



TAMWORTH REGIONAL COUNCIL

ORDINARY COUNCIL MINUTES

of the Meeting of Tamworth Regional Council held in the Council Chambers,
Lands Building, Nemingha Room, 25-27 Fitzroy Street, Tamworth

13 AUGUST 2024

**KAREN LITCHFIELD
ACTING EXECUTIVE MANAGER STRATEGY AND PERFORMANCE**

ORDINARY COUNCIL MINUTES

**Meeting of Tamworth Regional Council held in the Council Chambers, Lands Building,
Nemingha Room, 25-27 Fitzroy Street, Tamworth
TUESDAY 13 AUGUST 2024 at 6:30PM**

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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: Director Liveable Communities, Director Regional Services, Director Water and Waste, Executive Manager Creative Communities and Experiences and Acting Executive Manager Strategy and Performance.

1 APOLOGIES AND LEAVE OF ABSENCE

Nil

2 COMMUNITY CONSULTATION

2.1 ITEM 10.2 TAMWORTH REGIONAL ARTS ADVISORY COMMITTEE MEETING MINUTES - 4 JULY 2024

Mr James Hook addressed Council in support of the recommendation.

2.2 ITEM 10.2 TAMWORTH REGIONAL ARTS ADVISORY COMMITTEE MEETING MINUTES - 4 JULY 2024

Mr Daniel Gillett addressed Council in support of the recommendation.

2.3 ITEM 8.4 TAMWORTH REGIONAL AQUATIC CENTRE - AUGUST 2024 PROJECT UPDATE

Mr Peter Ryan addressed Council in support of the recommendation.

2.4 ITEM 8.4 TAMWORTH REGIONAL AQUATIC CENTRE - AUGUST 2024 PROJECT UPDATE

Ms Bella Pollard addressed Council in support of the recommendation.

2.5 ITEM 8.4 TAMWORTH REGIONAL AQUATIC CENTRE - AUGUST 2024 PROJECT UPDATE

Ms Libby Magann addressed Council in support of the recommendation.

2.6 ITEM 12.3 PROPOSED SUBDIVISION AND SALE OF COUNCIL OWNED LAND - LOT 73 DEPOSITED PLAN 1107041

Mr Mitchell Hanlon addressed Council in support of the recommendation.

SUSPENSION OF STANDING ORDERS

At 6.57pm, as a result of additional speakers for Community Consultation, Councillors agreed to a Suspension of Standing orders

MOTION

Moved Cr Betts/Cr Sutherland

193/24 RESOLVED

2.7 ITEM 12.12 TOURISM PRECINCT UPDATE - POSSIBLE SALE AND DEVELOPMENT OF THE OLD ATHLETICS TRACK, GOONOO GOONOO ROAD, TAMWORTH

Mr Peter Gill addressed Council in support of the recommendation.

2.8 ITEM 7.2 AMENDMENT TO TAMWORTH REGIONAL LOCAL ENVIRONMENTAL PLAN 2010 - PLANNING PROPOSAL - PHASE 1 REVIEW OF THE TAMWORTH REGIONAL LOCAL ENVIRONMENTAL PLAN 2010

Mr Darren Ambrose addressed Council in opposition to the recommendation.

RESUMPTION OF STANDING ORDERS

At 7.02pm, Council resumed its normal business.

MOTION

Moved Cr Betts/Cr Southwell

194/24 RESOLVED

3 MINUTES OF PREVIOUS MEETING SUBMITTED FOR APPROVAL

MOTION

Moved Cr Burke/Cr Tickle

That the Minutes of the Ordinary Meeting held on Tuesday, 23 July 2024, copies of which were circulated, be taken as read and confirmed as a correct record of the proceedings of the Meeting.

195/24 RESOLVED

4 DISCLOSURE OF INTEREST

Cr Bede Burke declared a conflict of interest in Item 8.4 – ‘Tamworth Regional Aquatic Centre – August 2024 Project Update’ of the Business Paper, for the reason

that he is a honorary life member of the Tamworth City Swimming Club and also New England Central North Swimming. Cr Burke further declared that this was a less than significant, non-pecuniary interest and would remain in the Chamber and participate in the debate.

Cr Brooke Southwell declared a conflict of interest in Item 8.4 – ‘Tamworth Regional Aquatic Centre – August 2024 Project Update’ of the Business Paper, for the reason that her children are members of the Tamworth City Swimming Club. Cr Southwell further declared that this was a less than significant, non-pecuniary interest and would remain in the Chamber and participate in the debate.

Cr Mark Rodda declared a conflict of interest in item 9.1 – ‘Sheba Dams and Hanging Rock Lookout 2024 Masterplan and Item 9.2 – ‘Nundle Recreation Ground and Peel River Park 2024 Master Plan, for the reason that he is an employee of Department Planning, Housing & Infrastructure Crown Lands and the two parcels of land are owned by Crown Lands. Cr Rodda further declared that this was a less than significant, non-pecuniary interest and would remain in the Chamber and participate in the debate.

