



TAMWORTH REGIONAL COUNCIL

Notice is hereby given, in accordance with the provisions of the Local Government Act 1993 that a **Meeting of Tamworth Regional Council** will be held in the **Lands Building Nemingha Room, 25-27 Fitzroy Street, Tamworth**, commencing at **6:30pm**.

ORDINARY COUNCIL AGENDA

23 AUGUST 2022

**PAUL BENNETT
GENERAL MANAGER**

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Council

Meeting Date: 2nd and 4th Tuesday of the month commencing at 6:30pm.

Matters determined by Ordinary meetings will include all those non-delegable functions identified in Section 377 of the Local Government Act as follows:

- *“the appointment of a general manager*
- *the making of a rate*
- *a determination under section 549 as to the levying of a rate*
- *the making of a charge*
- *the fixing of a fee*
- *the borrowing of money*
- *the voting of money for expenditure on its works, services or operations*
- *the compulsory acquisition, purchase, sale, exchange or surrender of any land or other property (but not including the sale of items of plant or equipment)*
- *the acceptance of tenders which are required under this Act to be invited by the council*
- *the adoption of an operational plan under section 405*
- *the adoption of a financial statement included in an annual financial report*
- *a decision to classify or reclassify public land under Division 1 of Part 2 of Chapter 6*
- *the fixing of an amount or rate for the carrying out by the council of work on private land*
- *the decision to carry out work on private land for an amount that is less than the amount or rate fixed by the council for the carrying out of any such work*
- *the review of a determination made by the council, and not by a delegate of the council, of an application for approval or an application that may be reviewed under section 82A of the [Environmental Planning and Assessment Act 1979](#)*
- *the power of the council to authorise the use of reasonable force for the purpose of gaining entry to premises under section 194*
- *a decision under section 356 to contribute money or otherwise grant financial assistance to persons*
- *the making of an application, or the giving of a notice, to the Governor or Minister*
- *this power of delegation*
- *any function under this or any other Act that is expressly required to be exercised by resolution of the council.”*

Other matters and functions determined by Ordinary Council Meetings will include:

- *Notices of Motion*
- *Notices of Motion of Rescission*
- *Council Elections, Polls, Constitutional Referendums and Public Hearings/Inquiries*
- *Ministerial Committees and Inquiries*
- *Mayor and Councillors Annual Fees*
- *Payment of Expenses and Provision of Facilities to Mayor and Councillors*
- *Local Government Remuneration Tribunal*
- *Local Government Boundaries*
- *NSW Ombudsman*
- *Administrative Decisions Tribunal*
- *Delegation of Functions by the Minister*
- *Delegation of Functions to General Manager and Principal Committees*
- *Organisation Structure*
- *Code of Conduct*
- *Code of Meeting Practice*
- *Honesty and Disclosure of Interests*
- *Access to Information*
- *Protection of Privacy*
- *Enforcement Functions (statutory breaches/prosecutions/recovery of rates)*
- *Dispute Resolution*
- *Council Land and Property Development*
- *Annual Financial Reports, Auditors Reports, Annual Reports and Statement of the Environment Reports*
- *Performance of the General Manager*
- *Equal Employment Opportunity*
- *Powers of Entry*
- *Liability and Insurance*
- *Membership of Organisations*

Membership: All Councillors
Quorum: Five members
Chairperson: The Mayor
Deputy Chairperson: The Deputy Mayor

Community Consultation Policy

The first 30 minutes of Open Council Meetings is available for members of the Public to address the Council Meeting or submit questions either verbally or in writing, on matters INCLUDED in the Business Paper for the Meeting.

Members of the public will be permitted a maximum of three minutes to address the Council Meeting. An extension of time may be granted if deemed necessary.

Members of the public seeking to represent or speak on behalf of a third party must satisfy the Council or Committee Meeting that he or she has the authority to represent or speak on behalf of the third party.

Members of the public wishing to address Council Meetings are requested to contact Council either by telephone, in person or online prior to 4:30pm the day prior to the Meeting to address the Council Meeting. Persons not registered to speak will not be able to address Council at the Meeting.

Council will only permit three speakers in support and three speakers in opposition to a recommendation contained in the Business Paper. If there are more than three speakers, Council's Governance division will contact all registered speakers to determine who will address Council. In relation to a Development Application, the applicant will be reserved a position to speak.

