



# 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 **Council Chambers, 4th Floor Ray Walsh House, 437 Peel Street, Tamworth**, commencing at **6:30pm**.

## ORDINARY COUNCIL AGENDA

**11 MAY 2021**

**PAUL BENNETT  
GENERAL MANAGER**

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## Council

Meeting Date: 2<sup>nd</sup> and 4<sup>th</sup> 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, 27 April 2021, 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 JUNE LONG WEEKEND BASEBALL CARNIVAL FEE WAIVER REQUEST - TAMWORTH BASEBALL INCORPORATED**

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

#### **RECOMMENDATION**

*That in relation to the report “June Long Weekend Baseball Carnival Fee Waiver Request – Tamworth Baseball Incorporated”, Council approve a complete fee waiver for all fees associated with the event.*

#### **SUMMARY**

Tamworth Baseball Incorporated has proudly hosted a major baseball carnival in Tamworth for more than 50 years and is once again seeking to conduct this event on Tamworth Regional Council's Riverside Turf Precinct during the June long weekend (12-14 June 2021).

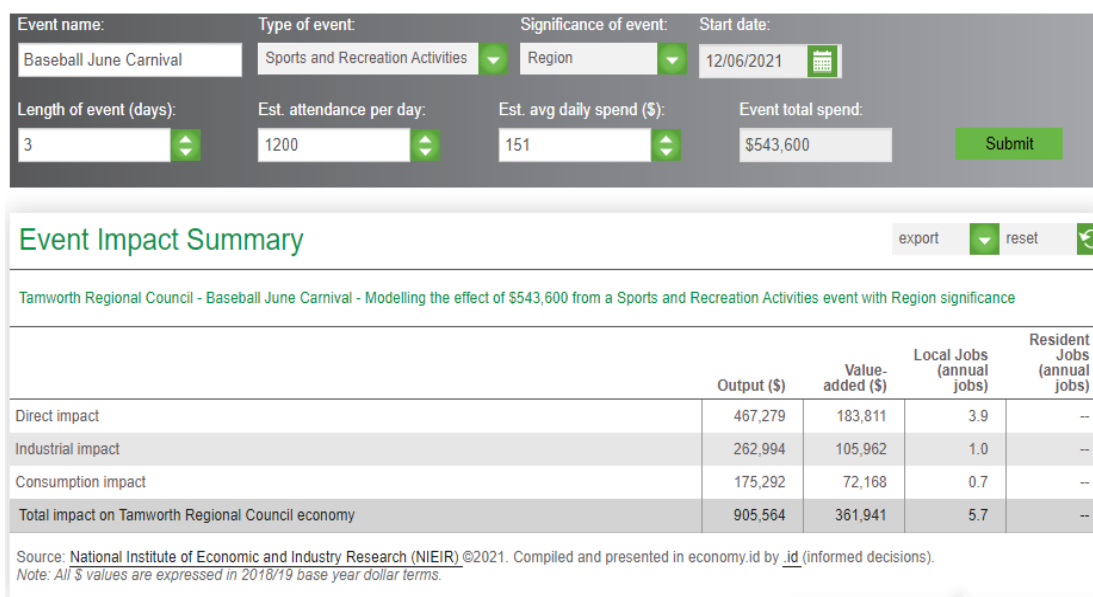
This event will attract more than 1,000 participants and will generate substantial economic benefit to the community. The event also provides an opportunity to showcase Tamworth's high-quality sporting facilities and fields, as such Tamworth Regional Council is asked to support this event through a fee waiver.

#### **COMMENTARY**

Tamworth Baseball Incorporated (Tamworth Baseball) has selected the Riverside Turf Precinct as the preferred location for the June 2021 long weekend baseball carnival. This carnival has taken place in Tamworth for over 50 years and continues to provide the community with the opportunity to participate in baseball at a competitive level and showcase Tamworth's ability to host large scale sporting events.

Tamworth Baseball has advised that the carnival will attract 1,000 participants and 200 spectators from across NSW and QLD. Based on sport tourism industry standards, this event will bring an economic benefit of \$543,600 to the city, as displayed in Figure 1.

Figure 1 – Event Impact Summary



It is anticipated that the cost of hiring and preparing fields for this event will be approximately \$4,961. Tamworth Baseball has requested Tamworth Regional Council (Council) consider the waiving of this fee to keep the costs of hosting and participating as low as possible to encourage maximum participation.