5 MAYORAL MINUTE

Nil

6 NOTICE OF MOTION

6.1 NOTICE OF MOTION – CR BROOKE SOUTHWELL - PRIORITISING SHADE OVER SWING SETS THROUGHOUT THE TAMWORTH REGION

MOTION

Moved Cr Southwell/Cr Tickle

That in relation to this Notice of Motion, Council:

- (i) undertake an assessment for the planning and installation of shade structures across swing sets on all Tamworth Regional Council parks and prioritise based on the highest park usage;
- (ii) apply for grants from relevant government and non-government funding sources; and
- (iii) develop a phased implementation plan with a detailed budget, pending grant funding becoming available.

196/24 RESOLVED

SUSPENSION OF STANDING ORDERS

At 7.13pm, as a result of a large number of community interest and attendance in the gallery in relation to Item 8.4 – Tamworth Regional Aquatic Centre – August 2024 Project Update’, Councillors agreed to a Suspension of Standing orders to bring the Item forward for consideration.

MOTION

Moved Cr Betts/Cr Burke

197/24 RESOLVED

8.4 TAMWORTH REGIONAL AQUATIC CENTRE - AUGUST 2024 PROJECT UPDATE

DIRECTORATE: REGIONAL SERVICES

AUTHOR: Callum Fletcher, Senior Project Engineer

**Reference: Item 12.3 to Ordinary Council 9 July 2024 - Minute No 171/24
Item 8.1 to Ordinary Council 14 May 2024 - Minute No 92/24
Item 8.1 to Ordinary Council 8 August 2023 - Minute No 188/23
Item 12.6 to Ordinary Council 12 December 2023 - Minute No 355/23**

MOTION

Moved Cr Burke/Cr Sutherland

That in relation to the report "Tamworth Regional Aquatic Centre - August 2024 Project Update", Council:

- (i) note the preferred 50m pool configuration as detailed in the body of the report;
- (ii) adopt the operator strategy based on the facility being staffed and managed in-house by Tamworth Regional Council staff with an operator review completed after three years;
- (iii) approve the funding strategy, including the allocation of Tamworth Regional Council's co-contribution of \$30 million from loan funding pending the approval of a subsequent Capital Expenditure Review;
- (iv) authorise the affixing of the Seal of Council to loan documents and any other documents required for the completion of the loan transactions pending the approval of a subsequent Capital Expenditure Review; and
- (v) adopt the proposal for the facility to be branded and named as a unique entity with a future report to be presented for consideration based on further investigations and consultation.

198/24 RESOLVED

RESUMPTION OF STANDING ORDERS

At 7.46pm, Council resumed its normal business.

MOTION

Moved Cr Sutherland/Cr Mears

199/24 RESOLVED

OPEN COUNCIL REPORTS

7 ENVIRONMENT AND PLANNING

7.1 TAMWORTH REGIONAL COUNCIL HERITAGE WORKING GROUP MEETING MINUTES - 2 AUGUST 2024 (INCLUDING 2024/2025 HERITAGE ASSISTANCE FUND ASSESSMENT)

DIRECTORATE: LIVEABLE COMMUNITIES
AUTHOR: Lisa Rennie, Executive Assistant

MOTION

Moved Cr Coates/Cr Southwell

That in relation to the report "Tamworth Regional Council Heritage Working Group Meeting Minutes - 2 August 2024 (including 2024/2025 Heritage Assistance Fund Assessment)", Council:

- (i) receive and note the minutes of the Tamworth Regional Council Heritage Working Group meeting held on 2 August 2024;
- (ii) adopt the recommendation of the Tamworth Regional Council Heritage Working Group to offer financial assistance through the Tamworth Regional Council Heritage Assistance Fund to the owners of the following properties:

• St Andrew's Church, 1 Gate Street, Kootingal	\$16,000.00
• 1050 River Road, Bowling Alley Point (Appl. No. 1)	\$ 0.00
• 1050 River Road, Bowling Alley Point (Appl. No. 2)	\$ 5,982.40
• 101 Rushes Creek Road, Manilla	\$ 4,390.91
• 62 Jenkins Street, Nundle	\$ 5,000.00
• 65 Gill Street, Nundle	\$ 0.00
• 315 Peel Street, Tamworth	\$16,000.00
• 114-116 Queen Street, Barraba	\$ 1,442.15
• 71 White Street, East Tamworth	\$12,000.00
• 85-87 Queen Street, Barraba	\$ 1,230.00
• 125 Upper Street, East Tamworth	\$ 7,000.00
• 117 Denison Street, West Tamworth	\$ 2,672.35
• 17 Church Street, Limbri	\$ 0.00
• 57 Strafford Street, Manilla	\$ 2,200.00
- (iii) approve the amount of \$714.19 remaining from the 2024/2025 Heritage Assistance Fund to be carried over to the 2025/2026 Heritage Assistance Fund; and
- (iv) appoint Mr Steve Warden to be a community member of the Tamworth Regional Council Heritage Working Group representing the interests of King George V Avenue.