Members of the public will not be permitted to raise matters or provide information which involves:

- personnel matters concerning particular individuals (other than Councillors);
- personal hardship of any resident or ratepayer;
- 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, or
 - confer a commercial advantage on a competitor of the Council; or
 - reveal a trade secret;
- information that would, if disclosed prejudice the maintenance of law;
- matters affecting the security of the Council, Councillors, Council staff or Council property;
- advice concerning litigation or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege;
- information concerning the nature and location of a place or an item of Aboriginal significance on community land;
- alleged contraventions of any Code of Conduct requirements applicable under Section 440; or
- on balance, be contrary to the public interest.

Members of the public will not be permitted to use Community Consultation to abuse, vilify, insult, threaten, intimidate or harass Councillors, Council staff or other members of the public. Conduct of this nature will be deemed to be an act of disorder and the person engaging in such behaviour will be ruled out of the order and may be expelled.

Disclosure of Political Donations or Gifts

If you have made a relevant planning application to Council which is listed for determination on the Council Business Paper you must disclose any political donation or gift made to any councillor or employee of the Council within the period commencing two years before the application is made and ending when the application is determined (Section 147(4) Environmental Planning and Assessment Act 1979).

If you have made a relevant public submission to Council in relation to a relevant planning application which is listed for determination on the Council Business Paper you must disclose any political donation or gifts made to any councillor or employee of the Council by you as the person making the submission or any associate within the period commencing two years before the submission is made and ending when the application is determined (Section 147(5) Environmental Planning and Assessment Act 1979).

AGENDA

- 1 **APOLOGIES AND LEAVE OF ABSENCE**
- 2 **COMMUNITY CONSULTATION**
- 3 **MINUTES OF PREVIOUS MEETING SUBMITTED FOR APPROVAL**

RECOMMENDATION

That the Minutes of the Ordinary Meeting held on Tuesday, 9 August 2022, copies of which were circulated, be taken as read and confirmed as a correct record of the proceedings of the Meeting.

4 DISCLOSURE OF INTEREST

Pecuniary Interest

Non Pecuniary Conflict of Interest

Political Donations

5 MAYORAL MINUTE

Nil

6 NOTICE OF MOTION

Nil

OPEN COUNCIL REPORTS

7 ENVIRONMENT AND PLANNING

Nil

8 INFRASTRUCTURE AND SERVICES

8.1 URBAN STREET TREE MANAGEMENT PLAN - ADVISORY GROUP - MINUTES 11 JULY 2022

DIRECTORATE: REGIONAL SERVICES

AUTHOR: Paul Kelly, Manager Sports and Recreation

1 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report “Urban Street Tree Management Plan - Advisory Group - Minutes 11 July 2022”, Council:

- (i) receive and note the minutes from the Urban Street Tree Management Plan – Advisory Group, and;*
 - (ii) approve the Advisory Group’s recommendation that Council allocate an annual*
-

budget of \$20,000 for the annual Greening Strategies for the purchase of trees, tree guards, stakes, fabric mats and fertiliser tablets along with the hire of machinery to prepare tree planting holes.

SUMMARY

The purpose of this report is to present the minutes from the 11 July 2022 meeting, note the key outcomes of the meeting and approve the recommendation that Council allocate an annual budget of \$20,000 for the Greening Strategy implementation for the purchase of trees, tree guards, stakes, fabric mats and fertiliser tablets along with the hire of machinery to prepare the tree planting holes.

COMMENTARY

The Urban Street Tree Management Plan – Advisory Group (the Advisory Group) exists to support Tamworth Regional Council with the greening and cooling of the region through the advancement of the tree plantings across the Local Government area (LGA).

On 11 July 2022, the Advisory Group met for its bi-monthly meeting. Minutes from this meeting are **ATTACHED**, refer **ANNEXURE 1**.

Key discussion items of the meeting included:

2022 Greening Strategy

The Autumn Greening Strategy saw a total of 780 new trees being planted.

The Winter Greening Strategy is currently underway with Council planting deciduous trees within Tamworth and Manilla.

Planning for the Spring Greening Strategy is also currently underway and the Advisory Group asked if two additional locations could be added to the Spring planting program, these being, Centenary Park and at the Country Music Museum.

2023 Greening Strategy

The Advisory Group were asked if there are any additional plantings to be added to the 2023 Greening Strategy. The drainage reserves in the Hills Plains area were raised as areas which could be looked at for plantings of trees.