Such a request is in line with Council’s Sports Event Subsidisation Policy (SESP). It is therefore recommended that Council support this fee waiver request due to the economic benefit to the Tamworth community, at a time when local sport is still rebuilding after the impacts of COVID-19.

**(a) Policy Implications**

Nil

**(b) Financial Implications**

The Sports and Recreation division has an annual budget allocation for events subsidised under the SESP. Hiring of fields and preparation fees to the value of \$4,961 will be covered by this budget allocation.

**(c) Legal Implications**

Nil

**(d) Community Consultation**

Nil

**(e) Delivery Program Objective/Strategy**

A Spirit of Community – C12 Provide high quality sporting facilities to meet the diverse needs of the community



## **8.2 UPDATE OF THE SEWER AND WATER RETICULATION BOUNDARIES CONTAINED IN COUNCIL'S POLICY – SEWER AND WATER REIMBURSEMENT OF DEVELOPERS FOR SEWER AND WATER SUPPLY INFRASTRUCTURE OUTSIDE RETICULATION AREAS**

**DIRECTORATE:** WATER AND WASTE  
**AUTHOR:** Jeremy Back, Water Engineer (Strategy)

**2 ANNEXURES ATTACHED**

### **RECOMMENDATION**

*That in relation to the report “Update of the Sewer and Water Reticulation Boundaries Contained in Council’s Policy – Sewer and Water Reimbursement of Developers for Sewer and Water Supply Infrastructure Outside Reticulation Areas”, Council:*

- (i) place the updated draft sewer and water reticulation boundary maps attached to this report on public display for a period of not less than 28 days seeking public submissions on the proposed changes;*
- (ii) rescind the present reticulation boundary maps and adopt the updated draft reticulation boundary maps if after the period of public display there are no calls for changes to the draft maps; and*
- (iii) request the Director Water and Waste prepare a report for Council in the event submissions are received calling for changes to the draft maps.*

### **SUMMARY**

The purpose of this report is to update the sewer and water reticulation boundary maps that form part of Council's Policy titled “Sewer and Water – Reimbursement of Developers for Sewer and Water Supply Infrastructure Outside Reticulation Areas.” As the maps form part of a Council Policy, public exhibition of the revised maps is proposed.

### **COMMENTARY**

Policies 19.6 and 19.7 of Council's General Policy Register detail the process by which developers may be reimbursed for the construction of sewer and water mains. These reimbursements specifically relate to situations where Council requests pipes be upsized to cater for future demand. In this situation, the developer is entitled to reimbursement of the difference in cost between installing the pipework required for their development and the size requested by Council.

Policy 19.6 relates to developments within the reticulation areas. For these developments, Council will reimburse the developer once construction has been completed and a claim lodged by the developer.

Policy 19.7 relates to areas outside the reticulation areas. Under this Policy, Council will again pay for the cost of upsizing the pipework but will then recover these costs as connections are made to the pipework. Once Council has recouped its costs, fees for connection to the pipework are redirected to the developer to pay for the remainder of the pipeline.

To determine the boundaries of the Reticulation Areas for Policies 19.6 and 19.7, reticulation maps have been drawn. The existing maps were drawn in 2004 and need updating. Updated draft sewer and water reticulation maps reflecting current reticulation areas have been produced and are **ATTACHED**, refer **ANNEXURE 1** and **ANNEXURE 2**.

The sewer and water reticulation boundary maps are not planning documents. Rather, they reflect current reticulation capabilities. Additionally, although the maps relate to both Policies 19.6 and 19.7, they are only documented within Policy 19.7.

**(a) Policy Implications**

All new or amended policies must be placed on public display seeking submissions from the public for a period of at least 28 days before adoption by Council.

**(b) Financial Implications**

Nil

**(c) Legal Implications**

Nil

**(d) Community Consultation**

The public will be invited to make submissions in relation to this matter when the draft reticulation boundary maps are placed on public display.

**(e) Delivery Program Objective/Strategy**

A Region for the Future – F11 Sound asset management planning.

