record of the proceedings of the Meeting.

**264/20 RESOLVED**

**4 DISCLOSURE OF INTEREST**

Nil

**5 MAYORAL MINUTE**

Nil

**6 NOTICE OF MOTION**

Nil

**OPEN COUNCIL REPORTS**

**7 GOVERNANCE, STRATEGY AND FINANCE**

**7.1 RETURNING OFFICER**

**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

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for the position of Mayor and Deputy Mayor be received and noted and the General Manager act as the Returning Officer.

**265/20 RESOLVED**

## **7.2 METHOD OF VOTING**

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

### **MOTION**

#### **Moved Cr Impey/Cr Betts**

That the advice in relation to the methods of voting for any election required for the position of Mayor and Deputy Mayor be received and noted.

**266/20 RESOLVED**

## **7.3 DETERMINATION OF METHOD OF VOTING FOR ELECTION OF MAYOR AND DEPUTY MAYOR**

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

### **MOTION**

#### **Moved Cr Maxwell/Cr Tickle**

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

**267/20 RESOLVED**

## **ELECTION OF MAYOR AND DEPUTY MAYOR**

That the following Items 7.4 Nomination for the Position of Mayor and Item 7.5 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 General Manager for conduct of an election and appointment of the Mayor and Deputy Mayor for the ensuing 2020/2021 Mayoral term and the 2020/2021 Deputy Mayoral term.

## **7.4 NOMINATION FOR THE POSITION OF MAYOR**

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

### **MOTION**

#### **Moved Cr Maxwell/Cr Betts**

In accordance with Schedule 7 of the Local Government (General) Regulation 2005 the General Manager as the Returning Officer announced that only one nomination for the position of Mayor was received. The Returning Officer announced that the nomination was for Cr Col Murray.

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

As there was only one nomination the Returning Officer declared Cr Col Murray appointed as the Mayor for the 2020/2021 Mayoral Term.

**268/20 RESOLVED**

**7.5 NOMINATION FOR THE POSITION OF DEPUTY MAYOR**

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

**MOTION**

**Moved Cr Webb/Cr Maxwell**

In accordance with Schedule 7 of the Local Government (General) Regulation 2005, the General Manager as the Returning Officer announced that two nominations for the position of Deputy Mayor were received. The Returning Officer announced that the nominations were for Cr Phil Betts and Cr Juanita Wilson.

As there were two nominations received for the position of Deputy Mayor, the Returning Officer announced that an election for the position of Deputy Mayor would be conducted by Ordinary Ballot.

Following the conduct of an election by Ordinary Ballot for the position of Deputy Mayor, the Returning Officer declared that Cr Phil Betts had received six votes and Cr Juanita Wilson had received three votes.

The Returning Officer declared that Cr Phil Betts had been elected to the position of Deputy Mayor for the 2020/2021 Deputy Mayoral Term.

**269/20 RESOLVED**

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

**7.6 GOVERNANCE STRUCTURE**

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

**MOTION**

**Moved Cr Webb/Cr Impey**

That Council maintain the current Governance Structure for the ensuing term of two Ordinary Council Meetings held on the second and fourth Tuesday of each month commencing at 6:30pm.

**270/20 RESOLVED**

**7.7 CODE OF CONDUCT AND PROCEDURES FOR THE ADMINISTRATION OF THE CODE OF CONDUCT**

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

**MOTION**

**Moved Cr Inglis/Cr Wilson**

That in relation to the report "Code of Conduct and Procedures for the Administration

of the Code of Conduct”, Council:

- (i) adopt the new Code of Conduct;
- (ii) adopt the Procedures for the Administration of the new Code of Conduct;
- (iii) endorse the draft Gifts and Benefits Policy and advertise the proposed policy for a period of 28 days for public comments prior to formal adoption by Council; and
- (iv) request a further report following the review period to consider any public comments on the Gifts and Benefits policy.

#### **AMENDMENT**

##### **Moved Cr Rodda/Cr Impey**

That in relation to the report “Code of Conduct and Procedures for the Administration of the Code of Conduct”, Council:

- (i) adopt the new Code of Conduct;
- (ii) adopt the Procedures for the Administration of the new Code of Conduct;
- (iii) endorse the draft Gifts and Benefits Policy with gifts capped to the value of \$50.00 and advertise the proposed policy for a period of 28 days for public comments prior to formal adoption by Council; and
- (iv) request a further report following the review period to consider any public comments on the Gifts and Benefits policy.

#### **AMENDMENT PASSED**

#### **THE AMENDMENT BECAME THE MOTION**

**271/20 RESOLVED**

#### **7.8 NSW STATE WATER CONFERENCE 2020**

**DIRECTORATE: CORPORATE AND GOVERNANCE**  
**AUTHOR: Elizabeth Lantz, Administration Supervisor**

#### **MOTION**

##### **Moved Cr Wilson/Cr Tickle**

That in relation to the report “NSW State Water Conference 2020”, Council nominate Cr Phil Betts, Cr Russell Webb, Cr Juanita Wilson, Cr Helen Tickle, Cr Col Murray and Cr Jim Maxwell to attend the conference to be held in Tamworth on 12-13 November 2020.