Annual Budget Allocation for Greening Strategy

Discussion took place around funds required for the annual Greening Strategy. It was advised that \$20,000 annually would be required for the purchase of trees, tree guards, stakes, fabric mats, fertiliser tablets and machinery hire to undertake the annual Greening Strategy plantings.

A motion was subsequently raised with the recommendation that Council allocate an annual budget of \$20,000 for the Greening Strategy implementation.

Essential Energy Memorandum of Understanding for the Management of Trees

The Advisory Group was informed that Council had now received a copy of the memorandum of understanding (MoU) and that further internal discussion is needed to take place around the MoU. The MoU details communication channels between Council, Essential Energy and their contractors along with pruning frequencies. The MoU could lead to assistance with funding for the replacement of unsuitable trees under powerlines.

(a) Policy Implications

Nil

(b) Financial Implications

An annual allocation of \$20,000 from unrestricted cash into the Sports and Recreation division's annual budget for the purchase of trees and materials associated with the annual Greening Strategy.

(c) Legal Implications

Nil

(d) Community Consultation

The Urban Street Tree Management Plan – Advisory Group is comprised of members of the community.

(e) Delivery Program Objective/Strategy

Focus Area 2 – A liveable built environment

9 GOVERNANCE, STRATEGY AND FINANCE

9.1 ANNUAL OPERATIONAL PLAN 2022/2023 BUDGET VARIATION REPORT - JULY 2022

DIRECTORATE: OFFICE OF THE GENERAL MANAGER

AUTHOR: Sherrill Young, Finance Manager

Reference: Item 9.2 to Ordinary Council 28 June 2022 - Minute No 191/22

1 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report “Annual Operational Plan 2022/2023 Budget Variation Report - July 2022”, Council note and approve the variations to the existing budget as listed in the ANNEXURE attached to the report.

SUMMARY

This report seeks Council approval for budget variations identified during the month of July 2022, for which there has been no previous specific report or approval.

COMMENTARY

Council adopted the original budget included in the Annual Operational Plan for 2022/2023 at the Ordinary Meeting of Council held 28 June, 2022. Any changes to the budget must be approved by Council at a later Ordinary Meeting. The budget forms the basis for future forecasts and the legal authority for staff to commit expenditures. Constant monitoring and updating of the budget is important for sound financial management.

Readers of this report are reminded that its contents should not be viewed in isolation. Quarterly Budget Review Statements will provide Council with a full review of revised budget forecasts and actual year-to-date results.

Budget adjustments of note for the month of July are:

- an expenditure increase of \$93k to scope out the transition to Microsoft 365;
- \$20k to replace highbay lighting at the main AELEC arena;
- \$60k on a Visitor Information Guide, the expense of which will be offset by advertising income of \$40k and the balance made up by reductions in destination marketing expenditure;
- commencement of refurbishment works at the Council owned Parry Building totalling \$242k for the relocation of staff due to asbestos issues in Ray Walsh House; and
- \$151k of grant funded expenditure for the continuation of the Food Organics Garden Organics (FOGO) Trial.

Variations identified July 2022

| Description | Budget Variation | Operating Income | Operating Expenses | Capital Income | Capital Expenses |
|------------------------------------|------------------|------------------|--------------------|----------------|------------------|
| Economic & Destination Development | 0 | (40,000) | 40,000 | 0 | 0 |
| Entertainment Venues | 15,000 | 0 | 15,000 | 0 | 0 |
| Events | 24,000 | 24,000 | 0 | 0 | 0 |
| Business System & Solutions | 127,821 | 0 | 34,821 | 0 | 93,000 |
| AELEC Precinct | 19,809 | 0 | 0 | 0 | 19,809 |
| Strategy & Performance | 3,000 | 0 | 3,000 | 0 | 0 |
| Infrastructure Projects | 51,109 | (408,060) | 347,664 | 509,355 | (397,850) |
| Waste Management | 0 | 0 | 0 | (150,600) | 150,600 |
| Water & Wastewater | 242,386 | 0 | 242,386 | 0 | 0 |
| TOTAL | 483,125 | (424,060) | 682,871 | 358,755 | (134,441) |

(a) Policy Implications

Nil

(b) Financial Implications

The variations included in the report have the following impact on forecast results for 2022/2023 by fund of:

| Fund | Operating Income | Operating Expenses | Capital Income | Capital Expenses |
|--------------|------------------|--------------------|----------------|------------------|
| General | (424,060) | 440,485 | 358,755 | (134,441) |
| Water | 0 | 121,193 | 0 | 0 |
| Sewer | 0 | 121,193 | 0 | 0 |
| Total | (424,060) | 682,871 | 358,755 | (134,441) |

(c) Legal Implications

This report is in compliance with the following sections of the *Local Government (General) Regulation 2021*:

- 211 Authorisation of expenditure; and
- 202 Responsible Accounting Officer to maintain system for budgetary control.