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**8.3 PROPOSAL TO CLOSE PART LOCKS LANE, SOUTH TAMWORTH**

**DIRECTORATE:** CORPORATE AND GOVERNANCE  
**AUTHOR:** Kirrilee Ringland, Manager Property and Legal Services  
Melissa Lasker, Executive Assistant Legal Services  
Leanne James, Business Support Officer

**Reference:** Item 8.2 to Ordinary Council 11 June 2013 - Minute No 186/13  
Item 8.1 to Ordinary Meeting 14 August 2018 - Minute No 132/18  
Item 12.1 to Ordinary Meeting 17 November 2020 - Minute No 359/20

1 ENCLOSURES ENCLOSED

**RECOMMENDATION**

*That in relation to the report “Proposal to Close Part Locks Lane, South Tamworth”, Council:*

- (i) authorise the closure of Locks Lane, South Tamworth, from the Council owned land south of Thibault Street, through to Mathews Street, at the northern end;*
  - (ii) confirm the previous resolution of Council in this regard;*
  - (iii) authorise the public notification of the road closure proposal;*
  - (iv) give public notice of the intention to classify the land as Operational Land;*
  - (v) resolve to classify the land as Operational Land subject to any submissions which may be made on advertising the intention to classify the land as Operational Land; and*
  - (vi) authorise the affixing of the Council Seal to the plan of road closure and any other documents required to give effect to Council’s resolution.*
-

## SUMMARY

This report seeks Council's approval to close part of Locks Lane, South Tamworth, in the interests of public health and safety and the protection of public infrastructure and assets.

It is noted that Council is the majority landholder of the land adjoining the road proposed to be closed.

## COMMENTARY

At its Ordinary Meeting on 17 November 2020, Council resolved to:

- (i) *proceed with the closure of Locks Lane, South Tamworth from the Council owned land south of Thibault Street through to Mathews Street at the northern end;*
- (ii) *confirm the previous resolution of Council in this regard;*
- (iii) *give public notice of the intention to classify the land as Operational Land;*
- (iv) *authorise the affixing of the Seal on the transfer Granting Easement and associated documents; and*
- (v) *resolve to classify the land as Operational Land subject to any submission which may be made on advertising the intention to classify the land as Operational Land.*

### **Background**

The road reserve known as Locks Lane, is located between Scott Road, and Ebsworth Street, and is an unformed public road.

It is proposed to close Locks Lane between the Council owned land south of Thibault Street, through to Matthews Street, at the northern end as shown by the red line on the **ENCLOSED** map, refer **ENCLOSURE 1**. When the road is closed access from Goonoo Goonoo Road, will still be used as an internal recreational track to service sporting fields keeping the last portion from Scott Road, open in the unlikely event the land is developed and coincides with the current gate placement. The residue portions of the road at the northern and southern ends are proposed to remain open to facilitate vehicular access.

The northern end of Locks Lane, facilitates access to a car parking area for the Gipps Street soccer field.

At the southern end of Locks Lane, there are two parcels of land which are privately owned. Locks Lane, is not used nor required for access to these properties under their current permitted use. If the land were to be developed in the future, the Locks Lane frontage would potentially provide a traffic relief for any impact on Scott Road.

Locks Lane, has been used by the public for illegal dumping of building waste, car bodies, tyres, televisions, couches and general household waste and for "off-road" vehicular activities. The Council owned land on the western side of the lane has in the past been subject to fires. These fires posed a direct threat to residences fronting Goonoo Goonoo Road.

The closure of Locks Lane, will alleviate the problems mentioned above. Without vehicular access to the land on either side of the road reserve the major problem is removed and Council can commence the task of cleaning up the land.

Each directorate of Council has been consulted for comment on the proposal to close part of Locks Lane. Concerns were raised regarding continued access to various Council assets

such as the carpark, Gipps Street playing fields, access for cyclists, walkers, and access for the golf club to their bore site on Goonoo Goonoo Creek. In response to this, while essentially it means the parts of Locks Lane that are proposed to be closed will cease to be a public road, it will instead become Council land, to which Council can allow and restrict access as per its requirements. Council is unable to do this with a public road. The land resulting from the closed road will remain Council's property.

### **Road Closure**

Following Council's resolution of 17 November 2020, and to meet the requirements under the *Roads Act 1993*, adjoining owners and notifiable authorities were sent letters advising of the proposed road closure. Council was also required, under the *Roads Act 1993*, to publicly advertise the proposal in the Northern Daily Leader for a period of 28 days. A Public Notice was also put on Council's website. No objections were received when the submission period closed on 28 February 2021, however, Fisheries NSW contacted Council to ensure that access would remain to the Scott Road end of Locks Lane, to enable anglers to fish, and access the creek at that point. Fisheries requested that Council look at the feasibility of extending an area near the bridge on Scott Road, to allow more access to the creek at that point. Fisheries were advised that would depend upon the ownership of that land, as Council had no power to ensure access via private land to the creek. Upon further investigation by Fisheries, they ascertained that access to the creek was impractical anywhere else in the area of the proposed closure, and therefore they had no objection to the proposed closure.