200/24 RESOLVED

7.2 AMENDMENT TO THE TAMWORTH REGIONAL LOCAL ENVIRONMENTAL PLAN 2010 - PLANNING PROPOSAL - PHASE 1 REVIEW OF THE TAMWORTH REGIONAL LOCAL ENVIRONMENTAL PLAN 2010

DIRECTORATE: LIVEABLE COMMUNITIES
AUTHOR: Andrew Spicer, Manager - Future Communities
Christopher Faley, Senior Strategic Planner

Reference: Item 7.1 to Ordinary Council 27 February 2024 - Minute No 22/24

MOTION

Moved Cr Betts/Cr Sutherland

That in relation to the report “Amendment to the Tamworth Regional Local Environmental Plan 2010 - Planning Proposal - Phase 1 Review of the Tamworth Regional Local Environmental Plan 2010”, Council:

- (i) approve the proposed changes to the Planning Proposal – Phase 1 Review of the Tamworth Regional Local Environmental Plan 2010 as detailed in this report;
- (ii) adopt the proposed amendments to the Tamworth Regional Local Environmental Plan 2010 in accordance with the Planning Proposal – Phase 1 Review of the Tamworth Regional Local Environmental Plan 2010; and
- (iii) exercise the plan-making authority functions as authorised by the Gateway Determination under Section 3.36 of the Environmental Planning and Assessment Act 1979, to amend the Tamworth Regional Local Environmental Plan 2010.

AMENDMENT

Moved Cr Rodda/Cr Mears

That in relation to the report “Amendment to the Tamworth Regional Local Environmental Plan 2010 - Planning Proposal - Phase 1 Review of the Tamworth Regional Local Environmental Plan 2010”, Council:

- (i) approve the proposed changes to the Planning Proposal – Phase 1 Review of the Tamworth Regional Local Environmental Plan 2010 as detailed in this report;
- (ii) adopt the proposed amendments to the Tamworth Regional Local Environmental Plan 2010 in accordance with the Planning Proposal – Phase 1 Review of the Tamworth Regional Local Environmental Plan 2010; and
- (iii) exercise the plan-making authority functions as authorised by the Gateway Determination under Section 3.36 of the Environmental Planning and Assessment Act 1979, to amend the Tamworth Regional Local Environmental Plan 2010.
- (iv) Lot 1 DP 797999 being 7 Scott Road, remain in the current land use classification of MU1.

AMENDMENT LOST

THE ORIGINAL MOTION STANDS

COUNCILLORS WHO VOTED **FOR** THE DECISION

1. Cr Phil Betts
2. Cr Bede Burke
3. Cr Judy Coates
4. Cr Stephen Mears
5. Cr Mark Rodda
6. Cr Brooke Southwell
7. Cr Marc Sutherland
8. Cr Helen Tickle
9. Cr Russell Webb

COUNCILLORS WHO VOTED **AGAINST** THE DECISION

Nil

201/24 RESOLVED

7.3 VOLUNTARY PLANNING AGREEMENT OFFERS - CALALA BATTERY ENERGY STORAGE SYSTEM AND THUNDERBOLT WIND FARM

DIRECTORATE:

LIVEABLE COMMUNITIES

AUTHOR:

**Mitchell Gillogly, Team Leader – Strategic Planning
Christopher Faley, Senior Strategic Planner**

Reference:

**Item 5.1 to Ordinary Meeting 12 September 2023 -
Minute No 219/23
Item 7.4 to Ordinary Meeting 12 December 2023 -
Minute No 325/23**

MOTION

Moved Cr Tickle/Cr Burke

That in relation to the report “Voluntary Planning Agreement Offers - Calala Battery Energy Storage System and Thunderbolt Wind Farm”, Council:

- (i) in relation to the Calala Battery Energy Storage System:
 - (a) provide in principle agreement to the terms of the voluntary planning agreement offer from The Trustee for Equis Energy (Australia) Ngumi 4 Asset Trust as per Condition A14 and Appendix 5 of the Development Consent issued for SSD-52786213;
 - (b) authorise the General Manager and Mayor to negotiate the drafting of a formal voluntary planning agreement; and
 - (c) receive a report to a future meeting of Council detailing the terms of the draft voluntary planning agreement prior to public exhibition.
- (ii) in relation to the Thunderbolt Wind Farm:
 - (a) provide in principle agreement to the terms of the voluntary planning agreement offer (Option 1) from Neoen Australia Pty Limited as per Condition A20 and Appendix 3 of the Development Consent issued for

- SSD-10807896;
- (b) authorise the General Manager and Mayor to negotiate the drafting of a formal voluntary planning agreement; and
 - (c) receive a report to a future meeting of Council detailing the terms of the draft voluntary planning agreement prior to public exhibition.
- (iii) authorise the Mayor and General Manager to negotiate voluntary planning agreements for other renewable energy projects in instances where the offer varies from Council’s adopted policy prior to a formal offer being presented to Council for consideration.

