



TAMWORTH REGIONAL COUNCIL

ORDINARY COUNCIL MINUTES

of the Meeting of Tamworth Regional Council held in the Council Chambers, 4th
Floor Ray Walsh House, 437 Peel Street, Tamworth

24 MAY 2022

**PAUL BENNETT
GENERAL MANAGER**

ORDINARY COUNCIL MINUTES

Meeting of Tamworth Regional Council held in the Council Chambers, 4th Floor Ray
Walsh House, 437 Peel Street, Tamworth
TUESDAY 24 MAY 2022 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, 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

7.1 REPLY TO PROPONENTS RESPONSE TO SUBMISSIONS - STATE SIGNIFICANT DEVELOPMENT APPLICATION - HILLS OF GOLD WIND FARM, HANGING ROCK NSW

John Krsulja addressed the Council to speak in support of the recommendation.

7.1 REPLY TO PROPONENTS RESPONSE TO SUBMISSIONS - STATE SIGNIFICANT DEVELOPMENT APPLICATION - HILLS OF GOLD WIND FARM, HANGING ROCK NSW

Ian Worley addressed the Council to speak in support of the recommendation.

7.1 REPLY TO PROPONENTS RESPONSE TO SUBMISSIONS - STATE SIGNIFICANT DEVELOPMENT APPLICATION - HILLS OF GOLD WIND FARM, HANGING ROCK NSW

Brian Tomlin addressed the Council to speak in support of the recommendation.

3 MINUTES OF PREVIOUS MEETING SUBMITTED FOR APPROVAL

MOTION

Moved Cr Burke/Cr Mears

That the Minutes of the Ordinary Meeting held on Tuesday, 10 May 2022, copies of which were circulated, be taken as read and confirmed as a correct record of the proceedings of the Meeting.

137/22 RESOLVED

4 DISCLOSURE OF INTEREST

Cr Mark Rodda declared a conflict of interest in Item 7.1 “Reply to Proponents Response to Submissions - State Significant Development Application - Hills of Gold Wind Farm, Hanging Rock NSW” for the reason being the submission referenced the Department of Planning and Environment, Crown Land, Cr Rodda’s place of employment. Cr Rodda further stated that this was a less than significant non-pecuniary interest and he would remain in the Chamber.

Cr Brooke Southwell declared a conflict of interest in Item 7.1 “Reply to Proponents Response to Submissions - State Significant Development Application - Hills of Gold Wind Farm, Hanging Rock NSW” the reason being a previous working relationship with the proponent of the Hills of Gold Wind Farm in a marketing and communications role. Cr Southwell further stated that this was a less than significant non-pecuniary interest and she would not remain in the Chamber.

5 MAYORAL MINUTE

Nil

6 NOTICE OF MOTION

Nil

OPEN COUNCIL REPORTS

7 ENVIRONMENT AND PLANNING

Cr Brooke Southwell left the meeting, the time being 06:50 PM

7.1 REPLY TO PROPONENTS RESPONSE TO SUBMISSIONS - STATE SIGNIFICANT DEVELOPMENT APPLICATION - HILLS OF GOLD WIND FARM, HANGING ROCK NSW

DIRECTORATE: LIVEABLE COMMUNITIES
AUTHOR: Sam Lobsey, Manager - Development
Reference: Item 7.3 to Ordinary Council 9 February 2021 - Minute No. 4/21

Motion

Moved Cr Mears/Cr Sutherland

That in relation to the report "Reply to Proponents Response to Submissions - State Significant Development Application - Hills of Gold Wind Farm, Hanging Rock NSW", Council:

- (i) write to the Department of Planning and Environment in response to the Hills of Gold Wind Farm Submissions Report in accordance with the draft letter attached to this report; and
- (ii) forward a copy of the endorsed letter to NSW Minister for Lands and Water, Hospitality and Racing and the NSW Minister for Environment and Heritage for information; and
- (iii) add to the letter of objection the negative impacts of additional clearing required for transmission lines.

RESOLVED

Cr Brooke Southwell returned to the meeting, the time being 07:00 PM

8 INFRASTRUCTURE AND SERVICES

8.1 2022 JUNE LONG WEEKEND CARNIVAL FEE WAIVER REQUEST - TAMWORTH BASEBALL INCORPORATED

DIRECTORATE: REGIONAL SERVICES
AUTHOR: Blake Mammarella, Sports Venue - Program Officer
Paul Kelly, Manager Sports and Recreation

MOTION

Moved Cr Rodda/Cr Sutherland

That in relation to the report "2022 June Long Weekend Carnival Fee Waiver Request - Tamworth Baseball Incorporated", Council approve a complete subsidy for all fees associated with the event.