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

Focus Area 9 – Open and collaborative leadership

9.2 COUNCIL INVESTMENTS JULY 2022

DIRECTORATE: OFFICE OF THE GENERAL MANAGER
AUTHOR: Tiffany Pugh, Rates Accountant
 Sherrill Young, Finance Manager

1 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report “Council Investments July 2022”, Council receive and note the report.

SUMMARY

The purpose of this report is to provide an overview of Council Investments for the month of July 2022.

COMMENTARY

At its August 2022 meeting, the Reserve Bank of Australia once again lifted the cash rate by 50 basis points to 1.85%. A look at Council’s investment register shows that back in June 2021, Council was getting a return of 0.49% on term deposits whilst in July 2022, a term deposit was taken out for 4.14%. The increase over the last twelve months on investment returns as evidenced by this comparison has been dramatic. That said, there is still a lot of uncertainty in predicting whether the interest rate rises will continue going into next year with the word “recession” being used by some economic journalists.

Whilst the increase in investment income is, on the surface, good for Council’s bottom line, the sting is in the increased inflation that the Reserve Bank is trying to combat with the

continued cash rate increases, pushing prices up. Unemployment remains low and the Reserve Bank is predicting it will remain this way over the coming months. The inflationary pressures mean that the additional income Council is earning from its investments will need to be utilised to counteract increases in the cost of goods and services caused by rising costs in materials and labour.

The Reserve Bank increases interest rates to try and reduce disposable income which causes a reduction in spending. In theory, this reduction in spending leads to reduced demand and stabilisation of prices which should help curb inflation. The risk is that so many of the price hikes are due to natural disasters and events taking place in other countries, not necessarily due to Australian consumers demanding more products. It is hoped that the Reserve Bank is appropriately adjusting the economic levers at its disposal.

In accordance with Section 212 of the *Local Government (General) Regulation 2021*, the details of all money invested by Council as at 31 July 2022, is **ATTACHED**, refer **ANNEXURE 1**.

The following table provides a summary of the types of investments held and the institution they are held with:

| Institution | Cash at Bank | Financial Assets Amortised Cost | Financial Assets at Fair Value | Total | % of Total |
|--------------|---------------------|---------------------------------|--------------------------------|-----------------------|-------------|
| NAB | 7,034,470.13 | 46,000,000.00 | 0.00 | 53,034,470.13 | 26.85% |
| BOQ | 0.00 | 19,000,000.00 | 0.00 | 19,000,000.00 | 9.62% |
| CBA | 0.00 | 54,000,000.00 | 0.00 | 54,000,000.00 | 27.34% |
| St George | 0.00 | 4,000,000.00 | 0.00 | 4,000,000.00 | 2.02% |
| Westpac | 0.00 | 62,508,255.06 | 0.00 | 62,508,255.06 | 31.64% |
| Suncorp | 0.00 | 5,000,000.00 | 0.00 | 5,000,000.00 | 2.53% |
| TOTAL | 7,034,470.13 | 190,508,255.06 | 0.00 | 197,542,725.19 | 100% |

The amount invested at 31 July 2022, has decreased by \$6,059,531.17 (2.98%) compared to funds held at 30 June 2022.

Council's investments are mostly comprised of restricted funds that have been received for specific purposes or funds held for future renewal works. The following table provides an indicative summary of investments held by each fund. The figures provided are based on opening balances from the last completed and audited financial year. The figures provide a guide on the proportion of total cash that is restricted in use:

| Fund | Restriction | Amount | % |
|-------------|---------------------------|--------------------|----------------|
| General | Unrestricted | 6,182,608 | 3.13% |
| General | Internally Restricted | 64,209,284 | 32.50% |
| General | Externally Restricted | 21,122,736 | 10.69% |
| | General Fund Total | 91,514,628 | 46.32% |
| Water | Unrestricted | 2,007,640 | 1.02% |
| Water | Internally Restricted | 21,873,921 | 11.07% |
| Water | Externally Restricted | 20,439,287 | 10.35% |
| | Water Fund Total | 44,320,848 | 22.44% |
| Sewer | Unrestricted | 2,215,411 | 1.13% |
| Sewer | Internally Restricted | 43,325,011 | 21.93% |
| Sewer | Externally Restricted | 16,166,826 | 8.18% |
| | Sewer Fund Total | 61,707,248 | 31.24% |
| | Total Investments | 197,542,724 | 100.00% |

Moneys received for each fund can only be used within that fund. An explanation for each category of restriction is described below:

Unrestricted

These are funds required to meet short term cash flow requirements and contingencies to maintain solvency.