Upon closure of Locks Lane, a new lot will be created in Council's ownership as Operational Land. As a parcel of land in Council's ownership, Council may elect to manage the land in a manner that will allow pedestrian and cycle access to continue in accordance with the objectives of Blueprint 100.

#### **(a) Policy Implications**

Nil

#### **(b) Financial Implications**

Works associated with the closure of Locks Lane, including the cost of the installation of bollards at both ends with a boom gate for Council vehicles to access one end and road closure costs, will be funded from the Road Infrastructure Fund.

#### **(c) Legal Implications**

The plan of road closure will require the affixing of the Seal of Council.

The Council Seal is required to be affixed to the Transfer Granting Easement and associated documents. The *Local Government (General) Regulation 2005*, section 400(4), requires that the Council Seal must not be affixed to a document unless the document relates to the business of council and the council has resolved (by resolution specifically referring to the document) that the seal be so affixed.

#### **(d) Community Consultation**

Under Section 38B of the *Roads Act 1993*, adjoining landowners and notifiable authorities were sent letters regarding the proposed road closure and given 28 days to make a submission.

Council was also required, under the *Roads Act 1993*, to place a Public Notice in the Northern Daily Leader for a period of 28 days.

A public notice was also placed on Council's Website for a period of 28 days.

No objections were received during the submission period, other than the comments from Fisheries NSW which were resolved.

**(e) Delivery Program Objective/Strategy**

A Region for the Future – F11 Sound asset management planning

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## **9 GOVERNANCE, STRATEGY AND FINANCE**

### **9.1 2020-2021 FACILITY IMPROVEMENT FUND – FILE NO**

**DIRECTORATE:** PLANNING AND COMPLIANCE  
**AUTHOR:** Kay Burnes, Senior Place Manager

**1 ANNEXURES ATTACHED**

**1 CONFIDENTIAL ENCLOSURES ENCLOSED**

#### **RECOMMENDATION**

*That in relation to the report “2020-2021 Facility Improvement Fund”, Council:*

*(i) approve the following funding allocation to the total of \$30,149.00:-*

*Barraba Sportsground Committee*

*Upgrade sportsground watering system* **\$10,000.00**

*Hanging Rock Community Hall Committee*

*North Annex Project* **\$1,209.00**

*Limbri Public Hall and Recreation Reserve Local Committee*

*Limbri Hall Amenities Upgrade* **\$10,000.00**

*Moonbi Museum Committee*

*Museum Cleaning Items (vacuum, microwave, blower)* **\$833.00**

*Moonbi War Memorial Hall and Recreation Reserve Committee*

*Sand and reseal Main Hall and Meeting Room floor* **\$3,108.00**

*Piallmore Recreation Reserve Committee*

*Boundary Fencing* **\$4,999.00**

*(ii) endorse the roll-over of the balance of funds totalling \$19,851.00 as at 30 June 2021, to the 2021-2022 Facility Improvement Fund.*

#### **SUMMARY**

The purpose of this report is to seek Council’s determination of funding allocations to the Section 355 Management Committees under the 2020-2021 Facility Improvement Fund Program.

## **COMMENTARY**

Council has supported its Section 355 Committees for more than ten years with the annual Village Improvement Fund Program, now known as the Facility Improvement Fund Program.

This program is an opportunity for Section 355 Committees to improve community facilities under their control by applying for matching funding and/or in-kind contributions from Council for each capital project. The project guidelines are **ATTACHED**, refer to **ANNEXURE 1**.

Council has again allocated \$50,000.00 to the fund in the 2020-2021 financial year.

Due to the COVID-19 climate and limited opportunity to hire facilities many committees were not in a “dollar for dollar” financial position to apply for funding during this funding period.

A total of six applications were received in the 2020-2021 round totalling \$30,149.00. All six were supported by the Project Assessment Team and the applications are **ENCLOSED**, refer to **CONFIDENTIAL ENCLOSURE 1**.

The Section 355 Committees were severely restricted in their operations and fundraising under the past and current Public Health Orders. A common response from Committees when they were approached was that due to the uncertain times, they preferred not to commit Committee funds towards projects at this point in time.

