



TAMWORTH REGIONAL COUNCIL

ORDINARY COUNCIL MINUTES

of the Meeting of Tamworth Regional Council held in the Tamworth Town Hall, 28
Fitzroy Street, Tamworth

28 NOVEMBER 2023

**PAUL BENNETT
GENERAL MANAGER**

ORDINARY COUNCIL MINUTES

Meeting of Tamworth Regional Council held in the Tamworth Town Hall, 28 Fitzroy
Street, Tamworth
TUESDAY 28 NOVEMBER 2023 at 6.30PM

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Minutes

PRESENT: Cr Russell Webb (Mayor), Cr Phil Betts, Cr Bede Burke, Cr Judy Coates, Cr Stephen Mears, Cr Brooke Southwell, Cr Marc Sutherland, Cr Mark Rodda, Cr Helen Tickle.

IN ATTENDANCE: The General Manager, Acting Director Liveable Communities, Acting Director Growth and Prosperity, Director Regional Services, Director Water and Waste, and Executive Manager Strategy and Performance.

1 APOLOGIES AND LEAVE OF ABSENCE

Nil

2 COMMUNITY CONSULTATION

8.1 FEE WAIVER REQUEST – REGION 1 LITTLE ATHLETICS CHAMPIONSHIPS

Melissa O'Connell – Spoke in support of the Recommendation

8.7 NORTHERN INLAND ACADEMY OF SPORT – YOUR LOCAL CLUB ACADEMY GAMES BID 2025-2027 FINANCIAL ASSISTANCE REQUEST

Shona Eichorn – Spoke in support of the Recommendation

7.1 REVIEW OF TRAFFIC IMPACTS ASSOCIATED WITH ROAD ACCESS FROM ARCADIA ESTATE TO RODEO DRIVE

Helene Rae – Spoke in opposition to the Recommendation

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Dean Tapp – Spoke in opposition to the Recommendation

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Peter Gill – Spoke in opposition to the Recommendation

9.8 PROGRESSION OF A SPECIAL RATE VARIATION APPLICATION FOR 2024/2025 AND ADOPTION OF AN UPDATED RESOURCING PLAN INCLUDING THE 2023/2024 – 2033/2034 LONG TERM FINANCIAL PLANS

Lorenzo Strano – Spoke in opposition to the recommendation

9.8 PROGRESSION OF A SPECIAL RATE VARIATION APPLICATION FOR 2024/2025 AND ADOPTION OF AN UPDATED RESOURCING PLAN INCLUDING THE 2023/2024 – 2033/2034 LONG TERM FINANCIAL PLANS

Stephen Maher – Spoke in opposition to the Recommendation

3 MINUTES OF PREVIOUS MEETING SUBMITTED FOR APPROVAL

MOTION

Moved Cr Burke/Cr Southwell

That the Minutes of the Ordinary Meeting held on Tuesday, 24 October 2023, copies of which were circulated, be taken as read and confirmed as a correct record of the proceedings of the Meeting.

284/23 RESOLVED

4 DISCLOSURE OF INTEREST

Councillor Brooke Southwell declared an interest in Item 9.2 “Place Management and Section 355 Committee Activities” of the Business Paper for the reason that her uncle is the Chair of the Piallamore Reserve Committee. Councillor Southwell further stated that this was a less than significant non pecuniary interest and she would remain in the Chamber and participate in the debate.

5 MAYORAL MINUTE

5.1 EXTENSION OF HEADS OF AGREEMENT BETWEEN UNIVERSITY OF NEW ENGLAND AND COUNCIL

DIRECTORATE: OFFICE OF THE GENERAL MANAGER
AUTHOR: Russell Webb, Mayor
Reference: Ordinary Meeting 12 June 2018 - 14.6 Development Opportunity for the Old Velodrome Site

MOTION

Moved Cr Webb

That in relation to the report “Extension of Heads of Agreement between University of New England and Council”, Council agrees to provide an extension of the agreement to the 31 December 2024.

285/23 RESOLVED

6 NOTICE OF MOTION

6.1 NOTICE OF MOTION – CR MARC SUTHERLAND - STATEMENT OF AFFIRMATION

MOTION

Moved Cr Sutherland/Cr Mears

That Tamworth Regional Council hold a workshop to consider the development of an opening ‘Statement of Affirmation’ that reflects the diversity of the region and to replace the existing religious prayer at the beginning of the Tamworth Regional Council Ordinary Meeting.

286/23 RESOLVED

SUSPENSION OF STANDING ORDERS

MOTION

Moved Cr Betts/Cr Tickle

As a result of community interest Councillors agreed to a Suspension of Standing Orders and brought forward for consideration Item 9.8 – Progression of a Special Rate Variation application for 2024/2025 and Adoption of an Updated Resourcing Plan Including the 2023/2024 – 2033/2034 Long Term Financial Plan and Asset Management Strategy and Plans.