Internally Restricted

Funds set aside for future commitments mostly relate to asset renewals, remediation works, or leave provisions. For General Fund, this includes self-funding activities such as the Airport, Waste Management and Fleet operations.

Externally Restricted

Funds provided for specific purposes such as developer contributions, grants and loans.

The use of restricted funds is largely controlled by 10–20-year Asset Management Plans which are included in the Resourcing Strategy of Council’s Community Strategic Plan.

(a) Policy Implications

All of Council’s investments are held in accordance with the Tamworth Regional Council Investment Policy.

(b) Financial Implications

Increases in the cash rate should if passed on by financial institutions result in an increase in interest income.

(c) Legal Implications

All of Council's investments are held in accordance with the Tamworth Regional Council Investment Policy, which accords with the requirements of:

- *Local Government Act 1993 – Section 625;*
- *Local Government Act 1993 – Order (of Minister) dated 16 November 2000;*
- *The Trustee Amendment (Discretionary Investments) Act 1997 – Sections 14A (2), 14C (1) and 2;*
- *Local Government (General) Regulation 2021 – Clauses 212 and 215; and*
- *Local Government Code of Accounting Practice & Financial Reporting – Update No 15 dated June 2007.*

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

Focus Area 9 – Open and collaborative leadership

9.3 AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING - AUGUST 2022

DIRECTORATE: OFFICE OF THE GENERAL MANAGER

AUTHOR: Karen Litchfield, Internal Auditor

1 ENCLOSURES ENCLOSED

RECOMMENDATION

That in relation to the report “Audit, Risk and Improvement Committee – August 2022”, Council receive and note the Minutes of the meeting held on 3 August 2022.

SUMMARY

The purpose of this report is to present to Council the Minutes of the recent Audit, Risk and Improvement Committee meeting.

COMMENTARY

The quarterly meeting of the Audit, Risk and Improvement Committee was held on Wednesday 3 August 2022. The Minutes of the meeting are **ENCLOSED**, refer **ENCLOSURE 1**.

(a) Policy Implications

Nil

(b) Financial Implications

Costs associated with the Internal Audit function are included in the 2022/2023 Annual Operational Plan.

(c) Legal Implications

Nil

(d) Community Consultation

Nil

(e) Delivery Program Objective/Strategy

Focus Group 9 - Open and collaborative leadership

10 COMMUNITY SERVICES

10.1 TAMWORTH REGIONAL CRIME PREVENTION WORKING GROUP UPDATE

DIRECTORATE: LIVEABLE COMMUNITIES

AUTHOR: Gina Vereker, Director Liveable Communities

2 ANNEXURES ATTACHED

RECOMMENDATION

That in relation to the report “Tamworth Regional Crime Prevention Working Group Update”, Council:

- (i) receive and note the minutes of the 26 May 2022 meeting;*
- (ii) rename the Working Group the Tamworth Regional Community Safety Working Group;*
- (iii) adopt the draft revised Tamworth Regional Community Safety Working Group Terms of Reference; and*
- (iv) appoint Ms Jennifer Peberdy and Mr Trevor Watt as community representatives to the Working Group for the remainder of the current electoral term.*

SUMMARY

The purpose of this report is to:

- present the minutes of the Tamworth Regional Crime Prevention Working Group (TRCPWG) meeting held on 26 May 2022;
 - recommend that Council rename the Working Group to the Tamworth Regional Community Safety Working Group, as it better reflects both the objectives of the Working Group and the vision of Blueprint 100;
 - recommend the adoption of a revised Tamworth Regional Community Safety Working Group Terms of Reference (TOR) noting the change of name and increase in the number of community representatives from three to four together with the inclusion of relevant Council staff representatives; and
 - appoint the new community representatives to the Working Group, being Ms Jennifer Peberdy and Mr Trevor Watt.
-