COUNCILLORS WHO VOTED FOR THE DECISION	COUNCILLORS WHO VOTED AGAINST THE DECISION
1. Cr Phil Betts	Nil
2. Cr Bede Burke	
3. Cr Judy Coates	
4. Cr Stephen Mears	
5. Cr Mark Rodda	
6. Cr Brooke Southwell	
7. Cr Marc Sutherland	
8. Cr Helen Tickle	
9. Cr Russell Webb	

202/24 RESOLVED

8 INFRASTRUCTURE AND SERVICES

8.1 TAMWORTH GLOBAL GATEWAY PARK - FUNDING TO UPGRADE ELECTRICAL INFRASTRUCTURE FOR PRECINCT

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

MOTION

Moved Cr Southwell/Cr Sutherland

That in relation to the report “Tamworth Global Gateway Park - Funding to Upgrade Electrical Infrastructure for Precinct”, Council:

- (i) authorise an application to the Minister for Local Government to seek approval for an internal loan agreement between General Fund and Sewer Fund for an amount of \$8,150,521. If approved, funds would be borrowed from Sewer Fund and use to finance the upgrade of the Goddard Lane zone substation to service the Tamworth Global Gateway Park; and
- (ii) authorise the General Manager to enter into an agreement with Essential Energy for the upgrade of the Goddard Lane zone substation to service the Tamworth Global Gateway Park.

203/24 RESOLVED

8.2 DUNGOWAN DAM LICENCE CORRECTION

DIRECTORATE: WATER AND WASTE
AUTHOR: Bruce Logan, Director - Water and Waste
Reference: Item 8.1 to Ordinary Council 13 September 2022 - Minute No 254/22
Item 8.2 to Ordinary Council 12 July 2022 - Minute No 206/22
Item 12.6 to Ordinary Council 9 May 2023 - Minute No 98/23

MOTION

Moved Cr Coates/Cr Tickle

That in relation to the report “Dungowan Dam Licence Correction”, Council:

- (i) proceed with the process to address issues with Council’s current Dungowan Dam licence including surrender of Council’s existing licence WAL20953 on the condition the surrender will not occur until after a new licence with the same details, but in a new category, has been issued;
- (ii) prepare a new Agreement for property owners connected to the Dungowan Pipeline concerning the supply of raw water from the Dungowan Pipeline, based on the Agreements with property owners with new connections to the Dungowan Pipeline, between Dungowan Village and the Calala Water Treatment Plant and previously approved by Council;
- (iii) request property owners sign the new agreements; and
- (iv) request the Director Water and Waste provide updates to Council on progress with the new license application process and signing of the new Agreements with property owners.

204/24 RESOLVED

8.3 TAMWORTH REGIONAL LOCAL TRAFFIC COMMITTEE MEETING - 10 JULY 2024

DIRECTORATE: REGIONAL SERVICES
AUTHOR: Steven Marshall, Strategy, Assets and Design Engineer

MOTION

Moved Cr Betts/Cr Mears

That in relation to the report “Tamworth Regional Local Traffic Committee Meeting - 10 July 2024”, Council:

- (i) approve the Young Drivers Expo and subsequent road closure of The Ringers Road between Longyard Drive and Jack Smyth Drive for the period of 1.00pm to 2:00pm daily for the dates of Tuesday, 27 August to Friday, 30 August 2024;
- (ii) approve the proposed 2024 “Ride for the Chopper” charity event being held in the Tamworth Regional Council Local Government area from Wednesday, 18 September to Friday, 20 September 2024;

- (iii) approve the proposed 2024 “Dirty Detour - New England Explorer” gravel and mountain bike event being held in the Tamworth Regional Council Local Government area on Saturday, 21 September and Sunday, 22 September 2024;
- (iv) approve the proposed “EDS Big, Big, Big Walk for Little Kids” charity walk being held in the Tamworth Regional Council Local Government area from Thursday, 8 August to Saturday, 10 August 2024; and
- (v) approve the changes to the median on North Street and the installation of the informal foot path crossing point on North Street, East Tamworth.

205/24 RESOLVED

8.5 TAMWORTH INTEGRATED TRANSPORT PLAN

DIRECTORATE: REGIONAL SERVICES
AUTHOR: Nicholas Smith, Senior Transport Engineer

MOTION

Moved Cr Betts/Cr Sutherland

That in relation to the report “Tamworth Integrated Transport Plan”, Council adopt the strategy.

206/24 RESOLVED

8.6 CONTINUATION OF THE WASTE WAGON

DIRECTORATE: WATER AND WASTE
AUTHOR: Bruce Logan, Director - Water and Waste

Reference: Item 8.2 Ordinary Council Meeting 8 November 2022 - Minute No. 324/22

MOTION

Moved Cr Tickle/Cr Coates

That in relation to the report “Continuation of the Waste Wagon”, Council:

- (i) agree to continue the present Waste Wagon service across the Council area for the 2024/2025 financial year; and
- (ii) request the Director, Water and Waste provide a further report on the cost of the service towards the end of the 2024/2025 financial year.

207/24 RESOLVED

8.7 IPART - DAMS SAFETY NSW LEVY REVIEW - DRAFT REPORT

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

Operations

Reference: **Item 8.5 Ordinary Council Meeting 13 October 2020
Minute No 308/20**

MOTION

Moved Cr Southwell/Cr Mears

That in relation to the report “IPART - Dams Safety NSW Levy Review - Draft Report”, Council:

- (i) receive and note the report; and
- (ii) not make a submission in relation to the Draft report.

MOTION WITHDRAWN

MOTION

Moved Cr Southwell/Cr Tickle

That in relation to the report “IPART - Dams Safety NSW Levy Review - Draft Report”, Council:

- (i) receive and note the report; and
- (ii) request the Director of Water and Waste make a submission to IPART, highlighting the negative ramifications of the proposed Dams Safety NSW Levy.