287/23 RESOLVED

RESUMPTION OF STANDING ORDERS

MOTION

Moved Cr Betts/Cr Mears

That Council resume normal Business

288/23 RESOLVED

Minutes

OPEN COUNCIL REPORTS

7 ENVIRONMENT AND PLANNING

7.1 REVIEW OF TRAFFIC IMPACTS ASSOCIATED WITH ROAD ACCESS FROM ARCADIA ESTATE TO RODEO DRIVE

DIRECTORATE: LIVEABLE COMMUNITIES
AUTHOR: Mitchell Gillogly, Team Leader – Strategic Planning
Nicholas Smith, Senior Transport Engineer

Reference: Item 7.2 to Ordinary Council 11 October 2022 - Minute 293/22

MOTION

Moved Cr Burke/Cr Betts

That Council, in relation to the report “Review of Traffic Impacts Associated with Road Access from Arcadia Estate to Rodeo Drive”, adopts the following:

- (i) retention of the road connection from Arcadia Estate to Rodeo Drive as adopted in the Tamworth Regional Development Control Plan 2010;
- (ii) inclusion of an active transport connection between Arcadia Estate and the Sports and Entertainment Precinct as part of the Sports and Entertainment Precinct Transport Strategy. This active transport connection will be constructed within the Rodeo Drive Road Reserve to cater for existing residents as well as the residents from new connections.
- (iii) investigation of funding opportunities for the active transport connection between Arcadia Estate and the Sports and Entertainment Precinct; and
- (iv) call for a report to identify what the trigger points will be to determine when access to Rodeo Drive will be activated.

COUNCILLORS WHO VOTED **FOR** THE DECISION

1. Cr Phil Betts
2. Cr Bede Burke
3. Cr Judy Coates
4. Cr Brooke Southwell
5. Cr Marc Sutherland
6. Cr Helen Tickle
7. Cr Russell Webb

COUNCILLORS WHO VOTED **AGAINST** THE DECISION

1. Cr Stephen Mears
2. Cr Mark Rodda

289/23 RESOLVED

7.2 VOLUNTARY PLANNING AGREEMENT POLICY FOR RENEWABLE ENERGY PROJECTS

DIRECTORATE: LIVEABLE COMMUNITIES
AUTHOR: Andrew Spicer, Manager - Future Communities
Reference: Item 5.1 to Ordinary Meeting 12 September 2023 - Minute No 219/23

MOTION

Moved Cr Coates/Cr Rodda

That the Item be deferred.

290/23 RESOLVED

8 INFRASTRUCTURE AND SERVICES

8.1 FEE WAIVER REQUEST - REGION 1 LITTLE ATHLETICS CHAMPIONSHIPS

DIRECTORATE: REGIONAL SERVICES
AUTHOR: Samuel Eriksson, Sports and Recreation Strategy Officer

MOTION

Moved Cr Southwell/Cr Tickle

That in relation to the report "Fee Waiver Request - Region 1 Little Athletics Championships", Council approve the request for a full fee waiver for the event of \$1,510.

291/23 RESOLVED

8.2 TAMWORTH REGIONAL LOCAL TRAFFIC COMMITTEE MEETING - 10 OCTOBER 2023

DIRECTORATE: REGIONAL SERVICES
AUTHOR: Steven Marshall, Strategy, Assets and Design Engineer
Reference: Item 8.5 to Ordinary Council 22 August 2023 - Minute No 208/23

MOTION

Moved Cr Betts/Cr Southwell

That in relation to the report “Tamworth Regional Local Traffic Committee Meeting - 10 October 2023”, Council:

- (i) approve the installation of new BL2 line marking on Ebsworth Street, Taminda;
- (ii) approve the relocation of No Stopping signs and the installation of new pedestrian refuges, kerb blisters, line marking, signage and pavement markers on Carthage Street and White Street, East Tamworth;
- (iii) approve the relocation of No Stopping signs and the installation of new pedestrian refuges, kerb blisters, line marking, signage and pavement markers on Upper Street and White Street, East Tamworth; and
- (iv) approve the Summer Triathlon in Kootingal and the subsequent traffic guidance scheme for Saturday afternoons (4.00pm to 8.00pm) and Sunday mornings (5.00am to 10.00am) from 14 October 2023 to 25 March 2024.

292/23 RESOLVED

8.3 URBAN STREET TREE MANAGEMENT PLAN - ADVISORY GROUP - MINUTES - 9 OCTOBER 2023

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

MOTION

Moved Cr Tickle/Cr Coates

That in relation to the report “Urban Street Tree Management Plan - Advisory Group - Minutes - 9 October 2023”, Council receive and note the minutes from the Urban Street Tree Management Plan Advisory Group:

293/23 RESOLVED

8.4 EASEMENT CREATION FOR POWER SUPPLY UPGRADE NECESSARY FOR THE STAGED UPGRADE OF SEWAGE PUMPING STATION 3C

DIRECTORATE: WATER AND WASTE
AUTHOR: Naomi Schipanski, Manager - Projects, Strategy and Infrastructure

MOTION

Moved Cr Betts/Cr Mears

That in relation to the report “Easement Creation for Power Supply Upgrade Necessary for the Staged Upgrade of Sewage Pumping Station 3C”, Council:

- (i) authorise the Mayor and General Manager to approve the creation of easements for electricity supply relating to the staged upgrade of Sewage Pumping Station 3C; and
- (ii) authorise the affixing of the Seal of Council to any plans, instruments or any other documents required to give effect to Council’s resolution.