**272/20 RESOLVED**

## **8 ENVIRONMENT AND PLANNING**

### **8.1 COMMUNITY CONSULTATION OUTCOMES AND RECOMMENDED AMENDMENTS - TEMPORARY EVENTS PLANNING PROPOSAL**

**DIRECTORATE: PLANNING AND COMPLIANCE**  
**AUTHOR: Sonya Vickery, Integrated Planner - IP&R**  
**Reference: Item 7.1 to Ordinary Council 11 February 2020 - Minute No 2/20**

## MOTION

### Moved Cr Inglis/Cr Rodda

That in relation to the report “Community Consultation Outcomes and Recommended Amendments - Temporary Events Planning Proposal”, that Council:

- (i) endorse an amendment to the Planning Proposal in order to broaden the scope of the proposal by removing reference to RE1 - Public Recreation zoned land. The amendment will refer, instead, to temporary events held on all “public reserves and local public roads” in the Tamworth region;
- (ii) endorse additional minor wording amendments to the Planning Proposal in response to consultation undertaken with relevant public authorities; and
- (iii) determine to make the Plan in accordance with Section 3.36(2)(a) of the Environmental Planning and Assessment Act 1979.

**273/20 RESOLVED**

### 8.2 HERITAGE WORKING GROUP MEETING - NO. 15 ON 13 DECEMBER 2019, NO. 16 ON 21 FEBRUARY 2020 AND NO. 17 ON 4 AUGUST 2020

**DIRECTORATE: PLANNING AND COMPLIANCE**  
**AUTHOR: Sam Lobsey, Acting Director Planning and Compliance**

## MOTION

### Moved Cr Wilson/Cr Maxwell

That in relation to the report “Heritage Working Group Meeting - No. 15 on 13 December 2019, No. 16 on 21 February 2020 and No. 17 on 4 August 2020”, Council receive and note the Minutes of each meeting.

**274/20 RESOLVED**

## 9 INFRASTRUCTURE AND SERVICES

### 9.1 TAMWORTH GLOBAL GATEWAY PARK BUSINESS PLAN

**DIRECTORATE: REGIONAL SERVICES**  
**AUTHOR: Graeme McKenzie, Manager, Project Management and Engineering Services**

**Reference: Item 8.1 to Ordinary Council 28 July 2020 - Minute No 204/20**  
**Item 9.9 to Ordinary Council 26 May 2020 - Minute No 114/20**  
**Item 9.5 to Ordinary Council 28 April 2020 - Minute No 110/20**  
**Item 12.4 to Ordinary Council 11 February 2020 - Minute No 25/20**

## MOTION

### Moved Cr Inglis/Cr Impey

That in relation to the report “Tamworth Global Gateway Park Business Plan”, Council:

- (i) adopt Option 3, Develop Stage 1 as the preferred option as described in the



- Tamworth Global Gateway Park business case;
- (ii) approve the amount of \$12,800,000 from an external loan to fund the roadworks and provision of services for Goddard Lane (east), the Intermodal Access Road and the Business Park Stage 1 Access Road;
  - (iii) authorise the affixing of the Seal of Council to loan documents and any other documents required for the completion of the loan transaction to re-finance the internal loan that was drawn down in 2016 to purchase the Tamworth Global Gateway Park site;
  - (iv) authorise the affixing of the Seal of Council to the loan documents and any other documents required for the completion of the loan transaction to finance the construction of Stage 1 of the TGGP up to an amount of \$12,800,000 to activate the precinct; and
  - (v) approve the engagement of CBRE and Burke & Smyth as the co-exclusive agents for the Tamworth Global Gateway Park for a period of 12 months.

**275/20 RESOLVED**

## **9.2 ROAD CLASSIFICATION REVIEW AND REGIONAL ROAD TRANSFER**

**DIRECTORATE: REGIONAL SERVICES**  
**AUTHOR: Murray Russell, Manager Infrastructure and Works**

### **MOTION**

#### **Moved Cr Webb/Cr Rodda**

That in relation to the report "Road Classification Review and Regional Road Transfer", Council make a submission to the Regional Road Transfer and NSW Road Classification Review - Independent Panel as follows:

- (i) seek reclassification of Moonbi Gap/Moore Creek/Davidsons Lane/Appleby Lane route to Regional Road status with ownership retained by Council;
- (ii) seek transfer of the following roads to the State:
  - Ogunbil Road (Regional Road 7718) Highest Priority;
  - Werris Creek Road (Main Road 130) High Priority;
  - Nundle Road (Regional Road 105) High Priority;
  - Rangari Road (Main Road 357) High Priority; and
  - Lindsays Gap Road (Main Road 106) Low Priority;
- (iii) retain ownership as is:
  - Ruses Creek Road (Regional Road 7711);
  - McIntyre/Bundarra Road (Main Road 132);
  - Goonoo Goonoo Road – Bridge Street to Scott Road (Regional Road 7707);
  - Jewry/Dampier Street (Regional Road 7744); and
- (iv) highlight as part of Council's submission existing State Roads (Market Street between Arthur and Manilla Streets, and Manilla Street between Market and Barraba Streets) will be reclassified as Local Roads, with the exception of the historic truss bridge over the Namoi River, upon completion of the Namoi River Crossing Project, subject to the new road alignment being recognised as a State Road.