COMMENTARY

The following is a summary of the main items discussed at the TRCPWG meeting held on 26 May 2022, as reported in the minutes **ATTACHED**, refer **ANNEXURE 1**:

- Appointment of Chair: Due to this being the first meeting of the Working Group in the current Council term, Cr Mark Rodda was appointed as the new Chair;
- Youth Strategy: Council is facilitating the development of a regional Youth Strategy which will include increasing the utilisation of the Youthie. It is intended that a draft Strategy would be completed by the end of the calendar year;
- Aboriginal Liaison Officer: Council is currently awaiting approval from the Anti-Discrimination Board to enable the recruitment of the Aboriginal Liaison Officer position as an identified position; and
- Circle Sentencing: NSW Department of Community and Justice sought the support of the Working Group/Council in regards to the introduction of circle sentencing to the region. Circle sentencing is an alternate pathway for Aboriginal offenders who are likely to reoffend. If successful, ten Aboriginal volunteers would be trained to deal with the offenders and have the offenders held accountable before someone of their own culture. A letter of support was issued under the General Manager's signature on 2 June 2022.

Proposed Amendments to the Terms of Reference

It is recommended that Council adopt the following changes to the current Terms of Reference - see **ATTACHED**, refer **ANNEXURE 2**.

- 1) change of Working Group name: Councillors Rodda (as Chair) and Cr Judy Coates discussed a potential change of name during a recent meeting with relevant Council officers, and proposed that the Working Group be renamed the Tamworth Regional Community Safety Working Group. It is considered that the new name more accurately reflects the objectives of the Group, sends a positive rather than negative message and better aligns with the Blueprint 100 vision for the Tamworth Region. The recommended name change also enables a much broader focus for the Working Group, recognising that there are a wide range of factors that influence community safety as well as the *perception* of community safety;
- 2) update to the purpose of the Working Group: The list of matters under the heading "Purpose" has been updated to reflect the recommended name change;
- 3) increase in community representatives: It is recommended that the Working Group Terms of Reference be amended to allow a maximum of four community representatives, including where possible, one community representative with a legal/judicial background. Increasing the maximum will assist in further enhancing diversity amongst the Working Group membership;
- 4) removal of an alternates list: It is considered with the removal of an alternates list this will enable a more structured meeting with consistent representation from each member organisation. This will avoid the tendency to revisit the same issues (that have previously been addressed) in subsequent meetings as a result of different individuals attending; and
- 5) inclusion of Council staff and Justice Advocacy Service: Previously it was overlooked; however, Council staff (positions) who are relevant to this Working Group have been noted on the Terms of Reference.

As requested by and agreed upon at the 26 May 2022 meeting, Justice Advocacy Service has been included as an organisation who is part of the Working Group.

Expressions of Interest

The Working Group Councillors were very pleased with the Expressions of Interest (EOIs) received from community members wanting to be part of the Working Group with five EOIs received. It was agreed that all those who took the time to submit an EOI should be thanked for their interest in the Working Group.

At their meeting held on 2 August 2022, Working Group Chair, Councillor Rodda and Councillor Coates agreed that the Terms of Reference be amended to include an additional representative and therefore allow four community representatives.

It was agreed that Mr Bill Forrest has served a significant term and would step down as a community representative to enable the appointment of two new community members and that he be recognised for his vital contribution to the Working Group to date.

Working Group Councillors recommended that Ms Jennifer Peberdy and Mr Trevor Watt be appointed as new Working Group community representatives. It was also agreed that Mr Mal MacPherson and Mr Bill Campbell should continue in their roles as community representatives for the remainder of this term of Council.

(a) Policy Implications

Nil

(b) Financial Implications

Nil

(c) Legal Implications

Nil

(d) Community Consultation

A total of five Expressions of Interest were received from community members wishing to become a member of the Working Group.

(e) Delivery Program Objective/Strategy

Focus Area 9 – Open and collaborative leadership

11 REPORTS TO BE CONSIDERED IN CLOSED COUNCIL

RECOMMENDATION

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.

12.1 T119-2022 SUPPLY AND DELIVERY OF TWO MOTOR GRADERS

DIRECTORATE: REGIONAL SERVICES

AUTHOR: Kellie Martin, Plant Competency Coordinator

1 CONFIDENTIAL ENCLOSURES ENCLOSED

The 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.