294/23 RESOLVED

8.5 NEW DUNGOWAN PIPELINE - OWNERSHIP AND OPERATION

DIRECTORATE: WATER AND WASTE
AUTHOR: Daniel Coe, Manager - Water and Environmental Operations

Reference: Item 8.3 to Ordinary Council 25 January 2022 - Minute No 18/22
Item 12.5 to Ordinary Council 22 February 2022 - Minute No 56/22
Item 8.2 to Ordinary Council 12 July 2022 - Minute No 206/22
Item 12.5 to Ordinary Council 9 May 2023 - Minute No 97/23

MOTION

Moved Cr Betts/Cr Burke

That in relation to the report "New Dungowan Pipeline - Ownership and Operation", Council:

- (i) receive and note the report;
- (ii) accept the ownership of the completed New Dungowan Pipeline as detailed in the body of the report;
- (iii) authorise the General Manager to prepare a letter to the NSW Government accepting ownership of the completed New Dungowan Pipeline as per the vesting order process detailed in the report; and
- (iv) authorise the Director Water and Waste to finalise and execute a Memorandum of Understanding between Council and Water Infrastructure NSW regarding the acquisition of easements for the New Dungowan Pipeline.

295/23 RESOLVED

8.6 RESOURCE RECOVERY AND WASTE FACILITIES – PROPOSED CHANGES TO GREEN WASTE FEES AT RURAL WASTE FACILITIES

DIRECTORATE: WATER AND WASTE
AUTHOR: Tess Dawson, Manager, Waste and Resource Recovery

MOTION

Moved Cr Mears/Cr Sutherland

That in relation to the report, “Resource Recovery and Waste Facilities – Proposed Changes to Green Waste Fees at Rural Waste Facilities”, Council:

- (i) agree to place on public display for a period of not less than 28 days the following proposed changes to fees and charges at Council’s Rural Waste Facilities:
 - a. reduce 2023-2024 fees associated with green waste disposal as detailed in the body of the report;
 - b. reduce the fee structure from 6 classifications for green waste to three classifications as detailed in the body of the report; and
 - c. introduce a new minimum charge of \$5.00 for green waste only.
- (ii) following the closure of the period for public submissions, request the Director, Water and Waste provide a further report on submissions received, if any objections to the changes are received. If no objections are received then adopt the new charges and fee structure.

296/23 RESOLVED

8.7 NORTHERN INLAND ACADEMY OF SPORT - YOUR LOCAL CLUB ACADEMY GAMES BID 2025 - 2027 FINANCIAL ASSISTANCE REQUEST

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

MOTION

Moved Cr Southwell/Cr Sutherland

That in relation to the report “Northern Inland Academy of Sport - Your Local Club Academy Games Bid 2025 - 2027 Financial Assistance Request”, Council:

- (i) approve a fee waiver for Tamworth Regional Council operated sporting venues; and
- (ii) support the bid with a \$20,000 cash contribution per annum for three years.

297/23 RESOLVED

9 GOVERNANCE, STRATEGY AND FINANCE

9.1 SCHEDULE OF COUNCIL MEETINGS FOR 2024

DIRECTORATE: OFFICE OF THE GENERAL MANAGER
AUTHOR: Tracey Carr, Coordinator - Governance and Executive Services

MOTION

Moved Cr Tickle/Cr Southwell

That in relation to the report “Schedule of Council Meetings for 2024”, Council fix the dates and times for Council Meetings for 2024 as follows:

	Time	Jan 202 4	Feb 202 4	Mar 202 4	Apr 202 4	May 202 4	June 2024	July 202 4	Aug 2024	Sept 202 4	Oct 2024	Nov 202 4	Dec 2024
Ordinary Council	6:30 pm	-	13	12	9	14	-	9	13	10	-	12	10
		-	27	26	23	28	25	23	27	-	22	26	-

298/23 RESOLVED

9.2 PLACE MANAGEMENT AND SECTION 355 COMMITTEE ACTIVITIES

DIRECTORATE: LIVEABLE COMMUNITIES
AUTHOR: Lisa Hannaford, Place Manager
Jodie Archer, Place Manager

MOTION

Moved Cr Tickle/Cr Coates

That in relation to the report “Place Management and Section 355 Committee Activities”, Council:

- (i) receive and note the Minutes of the following Committees:
- | | |
|--|-------------------|
| Attunga Public Hall and Youth Hall Committee AGM | 8 August 2023 |
| Attunga Public Hall and Youth Hall Committee | 8 August 2023 |
| Attunga Public Hall and Youth Hall Committee | 10 October 2023 |
| Barraba Showground Management Committee AGM | 30 August 2023 |
| Barraba Showground Management Committee | 30 August 2023 |
| Dungowan Hall Committee | 20 February 2023 |
| Dungowan Hall Committee | 15 May 2023 |
| Dungowan Hall Committee AGM | 21 August 2023 |
| Dungowan Hall Committee | 21 August 2023 |
| Duri Progress Association | 15 August 2023 |
| Duri Progress Association | 19 September 2023 |
| Duri Progress Association | 17 October 2023 |
| Kootingal Recreational Reserve Committee AGM | 20 September 2023 |
| Kootingal Recreational Reserve Committee | 25 October 2023 |
| Manilla Showground Committee | 24 May 2023 |
| Moore Creek Hall and Reserve Committee | 4 October 2022 |
| Moore Creek Hall and Reserve Committee | 9 November 2022 |
| Moore Creek Hall and Reserve Committee | 20 April 2023 |
| Moore Creek Hall and Reserve Committee | 31 July 2023 |
| Piallamore Recreation Reserve Committee | 31 August 2023 |
| Weabonga Hall and Recreation Reserve Local Committee | 13 July 2023 |
| Weabonga Hall and Recreation Reserve Local Committee AGM | 12 September 2023 |
| Weabonga Hall and Recreation Reserve Local Committee | 12 September 2023 |
| Woolbrook Hall and Park Committee | 23 May 2023; |
- (ii) appoint the following executive members and members to the Attunga Public Hall and Youth Hall Committee as an outcome of the Committee’s Annual