208/24 RESOLVED

8.8 WATER SERVICES ASSOCIATION OF AUSTRALIA - USA STUDY DELEGATION

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

MOTION

Moved Cr Southwell/Cr Coates

That in relation to the report “Water Services Association of Australia - USA Study Delegation”, Council receive and note the report

209/24 RESOLVED

9 GOVERNANCE, STRATEGY AND FINANCE

9.1 SHEBA DAMS AND HANGING ROCK LOOKOUT 2024 MASTERPLAN

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

MOTION

Moved Cr Coates/Cr Mears

That in relation to the report “Sheba Dams and Hanging Rock Lookout 2024 Masterplan”, Council adopt the masterplan titled “Sheba Dams and Hanging Rock Lookout 2024 Masterplan”.

210/24 RESOLVED

9.2 NUNDLE RECREATION GROUND AND PEEL RIVER PARK 2024 MASTERPLAN

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

MOTION

Moved Cr Tickle/Cr Sutherland

That in relation to the report “Nundle Recreation Ground and Peel River Park 2024 Masterplan”, Council adopt the masterplan titled “Nundle Recreation Ground and Peel River Park 2024 Masterplan”.

211/24 RESOLVED

9.3 LOCAL GOVERNMENT NSW 2024 CONFERENCE

DIRECTORATE: OFFICE OF THE GENERAL MANAGER
AUTHOR: Lisa May, Coordinator Governance and Executive Services

Reference: Meeting of Ordinary Council dated 23 July 2024 - Minute No 181/24

MOTION

Moved Cr Betts/Cr Mears

That in relation to the report “Local Government NSW 2024 Conference”, Council determine issues that are important to Tamworth Regional Council for motions to be drafted and request a further report to be prepared for approval.

212/24 RESOLVED

10 COMMUNITY SERVICES

10.1 TAMWORTH REGION MUSEUM AND ARCHIVE STRATEGY

DIRECTORATE: CREATIVE COMMUNITIES AND EXPERIENCES
AUTHOR: Bridget Guthrie, Director Art Gallery and Museums

MOTION

Moved Cr Southwell/Cr Sutherland

That in relation to the report “Tamworth Region Museum and Archive Strategy”, Council adopts the draft Tamworth Region Museum and Archive Strategy 2024/2025 to 2029/2030.

213/24 RESOLVED

10.2 TAMWORTH REGION ARTS ADVISORY COMMITTEE MEETING MINUTES - 4 JULY 2024

DIRECTORATE: CREATIVE COMMUNITIES AND EXPERIENCES
AUTHOR: Bridget Guthrie, Director Art Gallery and Museums

MOTION

Moved Cr Tickle/Cr Southwell

That in relation to the report “Tamworth Region Arts Advisory Committee Meeting Minutes - 4 July 2024”, Council:

- (i) receive and note the minutes;
- (ii) support in-principle the New England Sculpture Track (NEST) project; and
- (iii) endorse Council’s in-kind support for the development, implementation and promotion of the NEST project.

214/24 RESOLVED

10.3 PROPOSED LEASE ADJUSTMENT NORTH TAMWORTH RUGBY LEAGUE FOOTBALL CLUB OF LOT 15 IN DEPOSITED PLAN 858511

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

MOTION

Moved Cr Burke/Cr Sutherland

That in relation to the report “Proposed Lease Adjustment North Tamworth Rugby League Football Club of Lot 15 in Deposited Plan 858511”, Council:

- (i) authorise the Mayor and General Manager to negotiate the terms of a new lease to North Tamworth Rugby League Football Club set out herein; and
- (ii) authorise the affixing of the Seal of Council to the lease document and any other associated documentation.

215/24 RESOLVED

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

At 8.48pm, 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 Acting Executive Manager Strategy & Performance 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. One submission was made by Mr Peter Gill who requested Item 12.12 be heard into open.

MOTION

Moved Cr Rodda/Cr Mears

That item 12.12 and 12.13 be heard in open Council

MOTION LOST

216/24 RESOLVED

MOTION

Moved Cr Burke/Cr Coates

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.

217/24 RESOLVED

TENDER T028/2024 - DESIGN AND CONSTRUCTION OF THE TAMWORTH REGIONAL SKYWALK

DIRECTORATE: REGIONAL SERVICES

**AUTHOR: Callum Fletcher, Senior Project Engineer
Claire Turnor, Projects Engineer**

1 CONFIDENTIAL ENCLOSURES ENCLOSED

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.

PROPOSED LEASE OF COUNCIL OWNED LAND TO ALLOW CONSTRUCTION AND OPERATION OF AN ANAEROBIC DIGESTER

DIRECTORATE: WATER AND WASTE
AUTHOR: Bruce Logan, Director - Water and Waste
Reference: Item 8.8 to Ordinary Council 12 December 2023 - Minute No 333/23

4 CONFIDENTIAL ENCLOSURES ENCLOSED

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 SUBDIVISION AND SALE OF COUNCIL OWNED LAND - LOT 73 DEPOSITED PLAN 1107041

DIRECTORATE: OFFICE OF THE GENERAL MANAGER
AUTHOR: Nicholas Hawkins, Commercial Property Officer
Graeme McKenzie, Manager - Strategy, Assets and Design

Reference: Item 5.1 to Ordinary Council 12 June 2018 - Minute No 187/18
Item 5.1 to Ordinary Council 28 November 2023 - Minute No 285/23

2 CONFIDENTIAL ENCLOSURES ENCLOSED

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.