SUMMARY

This tender is for the replacement of two existing motor graders. These replacements are scheduled in accordance with Tamworth Regional Council's Plant and Fleet Asset Management Plan. The new motor graders will primarily be utilised for grading Council's extensive network of unsealed roads, and on occasion, may be utilised for specific civil construction projects.

12.2 T118-2022 SUPPLY AND DELIVERY OF SIX SMOOTH DRUM ROLLERS

DIRECTORATE: REGIONAL SERVICES

AUTHOR: Kellie Martin, Plant Competency Coordinator

1 CONFIDENTIAL ENCLOSURES ENCLOSED

The 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.

SUMMARY

This tender is for the replacement of six existing smooth drum rollers. These replacements are scheduled in accordance with Tamworth Regional Council's Plant and Fleet Asset Management Plan. The new smooth drum rollers will primarily be utilised for maintaining Council's extensive network of unsealed roads, and on occasions, may be utilised for specific civil construction projects.

12.3 RENEWAL OF LEASE TO RURAL FIT PTY LTD - PART OF TAMWORTH SPORTS DOME, JACK SMYTH DRIVE, TAMWORTH

DIRECTORATE: REGIONAL SERVICES

AUTHOR: Paul Kelly, Manager Sports and Recreation

The 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.

SUMMARY

The purpose of this report is to request Council resolve to enter into a renewal of the lease to Rural Fit Pty Ltd for part of the Tamworth Sports Dome (the Sports Dome) on terms described in the report.

12.4 PORT STEPHENS CUTTING UPGRADE - Q012/2023 GEOTECHNICAL INVESTIGATION AND DESIGN

DIRECTORATE: REGIONAL SERVICES
AUTHOR: Mark Gardiner, Manager Project Planning and Delivery
Daniel Stewart, Senior Design and Project Engineer

The 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.

SUMMARY

This report provides an overview of the Port Stephens Cutting Upgrade project and recommends a preferred consultant for the geotechnical investigation and design, advertised as Q012/2023.

CLOSED COUNCIL

Confidential Reports

(Section 10A(2) of The Local Government Act 1993)

Where it is proposed to close part of the Meeting, the Chairperson will allow members of the public to make representations to or at the meeting, before any part of the Meeting is closed to the public, as to whether or not that part of the meeting should be closed to the public.

The Chairperson will check with the General Manager whether any written public submissions or representations have been received as to whether or not that part of the meeting should be closed to the public.

The grounds on which part of the Council meeting may be closed to public are listed in Section 10A(2) of the Local Government Act 1993 and are as follows:

- (a) personnel matters concerning particular individuals other than Councillors,
- (b) the personal hardship of any resident or ratepayer,
- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business,
- (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret,
- (e) information that would, if disclosed, prejudice the maintenance of law,
- (f) matters affecting the security of the council, councillors, council staff or council property,
- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.
- (h) during the receipt of information or discussion of information concerning the nature and location of a place or an item of Aboriginal significance on community land.
- (i) alleged contraventions of any code of conduct requirements applicable under section 440.

Section 10A(3) of the Act provides that Council, or a Committee of the Council of which all the members are councillors, may also close to the public so much of its meeting as comprises a motion to close another part of the meeting to the public.

Section 10B(3) of the Act provides that if a meeting is closed during discussion of a motion to close another part of the meeting to the public (as referred to in section 10A(3) of the Act), the consideration of the motion must not include any consideration of the matter or information to be discussed in that other part of the meeting (other than consideration of whether the matter concerned is matter referred to in section 10A(2) of the Act).

Section 10B(1) of the Act provides that a meeting is not to remain closed to the public during the receipt of information or the discussion of matters referred to in section 10A(2):

- (a) except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and
- (b) if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret - unless the Council or committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

For the purpose of determining whether the discussion of a matter in an open meeting would be contrary to the public interest section 10B(4) of the Act states it is irrelevant that:

- (a) a person may interpret or misunderstand the discussion, or
- (b) the discussion of the matter may:
 - (i) cause embarrassment to the Council or committee concerned, or to councillors or to employees of the council, or
 - (ii) cause a loss of confidence in the Council or committee.

Resolutions passed in Closed Council

It is a requirement of Clause 253 of the Local Government (General) Regulation 2005 that any resolution passed in Closed Council, or Committee be made public as soon as practicable after the meeting has ended. At the end of Closed Council or Committee meeting, the Chairperson will provide a summary of those resolutions passed in Closed Council or Committee.