General Meeting held on 8 August 2023:

Chairperson	Lorraine Abra
Deputy Chairperson	Margret Markwick
Secretary	Ian Regan
Treasurer	Vinnie Todd
Booking Officers	Darron Johnson and Margaret Markwick
New members: Kate Howard and Emily Tobin;	

- (iii) appoint the following executive members and members to the Barraba Showground Management Committee as an outcome of the Committee's Annual General Meeting held on 30 August 2023:

Chairperson	Campbell Tonkin
Deputy Chairperson	Sinclair Hughson
Secretary	Don Roberts
Treasurer	Albert Graves
Booking Officers	Don Roberts
Meter Reader	Dave Penna
Delegates:	
Show Committee	Tim Crowley and Dave Penna
Jockey Club	Sinclair Hughson and Leon Cummins
Trainers	Greg Smith
Pony Club	Leah Watkins and Di Etheridge
Barraba Community Campdraft (BCC)	Kylie Stanger, Warren Lavender and Brie Stanger

Committee Members: T Crowley, D Penna, T Alderton, L Watkins, D Etheridge, T Bucknell, B Stanger, D Wilson, D Brittain, P Sherwood;

- (iv) appoint the following executive members and members to the Dungowan Hall Committee as an outcome of the Committee's Annual General Meeting held on 21 August 2023:

Chairperson	Alison Leckie
Deputy Chairperson	John Thompson and Michael Lollback
Secretary	Liz Lollback
Assistant Secretary	Marie Goodwin
Treasurer	Jacqui Gidley-Baird
Booking Officers	Alex Steinbeck and Marie Goodwin

Committee Members: Di Brown, Robyn Thompson, John Thompson, Michael Lollback, Alex Steinbeck, Lyn Sommerville, Suzanne O'Keefe, Wendy McRea;

- (v) appoint the following executive members and members to the Kootingal Recreational Reserve Committee as an outcome of the Committee's Annual General Meeting held on 20 September 2023:

Chairperson	Don Grant
Deputy Chairperson	Lad Jones
Secretary	Greg Crowe
Treasurer	Verona Grimbergh
Booking Officer	Melissa Woods

Committee Members: Alan Betts, Melissa Woods, Kevin Seery, Yvonne Meintjes and a representative from Kootingal Moonbi Rugby League Football Club, Kootingal and District Football Club, Manilla and District Kennel Club, New England Celtic and All Breeds Kennel Club and Kootingal Motor Club;

- (vi) accept the resignation of Martin Russell from the Moore Creek Hall and Reserve Committee as an outcome of the Committee's General Meeting held on 4 October 2022;

- (vii) appoint the following executive member to the Moore Creek Hall and Reserve Committee as an outcome of the Committee's General Meeting held on 9 November 2022:

Booking Officer Tom Fulwood

- (viii) appoint the following executive member and members to the Moore Creek Hall and Reserve Committee as an outcome of the Committee's General Meeting held on 20 April 2023:

Treasurer Tom Fulwood

New members: Judy Shorten and Sonia Bennik;

- (ix) appoint the following members to the Moore Creek Hall and Reserve Committee as an outcome of the Committee's General Meeting held on 31 July 2023:

Doug Barry and Mick Barry;

- (x) appoint the following new members to the Weabonga Hall and Recreation Reserve Local Committee as an outcome of the Committee's Ordinary Meeting held on 13 July 2023:

Ben Healy, David Pitt, Olivia Wozgo, Sarah Rumble and Shane Thompson; and

- (xi) appoint the following executive members and members to the Weabonga Hall and Recreation Reserve Local Committee as an outcome of the Committee's Annual General Meeting held on 12 September 2023:

Chairperson	Mia Jenkins
Secretary	Shane Thompson
Treasurer	Sara Rumble
Booking Officers	Dennis Chenowith and Garry Mahoney.

299/23 RESOLVED

9.3 AUDIT, RISK AND IMPROVEMENT COMMITTEE

DIRECTORATE: OFFICE OF THE GENERAL MANAGER
AUTHOR: Karen Litchfield, Internal Auditor

MOTION

Moved Cr Coates/Cr Sutherland

That in relation to the report “Audit, Risk and Improvement Committee”, Council receive and note the Minutes of the meeting held 26 October 2023.

300/23 RESOLVED

9.4 COUNCIL INVESTMENTS OCTOBER 2023

DIRECTORATE: OFFICE OF THE GENERAL MANAGER
AUTHOR: Sherrill Young, Manager - Financial Services
Lauren McPherson, Senior Accountant

MOTION

Moved Cr Betts/Cr Tickle

That in relation to the report “Council Investments October 2023”, Council receive and note the report.

301/23 RESOLVED

9.5 ANNUAL OPERATIONAL PLAN 2023/2024 BUDGET VARIATION REPORT - OCTOBER 2023

DIRECTORATE: OFFICE OF THE GENERAL MANAGER
AUTHOR: Sherrill Young, Manager - Financial Services

Reference: DOCUMENT TABLED
Item 9.5 to Ordinary Council 29 June 2023 - Minute No 146/23

MOTION

Moved Cr Mears/Cr Sutherland

That in relation to the report “Annual Operational Plan 2023/2024 Budget Variation Report - October 2023”, Council note and approve the variations to the existing budget as listed in ANNEXURE 1 attached to the report.