Noting the difficulties created by the COVID-19 restrictions and the changing health restrictions and subject to Council’s approval of the supported projects, it is recommended that the balance of funds totalling \$19,851.00 as at 30 June 2021, be rolled over to the 2021-2022 Facility Improvement Fund Program. This will enable an increased funding pool during the next financial year and allow those Committees that did not apply this year an increased access to funding in 2021-2022.

### **(a) Policy Implications**

No formal policy has been adopted for the management and operation of the Facility Improvement Fund Program. Funding is provided in each year’s Annual Operational Plan and Budget, with Council deciding on the distribution of funds following submissions from Section 355 Committees.

### **(b) Financial Implications**

Funding allocated in the Annual Operational Plan for the 2020-2021 Facility Improvement Fund Program is \$50,000.00.

### **(c) Legal Implications**

Nil

### **(d) Community Consultation**

All eligible Section 355 Committees were invited to make submissions and were offered assistance in the preparation of their applications.

### **(e) Delivery Program Objective/Strategy**

A Spirit of Community – C21 Preserve and celebrate the character, heritage and culture of our city, towns and villages.

## **9.2 AUDIT, RISK AND IMPROVEMENT COMMITTEE**

**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”, Council receive and note the Minutes of the meeting held on 20 April 2021.*

### **SUMMARY**

The purpose of this report is to present to Council the Minutes of the Audit, Risk and Improvement Committee meeting held Tuesday 20 April 2021.

### **COMMENTARY**

The quarterly meeting of the Audit, Risk and Improvement Committee was held on Tuesday 20 April 2021. 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 2020-2021 Annual Operational Plan.

**(c) Legal Implications**

Nil

**(d) Community Consultation**

Nil

**(e) Delivery Program Objective/Strategy**

A Region of Progressive Leadership – L21 Transparency and accountability of government.

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## **10 COMMUNITY SERVICES**

Nil

## **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.*

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### **11.1 EXPRESSION OF INTEREST FOR PLAN OF MANAGEMENT CONSULTANCY SERVICES**

**DIRECTORATE:** CORPORATE AND GOVERNANCE  
**AUTHOR:** Luke Stevenson, Commercial Property Officer  
**5 CONFIDENTIAL ENCLOSURES ENCLOSED**

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**

The purpose of this report is to advise Council of the outcome for the Expression of Interest (EOI) process for the Plan of Management Consultancy Services for Council's Community and Crown Land in accordance with the requirements of the *Local Government Act 1993* and the *Crown Land Management Act 2016* (the Act).

### **11.2 TENDER T130/2021 - FOREST ROAD LANDFILL WEIGHBRIDGE OPTIMISATION WORKS**

**DIRECTORATE:** WATER AND WASTE  
**AUTHOR:** Morne Hattingh, Manager - Waste and Resource Recovery  
**Reference:** Item 8.7 to Ordinary Council 13 October 2020 - Minute No 311/20  
**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)&(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.

#### **SUMMARY**

The purpose of this report is to inform Council of the Tender outcomes for Request for Tender (RFT) T130/2021 - Forest Road Landfill Weighbridge Optimisation Works and recommend a preferred Tenderer.

### **11.3 TENDER T110/2021 - CONSTRUCTION OF RIVERSIDE AND GIPPS STREET SHARED PATHS**

**DIRECTORATE:** REGIONAL SERVICES  
**AUTHOR:** Mark Gardiner, Senior Project Management 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**

The purpose of this report is to seek Tamworth Regional Council's approval to award a lump sum contract for tender T110/2021 for the construction of shared paths on the western side of the Peel River, and Goonoo Goonoo Creek, between Jewry Street, and Locks Lane.

### **11.4 PROPOSAL FOR SALE OF COUNCIL LAND - NORTH TAMWORTH**

**DIRECTORATE:** CORPORATE AND GOVERNANCE

**AUTHOR:** Luke Stevenson, Commercial Property Officer

**Reference:** Item 7.8 to Ordinary Council 24 April 2012 - Minute No 126/12  
Item 12.3 Ordinary Council 9 October 2012 - Minute No 312/12  
**2 CONFIDENTIAL ENCLOSURES ENCLOSED**

The 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.

## **SUMMARY**

The purpose of this report is to advise Council of various proposals for the possible sale of land owned by Council in North Tamworth.

## **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.