**276/20 RESOLVED**

### 9.3 OVER EXTRACTION FROM COUNCIL'S SCOTT ROAD DRIFT WELLS

**DIRECTORATE:** WATER AND WASTE  
**AUTHOR:** Bruce Logan, Director Water and Waste  
**Reference:** Item 6.2 to Ordinary Council 9 June 2020 - Minute No 159/20

#### **MOTION**

##### **Moved Cr Wilson/Cr Webb**

That in relation to the report "Over Extraction from Council's Scott Road Drift Wells", Council:

- (i) receive and note the report; and
- (ii) provide \$3,000 from the Water Reserve to pay the fine/s issued.

**277/20 RESOLVED**

### 9.4 TAMWORTH EFFLUENT REUSE FARM OPERATION TENDER

**DIRECTORATE:** WATER AND WASTE  
**AUTHOR:** Daniel Coe, Manager Water and Waste  
**Reference:** Item 16.4 to Ordinary Council 10 March 2020 - Minute No 65/20

#### **MOTION**

##### **Moved Cr Betts/Cr Impey**

That in relation to the report "Tamworth Effluent Reuse Farm Operation Tender", Council:

- (i) proceed to open tender for the operation of the Tamworth Effluent Reuse Farm (ERF) by a third party contractor on the following basis:
  - a. Council retains full ownership of the ERF and associated infrastructure;
  - b. Council retains responsibility for environmental monitoring and compliance with the EPA licence to operate the ERF;
  - c. the tender is based on a five year operating term with the option for a five year extension, at Council's sole discretion, however, Council may consider alternative tender periods;
  - d. Council guarantees supply of a minimum of 3,000ML/yr (that is a minimum of 250 ML per month) of effluent for use at the ERF;
  - e. Council will retain the right to use up to 20% of the effluent produced at Westdale WWTP (estimated to be a minimum of 800ML/yr) for any purpose, or alternatively supply it to ERF for use by the ERF Operations Contractor;
  - f. tenderers must supply a conforming tender offer based on one of the nominated cropping plans provided in the tender documents;
  - g. tenderers may also offer different cropping plans as alternative tenders provided they meet Council's effluent utilisation and long term sustainability goals;
  - h. the contract payment structure for the tender will be based on a monthly lease fee and a cost per megalitre of effluent utilised with all farm operating costs including electricity being paid by the ERF operations contractor. Noting also that alternative payment structures may also be

- considered;
- i. Council pay the Contractor a cost per megalitre for effluent that is irrigated at Council's request for sustainability purposes noting that this effluent will not be part of the Contractors 3,000ML/year allocation;
  - j. Council pay the Contractor reasonable costs associated with prescribed soil remediation activities required by the EPA such as gypsum application; and
  - k. the tender evaluation shall be based on achieving mandatory hurdle criteria and then shall be based on 50% price and 50% non-price criteria;
- (ii) consider providing funding for an additional two irrigated pivot areas of approximately 85 hectares to be developed to increase total irrigated area from 600 to 685 hectares as part of the 2021/22 financial year budget process;
  - (iii) remove the management of the dryland farming area adjacent to the Tamworth Airport from the new contract;
  - (iv) not proceed with a solar scheme at the ERF at this time; and
  - (v) undertake a substantive industry engagement plan to promote interest in the ERF from the Agricultural Sector, Government Agricultural Agencies, Universities and Research Centres.

**278/20 RESOLVED**

## **10 COMMUNITY SERVICES**

### **10.1 2021 TAMWORTH COUNTRY MUSIC FESTIVAL PROPOSED DELIVERY PLAN**

**DIRECTORATE: BUSINESS AND COMMUNITY**

**AUTHOR: Anna Russell, Acting Director Growth and Prosperity**

#### **MOTION**

**Moved Cr Inglis/Cr Tickle**

That in relation to the report "2021 Tamworth Country Music Festival Proposed Delivery Plan", Council:

- (i) endorse the proposal to suspend all Council managed activities relating to the Festival due to risks associated with the COVID-19 pandemic; and
- (ii) endorse the production of the 49<sup>th</sup> Country Music Awards of Australia as a virtual event.

**279/20 RESOLVED**

COUNCILLORS WHO VOTED **FOR**  
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 Russell Webb
9. Cr Juanita Wilson

COUNCILLORS WHO VOTED **AGAINST**  
THE DECISION

Nil

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

Nil

**Closure:** There being no further business the Ordinary Meeting of Council concluded at 7:22pm.

Cr Col Murray, Chairperson  
Tuesday, 22 September 2020

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Minutes