302/23 RESOLVED

9.6 2023/2024 QUARTERLY BUDGET REVIEW STATEMENTS TO 30 SEPTEMBER 2023

DIRECTORATE: OFFICE OF THE GENERAL MANAGER
AUTHOR: Sherrill Young, Manager - Financial Services
Michael Gould, Management Accountant

Reference: Item 9.5 to Ordinary Council 29 June 2023 - Minute No 146/23
Item 9.1 to Ordinary Council 24 October 2023 - Minute No 273/23

MOTION

Moved Cr Betts/Cr Southwell

That in relation to the report "2023/2024 Quarterly Budget Review Statements to 30 September 2023";

- (i) Council receive and note the report and related statements;
- (ii) Council approve the revotes carried forward to 2023/2024 as per ATTACHED refer ANNEXURE 2; and
- (iii) Council receive and note the incomplete works carried forward to 2023/2024 as per ATTACHED refer ANNEXURE 3.

303/23 RESOLVED

9.7 2022/2023 GENERAL PURPOSE AND SPECIAL PURPOSE FINANCIAL REPORTS FOR AUDIT

DIRECTORATE: OFFICE OF THE GENERAL MANAGER
AUTHOR: Sherrill Young, Manager - Financial Services

MOTION

Moved Cr Sutherland/Cr Burke

That in relation to the report “2022/2023 General Purpose and Special Purpose Financial Reports for Audit”, for the period ending 30 June 2023, Council:

- (i) resolve to present the Audited General Purpose and Special Purpose Financial Reports, together with the Auditors Reports at a Public Meeting to be held as part of Council’s Meeting on 12 December 2023, in accordance with Section 419 (1) of the Local Government Act 1993;
- (ii) record as an opinion of Council pursuant to Section 413 (2c) of the Local Government Act 1993 (NSW) (as amended), that the General Purpose Financial Reports for Tamworth Regional Council for the period ending 30 June 2023:
 - (a) have been prepared in accordance with:
 - the Local Government Act 1993 (as amended) and Regulations made thereafter;
 - the Australian Accounting Standards and professional pronouncements; and
 - the Local Government Code of Accounting Practice and Financial Reporting;
 - (b) the General Purpose Financial Report presents fairly Council’s operating result and financial position for the year;
 - (c) the General Purpose Financial Report accords with Council’s accounting and other records; and
 - (d) the signatories are not aware of anything that would make the General Purpose Financial Report false or misleading in any way;
 - (e) that in response to the Local Government Code of Accounting Practice and Financial Reporting 2022/2023, page 54 assessment requirements, Council has determined that they do not control Rural Fire Service equipment assets. In accordance with this assessment all Rural Fire Service Equipment assets have been excluded from these financial reports;
- (iii) record as an opinion of Council pursuant to the Local Government Code of Accounting Practice and Financial Reporting, that the Special Purpose Financial Reports for Tamworth Regional Council for the period ending 30 June 2023
 - (a) have been prepared in accordance with:
 - the NSW Government Policy Statement “Application of National Competition Policy to Local Government”;
 - the Division of Local Government Guidelines “Pricing & Costing for

Council Businesses: A Guide to Competitive Neutrality”; and Financial Reporting;

- the NSW Office of Water “Best-Practice Management of Water Supply and Sewerage Guidelines”;
- (b) the Special Purpose Financial Reports present fairly the operating result and financial position for each of Council’s declared Business Activities for the year;
- (c) the Special Purpose Financial Reports accord with Council’s accounting and other records; and
- (d) present overhead reallocation charges to the water and sewerage businesses as fair and reasonable;
- (e) the signatories are not aware of anything that would make the Special Purpose Financial Reports false or misleading in any way; and
- (f) the General Purpose Financial Reports are still in draft and Council is working with the NSW Audit Office to finalise the reporting of the Pilot Training Facility and impairment recognition of roads damaged by flood in September 2022. Should the final reported value of these assets as at 30 June 2023 vary materially from those presented in the attached Draft General Purpose Financial Statements Council authorises the:

- Mayor;
- General Manager;
- Responsible Accounting Officer;
- and at least one other member of the Council;

to sign the statement by Councillors and Management following any changes made to the value of these assets for reasons of impairment in accordance with this resolution. Any other material changes for reasons other than those outlined would require another resolution by Council at a future Council meeting.

304/23 RESOLVED

9.8 PROGRESSION OF A SPECIAL RATE VARIATION APPLICATION FOR 2024/2025 AND ADOPTION OF AN UPDATED RESOURCING PLAN INCLUDING THE 2023/2024 - 2033/2034 LONG TERM FINANCIAL PLAN AND ASSET MANAGEMENT STRATEGY AND PLANS

DIRECTORATE: OFFICE OF THE GENERAL MANAGER
AUTHOR: Rami Abu-Shaqra, Chief Financial Officer
Reference: Item 9.3 to Ordinary Council 29 June 2023 - Minute No 144/23
Item 9.7 to Ordinary Council 12 September 2023 - Minute No. 228/23

MOTION

Moved Cr Coates/Cr Southwell

That in relation to the report “Progression of a Special Rate Variation Application for 2024/2025 and Adoption of an Updated Resourcing Plan including the 2023/2024 - 2033/2034 Long Term Financial Plan and Asset Management Strategy and Plans”, Council:

- (i) receive and note this report and the Community Awareness and Engagement Strategy Outcomes Report ATTACHED, refer ANNEXURE 1. The report provides details of the outcome of the public exhibition process conducted between 13 September 2023 and 31 October 2023, in respect of Council’s intention to make application for a Special Variation (SV) for the 2024/2025 financial year and the exhibition of Council’s draft Long Term Financial Plan (LTFP) for 2023/2024 to 2033/2034;
- (ii) make an application to the Independent Pricing and Regulatory Tribunal (IPART), under section 508A of the Local Government Act 1993 for an SV from the 2024/2025 financial year representing a permanent cumulative increase of 36.3 per cent over two years in the following manner:
 - 1) a permanent 18.5 per cent increase for 2024/2025 (inclusive of the forecast 3.5 per cent rate peg for that year); and
 - 2) a permanent 15.0 per cent increase for 2025/2026 (inclusive of the forecast rate peg of 2.5 per cent for that year);
- (iii) implement the following adjustments to Council’s pensioner rate concessions, subject to the approval of the SV application by IPART:
 - 1) increase the pensioner rate concession for eligible pensioner card holders for the 2024/2025 financial year by \$50;
 - 2) increase the pensioner rate concession for eligible pensioner card holders from the 2025/2026 financial year by another \$50 (i.e. a total of \$100 increase from 2023/2024 base) per annum; and
 - 3) review the voluntary component of pensioner rate concession annually.
- (iv) adopt the Long-Term Financial Plan (LTFP) for 2023/2024 to 2033/2034 and the Asset Management Plan (Strategy) as part of Council’s updated Our

- Resourcing Plan, ATTACHED, refer ANNEXURE 2, and publish the updated Our Resourcing Plan on Council's website;
- (v) adopt the updated supporting Asset Management Plans for Transport, Building and Information Technology, ATTACHED, refer ANNEXURE 3, ANNEXURE 4, and ANNEXURE 5 respectively, and publish these on Council's website; and
 - (vi) receive and note the content of the Capacity to Pay Report, ATTACHED refer ANNEXURE 6.
 - (vii) continue with regular formal or informal education with the community as well as answer any ongoing questions

COUNCILLORS WHO VOTED **FOR**
THE DECISION

1. Cr Phil Betts
2. Cr Bede Burke
3. Cr Judy Coates
4. Cr Brooke Southwell
5. Cr Marc Sutherland
6. Cr Helen Tickle
7. Cr Russell Webb

COUNCILLORS WHO VOTED **AGAINST**
THE DECISION

1. Cr Stephen Mears
2. Cr Mark Rodda

305/23 RESOLVED

9.9 COMMENCEMENT OF MANDATORY NOTIFIABLE DATA BREACH REPORTING AT TAMWORTH REGIONAL COUNCIL

DIRECTORATE: OFFICE OF THE GENERAL MANAGER
AUTHOR: Shaun Correy, Manager Business Solutions and Systems

MOTION

Moved Cr Burke/Cr Betts

That in relation to the report "Commencement of Mandatory Notifiable Data Breach Reporting at Tamworth Regional Council", Council:

- (i) approve the DRAFT Data Breach Policy to be placed on public exhibition for a period of 28 days;
- (ii) in the event that no submissions are received, adopt the policy; and
- (iii) if any submissions are received, request the Manager Business Solutions and Systems prepare a further report to Council with details of the submissions.

306/23 RESOLVED

10 COMMUNITY SERVICES

10.1 DRAFT TAMWORTH REGIONAL YOUTH STRATEGY AND ACTION PLAN - PUBLIC EXHIBITION

DIRECTORATE: GROWTH AND PROSPERITY
AUTHOR: Hamish Slade, Economic Development Officer/Casual Events Officer

Reference: Item 10.1 to Ordinary Council Meeting 29 June 2023 - Minute No 151/23

MOTION

Moved Cr Sutherland/Cr Mears

That in relation to the report “Draft Tamworth Regional Youth Strategy and Action Plan - Public Exhibition”, Council:

- (i) approves the current Draft Tamworth Regional Youth Strategy and Action Plan for public exhibition for a period of 28 days; and
- (ii) request the Director Growth and Prosperity prepare a further report to Council, at the conclusion of the public exhibition period, to adopt the final Draft Tamworth Regional Youth Strategy and Action Plan.

307/23 RESOLVED

10.2 TAMWORTH REGION ARTS ADVISORY COMMITTEE MEETING MINUTES - 5 OCTOBER 2023

DIRECTORATE: LIVEABLE COMMUNITIES
AUTHOR: Bridget Guthrie, Director Art Gallery and Museums

MOTION

Moved Cr Burke/Cr Sutherland

That in relation to the report “Tamworth Region Arts Advisory Committee Meeting Minutes - 5 October 2023”, Council:

- (i) receive and note the meeting minutes; and
- (ii) confirm its ongoing commitment to the Cultural Precinct/Performing Arts Centre project while acknowledge the project remains unfunded.

308/23 RESOLVED

10.3 CENTRAL NORTHERN REGIONAL LIBRARY (CNRL) - MINUTES - ANNUAL GENERAL MEETING AND ORDINARY MEETING - 8 NOVEMBER 2023

DIRECTORATE: LIVEABLE COMMUNITIES
AUTHOR: Kay Delahunt, Manager - Cultural and Community Services

MOTION

Moved Cr Coates/Cr Tickle

That in relation to the report “Central Northern Regional Library (CNRL) - Minutes - Annual General Meeting and Ordinary Meeting - 8 November 2023”, Council:

- (i) receive and note the minutes of the Annual General Meeting of the Central Northern Regional Library held on 8 November 2023;
- (ii) receive and note the minutes of the Ordinary Meeting of the Central Northern Regional Library held on 8 November 2023;
- (iii) approve the amended Tamworth Regional Council contribution for 2022/2023;
- (iv) approve the proposed Tamworth Regional Council contribution for 2023/2024.