TENDER T080/2024 - DESIGN AND CONSTRUCTION OF WINTON RFS BRIGADE STATION

DIRECTORATE: REGIONAL SERVICES
AUTHOR: Claire Turnor, Projects Engineer

Reference: Item 12.3 to Ordinary Council 12 September 2023 - Minute No 233/23

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.

**PROPOSED LICENCE AGREEMENTS OF PART INTERNATIONAL FLIGHT TRAINING
TAMWORTH FACILITY AT THE TAMWORTH REGIONAL AIRPORT**

DIRECTORATE: OFFICE OF THE GENERAL MANAGER
AUTHOR: Nicholas Hawkins, Commercial Property Officer
Reference: Item 12.1 to Ordinary Council 10 October 2023 - Minute No.
261/23

1 CONFIDENTIAL ENCLOSURES ENCLOSED

Council will determine this matter in part of the Meeting closed to the public pursuant to Section 10A(2) (c)&(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 and information that would, if disclosed, confer a commercial advantage on a competitor of Council.

TENDER T079/2024 - SUPPLY AND DELIVERY OF ONE LANDFILL COMPACTOR

DIRECTORATE: REGIONAL SERVICES
AUTHOR: Sebastian Lees, Technical Officer - Plant and Supply

1 CONFIDENTIAL ENCLOSURES ENCLOSED

Council will determine this matter in part of the Meeting closed to the public pursuant to Section 10A(2) (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 competitor of Council.

**TENDER T111/2024 - PANORAMA ROAD, CALALA AND EVANS STREET, WESTDALE
STORMWATER UPGRADES**

DIRECTORATE: REGIONAL SERVICES
AUTHOR: Lachlan Mackiewicz, Project Engineer

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.

**EXPRESSION OF INTEREST - E032/2024 TAMWORTH REGIONAL AIRPORT - PROPOSED
USE OF COUNCIL FACILITIES - INTERNATIONAL FLIGHT TRAINING TAMWORTH**

DIRECTORATE: REGIONAL SERVICES
AUTHOR: Billy Gleeson-Barker, Manager Aviation Precinct

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.

**TENDER T110/2024 SHAND CIRCUIT REHABILITATION AT TAMWORTH REGIONAL
AIRPORT**

DIRECTORATE: REGIONAL SERVICES
AUTHOR: Claire Turnor, Projects Engineer

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.

TENDER T005/2025 - 2025 TAMWORTH COUNTRY MUSIC FESTIVAL - SUPPLY, INSTALLATION AND SERVICING OF EVENT TOILETS AND SHOWERS

DIRECTORATE: CREATIVE COMMUNITIES AND EXPERIENCES
AUTHOR: Barry Harley, Manager - Events

2 CONFIDENTIAL ENCLOSURES ENCLOSED

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.

TENDER Q002/2025 - 2025 TAMWORTH COUNTRY MUSIC FESTIVAL - SUPPLY OF SECURITY SERVICES

DIRECTORATE: CREATIVE COMMUNITIES AND EXPERIENCES
AUTHOR: Barry Harley, Manager - Events

6 CONFIDENTIAL ENCLOSURES ENCLOSED

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.

TOURISM PRECINCT UPDATE - POSSIBLE SALE AND DEVELOPMENT OF THE OLD ATHLETICS TRACK GOONOO GOONOO ROAD, TAMWORTH

DIRECTORATE: WATER AND WASTE

AUTHOR: Bruce Logan, Director - Water and Waste

**Reference: Item 12.7 Closed Council Meeting 27 September 2022 - Minute No 289/22
Item 12.1 Closed Council Meeting 25 July 2023 - Minute No 181/23**

8 CONFIDENTIAL ENCLOSURES ENCLOSED

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.

LANDFILL GAS - FINALISATION OF AGREEMENT WITH THE CLEAN ENERGY REGULATOR IN RELATION TO PAYMENTS FOR GAS CAPTURED

DIRECTORATE: WATER AND WASTE

AUTHOR: Bruce Logan, Director - Water and Waste

Reference: Item 12.2 Closed Council 25 July 2023 Minute No 182/23

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.