138/22 RESOLVED

8.2 TAMWORTH GLOBAL GATEWAY PARK - ROAD DEDICATION FOR STAGE 4 INTERNAL ROADS

DIRECTORATE: REGIONAL SERVICES
AUTHOR: Callum Fletcher, Senior Project Engineer
Reference: Item 12.4 to Ordinary Council 11 February 2020 - Minute No 26/20
Item 8.3 to Ordinary Council 11 August 2020 - Minute No 227/20

MOTION

Moved Cr Coates/Cr Burke

That in relation to the report "Tamworth Global Gateway Park - Road Dedication for Stage 4 Internal Roads", Council:

- (i) approve the dedication of a portion of Council-owned Lot 83 DP 1271568 for the purposes of road dedication for internal Tamworth Global Gateway Park Stage 4 roads; and
- (ii) authorise the affixing of the Seal of Council to plans and any other documents required to give effect to Council's resolution.

139/22 RESOLVED

8.3 2022 COUNTRY CAPITAL CUP FEE WAIVER REQUEST

DIRECTORATE: REGIONAL SERVICES
AUTHOR: Sam Eriksson, Sports and Recreation Strategy Officer
Paul Kelly, Manager Sports and Recreation

MOTION

Moved Cr Rodda/Cr Burke

That in relation to the report "2022 Country Capital Cup Fee Waiver Request", Council subsidises the fees associated with the use of the Tamworth Regional Entertainment and Conference Centre by \$10,000.

140/22 RESOLVED

8.4 DAMS SAFETY NSW – INTRODUCTION OF NSW DAMS SAFETY ACT AND REGULATION

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

MOTION

Moved Cr Betts/Cr Coates

That in relation to the report “Dams Safety NSW – Introduction of NSW Dams Safety Act and Regulation”, Council:

- (i) receive and note the report;
- (ii) agree to place the draft Dams Safety Management Policy on public display for a period of not less than 28 days inviting public comment on the proposed policy;
- (iii) if no submissions are received, adopt the policy; and
- (iv) in the event submissions are received request the Director Water and Waste prepare a further report to Council detailing those submissions.

141/22 RESOLVED

9 GOVERNANCE, STRATEGY AND FINANCE

9.1 STORES INVENTORY WRITE OFF

DIRECTORATE: OFFICE OF THE GENERAL MANAGER
AUTHOR: Leah Sing, Expenditure Accountant

MOTION

Moved Cr Burke/Cr Southwell

That in relation to the report “Stores Inventory Write Off”, Council:

- (i) receive and note the report; and
- (ii) authorise the write off of \$6,105.56 being obsolete inventory.

142/22 RESOLVED

9.2 COUNCIL INVESTMENTS APRIL 2022

DIRECTORATE: OFFICE OF THE GENERAL MANAGER
AUTHOR: Sherrill Young, Finance Manager

MOTION

Moved Cr Southwell/Cr Betts

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

143/22 RESOLVED

9.3 ANNUAL OPERATIONAL PLAN 2021/2022 BUDGET VARIATION REPORT - APRIL 2022

DIRECTORATE: OFFICE OF THE GENERAL MANAGER
AUTHOR: Sherrill Young, Finance Manager

Reference: Item 9.5 to Ordinary Council 29 June 2021 - Minute No 180/21

MOTION

Moved Cr Betts/Cr Mears

That in relation to the report “Annual Operational Plan 2021/2022 Budget Variation Report – April 2022”, Council note and approve the variations to the existing budget as listed in the ANNEXURE attached to the report.

144/22 RESOLVED

9.4 2021/2022 QUARTERLY BUDGET REVIEW STATEMENTS TO 31 MARCH, 2022

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

Reference: Item 9.5 to Ordinary Council 29 June 2021 - Minute No 180/21

MOTION

Moved Cr Tickle/Cr Mears

That in relation to the report “2021/2022 Quarterly Budget Review Statements to 31 March, 2022”, Council receive and note the report and related statements.

145/22 RESOLVED

9.5 AUDIT, RISK AND IMPROVEMENT COMMITTEE

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

MOTION

Moved Cr Coates/Cr Betts

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

146/22 RESOLVED

10 COMMUNITY SERVICES

10.1 TAMWORTH REGIONAL YOUTH COUNCIL - MINUTES OF THE ORDINARY MEETING HELD ON 28 APRIL 2022

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

MOTION

Moved Cr Sutherland/Cr Southwell

That in relation to the report "Tamworth Regional Youth Council - Minutes of the Ordinary Meeting held on 28 April 2022", Council receive and note the minutes.