309/23 RESOLVED

10.4 TAMWORTH REGIONAL YOUTH COUNCIL - 2023 ACTIVITIES REPORT AND APPOINTMENT OF INCOMING MEMBERS

DIRECTORATE: LIVEABLE COMMUNITIES
AUTHOR: Haley Fenn, Coordinator Outside School Hours Care and Tamworth Regional Youth Centre

MOTION

Moved Cr Sutherland/Cr Burke

That in relation to the report “Tamworth Regional Youth Council - 2023 Activities Report and Appointment of Incoming Members”, Council:

- (i) receive and note the report;
- (ii) acknowledge and recognise the achievements of the 2023 Youth Council; and
- (iii) appoint the incoming members of the 2024 Tamworth Regional Youth Council
 - 1) Avalya Mathew
 - 2) Bodin Wallace
 - 3) Edward Duggan
 - 4) Elle Woods
 - 5) Ellie Jarman
 - 6) Eva-Mae Davies
 - 7) Matthew Barratt
 - 8) Meg Foster
 - 9) Mia Elliott
 - 10) Mia Stokes
 - 11) Molly Carey
 - 12) Rory Davis
 - 13) Sweta Rai; and
 - 14) Thomas Sullivan

310/23 RESOLVED

10.5 TAMWORTH CITY CENTRE WORKING GROUP UPDATE

DIRECTORATE: LIVEABLE COMMUNITIES
AUTHOR: Gina Vereker, Director Liveable Communities
Reference: Item 10.2 to Ordinary Council 29 June 2023 - Minute No 152/23

MOTION

Moved Cr Tickle/Cr Sutherland

That in relation to the report "Tamworth City Centre Working Group Update", Council:

- (i) receive and note the minutes of meeting held on 17 August 2023;
- (ii) in conjunction with the planting of new trees in Brisbane Street, proceed to repave the footpath at the same time using Transport Operations funds, as part of Council's Asset Renewal Program; and
- (iii) subsequent to a recent Expression of Interest process, appoint Mr Charles Sfeir in the category of Commercial Property Owner and Mr Warwick Stimson in the category of Planning Consultant as industry representatives to the Working Group for the remainder of the current electoral term.

311/23 RESOLVED

10.6 TAMWORTH REGION INCLUSIVE CULTURE ADVISORY COMMITTEE - EXPRESSION OF INTEREST OUTCOME

DIRECTORATE: LIVEABLE COMMUNITIES
AUTHOR: Stephenie Crowell, Senior Business Support Officer
Reference: Item 10.1 to Ordinary Council 25 July 2023 - Minute No. 177/23

MOTION

Moved Cr Coates/Cr Mears

That in relation to the report "Tamworth Region Inclusive Culture Advisory Committee - Expression of Interest Outcome", Council appoint Ms Yesy Sepulveda as a committee member to the Committee for the remainder of the current electoral term.

312/23 RESOLVED

11 REPORTS TO BE CONSIDERED IN CLOSED COUNCIL

At 8:52pm, the Chairperson offered the opportunity to members of the public to make representations as to whether any part of the Council Meeting should not be considered in Closed Council.

The General Manager advised the Chairperson that no written public submissions or representations had been received as to whether or not part of the Meeting should be closed to the public. The Chairperson asked any members of the Council whether any part of the Council Meeting should not be considered in Closed Council.

MOTION

Moved Cr Sutherland/Cr Burke

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.

313/23 RESOLVED

PROPOSED LICENSE TO TAMWORTH OXLEY DOG TRAINING CLUB INCORPORATED OF PART OF LOT 37 IN DEPOSITED PLAN 753848

DIRECTORATE: REGIONAL SERVICES

AUTHOR: Samuel Eriksson, Sports and Recreation Strategy Officer

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.

PROPOSED PURCHASE OF LAND ON CALALA LANE

DIRECTORATE: GROWTH AND PROSPERITY

**AUTHOR: Nicholas Hawkins, Commercial Property Officer
Justin Lalor, Strategy Engineer**

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) 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.

PROPOSED SURRENDER OF LEASE FOR COUNCIL OWNED PROPERTY IN BARRABA

DIRECTORATE: GROWTH AND PROSPERITY

AUTHOR: Nicholas Hawkins, Commercial Property Officer

The 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.

COMPULSORY ACQUISITION OF A PORTION OF PROPERTY FOR THE CONSTRUCTION OF A NEW WATER RESERVOIR - CHURCHILL DRIVE

DIRECTORATE: WATER AND WASTE

AUTHOR: Justin Lalor, Strategy Engineer

7 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.

SUPPLY AND DELIVERY OF THREE MOTOR GRADERS

DIRECTORATE: REGIONAL SERVICES

AUTHOR: Sebastian Lees, Technical Officer - Plant and Supply

1 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.

SUPPLY AND DELIVERY OF THREE BACKHOE LOADERS

DIRECTORATE: REGIONAL SERVICES

AUTHOR: Sebastian Lees, Technical Officer - Plant and Supply

Reference: T125-2023

1 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.

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.