12 CLOSED COUNCIL REPORTS

Cr Phil Betts, Cr Brooke Southwell, Cr Marc Sutherland, Cr Stephen Mears and Cr Judy Coates left the chamber, time being 08.54pm

Cr Phil Betts, Cr Brooke Southwell, Cr Marc Sutherland, Cr Stephen Mears and Cr Judy Coates returned to the chamber, time being 09.01pm

12.1 TENDER T028/2024 - DESIGN AND CONSTRUCTION OF THE TAMWORTH REGIONAL SKYWALK

DIRECTORATE: REGIONAL SERVICES
AUTHOR: Callum Fletcher, Senior Project Engineer
Claire Turnor, Projects Engineer

MOTION

Moved Cr Betts/Cr Southwell

That in relation to the report "Tender T028/2024 - Design and Construction of the Tamworth Regional Skywalk", Council:

- (i) accept the tender submitted by Fleetwood Urban Pty Ltd (ABN 40 000 789 748) for the lump sum base amount of \$11,904,458 (excluding GST) for all items associated with the design and construction of the Tamworth Regional Skywalk;
- (ii) accept the tender submitted by Fleetwood Urban Pty Ltd (ABN 40 000 789 748) for the optional and provisional items identified in the body of the report associated with the design and construction of the Tamworth Regional Skywalk;
- (iii) authorise the affixing of the Seal of Council to this contract;
- (iv) note the concept design proposal provided by Fleetwood Urban Pty Ltd for the project; and
- (v) authorise the Director Regional Services to approve variations and optional items under the contract within the project budget.

218/24 RESOLVED

12.2 PROPOSED LEASE OF COUNCIL OWNED LAND TO ALLOW CONSTRUCTION AND OPERATION OF AN ANAEROBIC DIGESTER

DIRECTORATE: WATER AND WASTE
AUTHOR: Bruce Logan, Director - Water and Waste
Reference: Item 8.8 to Ordinary Council 12 December 2023 - Minute No 333/23

4 CONFIDENTIAL ENCLOSURES ENCLOSED

MOTION

Moved Cr Betts/Cr Sutherland

That in relation to the report "Proposed Lease of Council Owned Land to Allow Construction and Operation of an Anaerobic Digester", Council:

- (i) enter an Agreement for Lease for eight Hectares of land located on Council owned land at 428 Wallamore Road, for the purposes of constructing and operating an Anaerobic Digester, associated processing equipment, and associated operations with Tamworth Bioenergy Hub Pty Ltd and CirAg Pty

Ltd. as per the document attached to this Council report, and

- (ii) authorise the affixing of the Seal of Council to the Agreement for Lease and the actual lease should it proceed and any other associated documents pursuant to this matter.

219/24 RESOLVED

12.3 PROPOSED SUBDIVISION AND SALE OF COUNCIL OWNED LAND - LOT 73 DEPOSITED PLAN 1107041

DIRECTORATE: OFFICE OF THE GENERAL MANAGER
AUTHOR: Nicholas Hawkins, Commercial Property Officer
Graeme McKenzie, Manager - Strategy, Assets and Design

Reference: Item 5.1 to Ordinary Council 12 June 2018 - Minute No 187/18
Item 5.1 to Ordinary Council 28 November 2023 - Minute No 285/23

2 CONFIDENTIAL ENCLOSURES ENCLOSED

MOTION

Moved Cr Coates/Cr Sutherland

That in relation to the report "Proposed Subdivision and Sale of Council Owned Land - Lot 73 Deposited Plan 1107041", Council:

- (i) authorise the Mayor and General Manager to negotiate satisfactory terms of a sale of part of Lot 73 DP 1107041 with the party detailed in the body of this report including obligations such as a public positive covenant or similar obligation on the transferee regarding development prior to transfer;
- (ii) receive and note the draft plan of subdivision of Lot 73 DP 1107041 to create a new Lot being the subject of the sale;
- (iii) receive and note the various proposed easements and encumbrances to be noted on the title of the new Lot as identified in the draft plan of subdivision and described in the body of this report;
- (iv) authorise the lodgement of a development application to subdivide Lot 73 DP 1107041 for the purpose of the sale referred to in the body of this report;
- (v) authorise the affixing of the Seal of Council to a Contract of Sale or Agreement, plan of subdivision, the Development Application and any other associated documents required pursuant to the matters set out in the body of this report;
- (vi) allocate \$10,000 from the Regional Development Reserve to cover legal costs and any other expenses in relation to the sale of the property; and
- (vii) allocate \$30,000 from the Regional Development Reserve to cover expenses in relation to the proposed subdivision of the land.

220/24 RESOLVED

MOTION TO PUT

Moved Cr Burke

221/24 RESOLVED

12.4 TENDER T080/2024 - DESIGN AND CONSTRUCTION OF WINTON RFS BRIGADE STATION

DIRECTORATE: REGIONAL SERVICES
AUTHOR: Claire Turnor, Projects Engineer
Reference: Item 12.3 to Ordinary Council 12 September 2023 - Minute No 233/23

MOTION

Moved Cr Betts/Cr Mears

That in relation to the report “Tender T080/2024 - Design and Construction of Winton RFS Brigade Station”, Council:

- (i) authorise the General Manager to award a lump sum contract under delegation for the design and construction of the NSW Rural Fire Service Brigade Station at Winton, within the available funding amount of \$863,100 (excluding GST), subject to successful negotiations with the preferred tenderer, Rice Construction Group Pty Ltd (ABN 32 149 851 114), allowing for a construction contingency and associated project costs; and
- (ii) authorise the affixing of the Seal of Council to this contract.