147/22 RESOLVED

10.2 CENTRAL NORTHERN REGIONAL LIBRARY (CNRL) - MINUTES OF AGM AND ORDINARY MEETING - 16 MARCH 2022

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

MOTION

Moved Cr Coates/Cr Southwell

That in relation to the report "Central Northern Regional Library (CNRL) - Minutes of AGM and Ordinary Meeting - 16 March 2022", Council receive and note the minutes of the meeting of the Central Northern Regional Library (CNRL) Annual General Meeting and Ordinary Meeting held 16 March 2022.

148/22 RESOLVED

11 REPORTS TO BE CONSIDERED IN CLOSED COUNCIL

At 7:29pm, 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 Betts/Cr Mears

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.

149/22 RESOLVED

MINUTES

MOONBI GAP ROAD, MOORE CREEK - LAND ACQUISITION FOR ROAD RESERVE CORRECTION AND TRANSFER OF PROPOSED PART ROAD CLOSURE

DIRECTORATE: REGIONAL SERVICES

AUTHOR: Callum Fletcher, Senior Project Engineer

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.

T096-2022 - DESIGN AND CONSTRUCTION OF COMMUNICATION TOWER AND HUT AT BALD HILL

DIRECTORATE: GROWTH AND PROSPERITY

AUTHOR: Daniel Murphy, Business Systems and Solutions

Reference: Item 12.2 to Ordinary Council Meeting 22 March 2022 - Minute No 92/22

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.

T124/2022 FOREST ROAD LANDFILL CONCRETE CRUSHING – REQUEST FOR TENDER

DIRECTORATE: WATER AND WASTE

AUTHOR: Morne Hattingh, Manager - Waste and Resource Recovery

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.

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 MOONBI GAP ROAD, MOORE CREEK - LAND ACQUISITION FOR ROAD RESERVE CORRECTION AND TRANSFER OF PROPOSED PART ROAD CLOSURE

DIRECTORATE: REGIONAL SERVICES
AUTHOR: Callum Fletcher, Senior Project Engineer

MOTION

Moved Cr Mears/Cr Burke

That in relation to the report “Moonbi Gap Road, Moore Creek - Land Acquisition for Road Reserve Correction and Transfer of Proposed Part Road Closure”, Council:

- (i) authorise the closure of a section of Moonbi Gap Road reserve adjacent to Lot 8 DP 264383 as shown in the attached plan;
- (ii) authorise the public notification of the road closure proposal;
- (iii) give public notice of the intention to classify the relevant land as operational land;
- (iv) resolve to classify the land as operational land upon closure of the road subject to any submission which may be made on advertising the intention to classify the land as operational land;
- (v) authorise the transfer of that part of the road reserve, should it be closed, to the owner of Lot 8 DP 264383, in compensation for the land being dedicated as a road reserve from this lot;
- (vi) authorise the acquisition of the portion of Lot 8 DP 264383 to be dedicated as a public road as agreed in principle with the owner;
- (vii) authorise the Mayor and General Manager to negotiate an agreement for the matters set out in the body of this report; and
- (viii) authorise the affixing of the Seal of Council to plans and other documents required to give effect to Council’s resolution.

150/22 RESOLVED

12.2 T096-2022 - DESIGN AND CONSTRUCTION OF COMMUNICATION TOWER AND HUT AT BALD HILL

DIRECTORATE: GROWTH AND PROSPERITY
AUTHOR: Daniel Murphy, Business Systems and Solutions
Reference: Item 12.2 to Ordinary Council Meeting 22 March 2022 - Minute No 92/22

MOTION

Moved Cr Rodda/Cr Southwell

That in relation to the report “T096-2022 - Design and Construction of Communication Tower and Hut at Bald Hill”, Council:

- (i) accept the recommended tender for all items associated with the fabrication and construction of a new communication tower and hut on Bald Hill, Tamworth;
- (ii) authorise the affixing of the Seal of Council to this Contract; and
- (iii) note the additional allocation of funds from the Local Roads and Community Infrastructure Phase 2 program.

151/22 RESOLVED

12.3 T124/2022 FOREST ROAD LANDFILL CONCRETE CRUSHING – REQUEST FOR TENDER

DIRECTORATE: WATER AND WASTE
AUTHOR: Morne Hattingh, Manager - Waste and Resource Recovery

1 CONFIDENTIAL ENCLOSURES ENCLOSED

MOTION

Moved Cr Southwell/Cr Burke

That in relation to the report “T124/2022 Forest Road Landfill Concrete Crushing – Request for Tender”, Council accept the Conforming Tender from BMR Quarries Pty Ltd for the Forest Road Landfill Concrete Crushing Tender T124/2022.

152/22 RESOLVED

13 RESOLUTIONS PASSED IN CLOSED COUNCIL

MOTION

Moved Cr Southwell/Cr Rodda

That Council move into Open Council.

153/22 RESOLVED

At 7:33pm 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 7:33pm.

Cr Russell Webb, Chairperson

Tuesday, 14 June 2022

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