12 CLOSED COUNCIL REPORTS

12.1 PROPOSED LICENSE TO TAMWORTH OXLEY DOG TRAINING CLUB INCORPORATED OF PART OF LOT 37 IN DEPOSITED PLAN 753848

DIRECTORATE: REGIONAL SERVICES
AUTHOR: Samuel Eriksson, Sports and Recreation Strategy Officer

MOTION

Moved Cr Tickle/Cr Betts

That in relation to the report “Proposed license to Tamworth Oxley Dog Training Club Incorporated of Part of Lot 37 in Deposited Plan 753848”, Council:

- (i) authorise the Mayor and General Manager to negotiate the terms of a new license to Tamworth Oxley Dog Training Club Incorporated as set out herein; and
- (ii) authorise the affixing of the Seal of Council to the lease document and any other associated documentation.

314/23 RESOLVED

12.2 PROPOSED PURCHASE OF LAND ON CALALA LANE

DIRECTORATE: GROWTH AND PROSPERITY
AUTHOR: Nicholas Hawkins, Commercial Property Officer
Justin Lalor, Strategy Engineer

2 CONFIDENTIAL ENCLOSURES ENCLOSED

MOTION

Moved Cr Burke/Cr Coates

That in relation to the report "Proposed Purchase of Land on Calala Lane", Council:

- (i) authorise the Mayor and General Manager to negotiate the terms of a Contract for the Sale and Purchase of Land generally as set out in the body of this report;
- (ii) authorise the Mayor and General Manager to negotiate the terms of a Contract for the Sale and Purchase of Water Entitlement generally as set out in the body of this report;
- (iii) authorise the affixing of the Seal of Council to the Contract for the Sale and Purchase of Land and any other associated documents;
- (iv) authorise the affixing of the Seal of Council to the Contract for the Sale and Purchase of Water Entitlement and any other associated documents;
- (v) authorise the allocation of funds from the Wastewater Reserve as set out in the body of this report; and
- (vi) agree in the event the subject land is purchased by Council the land be classified as operational. The proposed classification will be publicly exhibited for at least 28 days and submissions invited from interested parties. Should any submissions be received, a further report will be prepared detailing submission/s for Council's consideration prior to implementation of the classification. Should no submissions be received, the classification will be implemented.

315/23 RESOLVED

12.3 PROPOSED SURRENDER OF LEASE FOR COUNCIL OWNED PROPERTY IN BARRABA

DIRECTORATE: GROWTH AND PROSPERITY
AUTHOR: Nicholas Hawkins, Commercial Property Officer

MOTION

Moved Cr Betts/Cr Mears

That in relation to the report “Proposed Surrender of Lease for Council Owned Property in Barraba”, Council:

- (i) authorise the Mayor and General Manager to negotiate and execute the surrender of lease as set out in the body of this report; and
- (ii) authorise the affixing of the Seal of Council to the surrender of lease and any other associated documents pursuant to the matters set out in the body of this report.

316/23 RESOLVED

12.4 COMPULSORY ACQUISITION OF A PORTION OF PROPERTY FOR THE CONSTRUCTION OF A NEW WATER RESERVOIR - CHURCHILL DRIVE

DIRECTORATE: WATER AND WASTE
AUTHOR: Justin Lalor, Strategy Engineer

7 CONFIDENTIAL ENCLOSURES ENCLOSED

MOTION

Moved Cr Tickle/Cr Mears

That in relation to the report “**Error! No document variable supplied.**”, Council:

- (i) proceed with the compulsory acquisition of part of the land described as Lot 78 Deposited Plan 237123 for the construction of a new Water Reservoir in accordance with the requirements of the Land Acquisition (Just Terms Compensation) Act 1991; and
- (ii) Council make application to the Minister and the Governor for approval to acquire part of Lot 78 Deposited Plan 237123 by compulsory process under Section 187 of the Local Government Act 1993.

317/23 RESOLVED

12.5 SUPPLY AND DELIVERY OF THREE MOTOR GRADERS

DIRECTORATE: REGIONAL SERVICES
AUTHOR: Sebastian Lees, Technical Officer - Plant and Supply
1 CONFIDENTIAL ENCLOSURES ENCLOSED

MOTION

Moved Cr Burke/Cr Southwell

That in relation to the report "T126-2023 Supply and Delivery of Three Motor Graders", Council award the tender to RDO Equipment Pty Ltd (ABN: 58 060 286 759) for the Supply and Delivery of three John Deere 670GP motor graders for a changeover of \$1,075,854.54 excluding GST.

318/23 RESOLVED

12.6 SUPPLY AND DELIVERY OF THREE BACKHOE LOADERS

DIRECTORATE: REGIONAL SERVICES
AUTHOR: Sebastian Lees, Technical Officer - Plant and Supply
Reference: T125-2023
1 CONFIDENTIAL ENCLOSURES ENCLOSED

MOTION

Moved Cr Burke/Cr Sutherland

That in relation to the report "T126-2023 Supply and Delivery of Three Backhoe Loaders", Council award the tender to Wideland Group (ABN: 18 149 214 817) for the supply and delivery of three JCB 3CX Plus backhoe loaders for a changeover of \$668,949.10 excluding GST.

319/23 RESOLVED

13 RESOLUTIONS PASSED IN CLOSED COUNCIL

MOTION

Moved Cr Mears/Cr Betts

That Council move into Open Council.

320/23 RESOLVED

At 8:59pm the meeting moved back into Open Council.

In accordance with the Tamworth Regional Council Code of Meeting Practice, Section 14.21, 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 9:01pm.

Cr Russell Webb, Chairperson

Tuesday, 28 November 2023

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Minutes