222/24 RESOLVED

12.5 PROPOSED LICENCE AGREEMENTS OF PART INTERNATIONAL FLIGHT TRAINING TAMWORTH FACILITY AT THE TAMWORTH REGIONAL AIRPORT

DIRECTORATE: OFFICE OF THE GENERAL MANAGER
AUTHOR: Nicholas Hawkins, Commercial Property Officer
Reference: Item 12.1 to Ordinary Council 10 October 2023 - Minute No. 261/23

1 CONFIDENTIAL ENCLOSURES ENCLOSED

MOTION

Moved Cr Coates/Cr Southwell

That in relation to the report “Proposed Licence Agreements of Part International Flight Training Tamworth Facility at the Tamworth Regional Airport”, Council:

- (i) authorise the Mayor and General Manager to negotiate the terms and enter into new licence agreements as set out in the body of this report; and
- (ii) authorise the affixing of the Seal of Council to the licence agreements, and any other associated documents.

223/24 RESOLVED

12.6 TENDER T079/2024 - SUPPLY AND DELIVERY OF ONE LANDFILL COMPACTOR

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

MOTION

Moved Cr Burke/Cr Betts

That in relation to the report “Tender T079/2024 - Supply and Delivery of One Landfill Compactor”, Council award the tender to GCM Enviro Pty Ltd (ABN: 12 109 538 123) for the supply and delivery of one TANA H520 Landfill Compactor, and trade existing unit AF4641, for a changeover of \$1,382,042.00 excluding GST.

224/24 RESOLVED

12.7 TENDER T111/2024 - PANORAMA ROAD, CALALA AND EVANS STREET, WESTDALE STORMWATER UPGRADES

DIRECTORATE: REGIONAL SERVICES
AUTHOR: Lachlan Mackiewicz, Project Engineer

MOTION

Moved Cr Rodda/Cr Sutherland

That in relation to the report “Tender T111/2024 - Panorama Road, Calala and Evans Street, Westdale Stormwater Upgrades”, Council:

- (i) accept the tender submitted by TPE Enterprises Pty Ltd (ABN 96 643 471 050) for the lump sum amount of \$748,172.40 (excluding GST) for all items associated with the construction of the stormwater upgrades on Panorama Road, Calala and Evans Street, Westdale; and
- (ii) authorise the affixing of the Seal of Council to this contract.

225/24 RESOLVED

12.8 EXPRESSION OF INTEREST - E032/2024 TAMWORTH REGIONAL AIRPORT - PROPOSED USE OF COUNCIL FACILITIES - INTERNATIONAL FLIGHT TRAINING TAMWORTH

DIRECTORATE: REGIONAL SERVICES
AUTHOR: Billy Gleeson-Barker, Manager Aviation Precinct

MOTION

Moved Cr Mears/Cr Coates

That in relation to the report “Expression of Interest - E032/2024 Tamworth Regional Airport - Proposed Use of Council Facilities - International Flight Training Tamworth”, Council:

- (i) receive and note the outcome of Expression of Interest: E032/2024 – Tamworth Regional Airport – Proposed Use of Council Facilities – International Flight Training Tamworth; and
- (ii) authorise the Mayor and General Manager to proceed with negotiations regarding an agreement to occupy part of the International Flight Training Tamworth facility with the party described in the body of this report.

226/24 RESOLVED

12.9 TENDER T110/2024 SHAND CIRCUIT REHABILITATION AT TAMWORTH

REGIONAL AIRPORT

DIRECTORATE: REGIONAL SERVICES
AUTHOR: Claire Turnor, Projects Engineer

MOTION

Moved Cr Betts/Cr Coates

That in relation to the report “Tender T110/2024 Shand Circuit Rehabilitation at Tamworth Regional Airport”, Council:

- (i) accept the tender submitted by KCE Pty Ltd (ABN 83 059 721 881) for the lump sum of \$676,964.35 (excluding GST) for all items associated with Shand Circuit Rehabilitation at Tamworth Regional Airport; and
- (ii) authorise the affixing of the Seal of Council to this Contract.

227/24 RESOLVED

12.10 TENDER T005/2025 - 2025 TAMWORTH COUNTRY MUSIC FESTIVAL - SUPPLY, INSTALLATION AND SERVICING OF EVENT TOILETS AND SHOWERS

DIRECTORATE: CREATIVE COMMUNITIES AND EXPERIENCES
AUTHOR: Barry Harley, Manager - Events

2 CONFIDENTIAL ENCLOSURES ENCLOSED

MOTION

Moved Cr Mears/Cr Coates

That in relation to the report “Tender T005/2025 - 2025 Tamworth Country Music Festival - Supply, Installation and Servicing of Event Toilets and Showers”, Council:

- (i) accept the tender provided by Splashdown Event Services, and;
- (ii) authorise the affixing of the Seal of Council on the supply contract

228/24 RESOLVED

12.11 TENDER Q002/2025 - 2025 TAMWORTH COUNTRY MUSIC FESTIVAL - SUPPLY OF SECURITY SERVICES

DIRECTORATE: CREATIVE COMMUNITIES AND EXPERIENCES
AUTHOR: Barry Harley, Manager - Events

6 CONFIDENTIAL ENCLOSURES ENCLOSED

MOTION

Moved Cr Coates/Cr Southwell

That in relation to the report “Tender Q002/2025 - 2025 Tamworth Country Music Festival - Supply of Security Services”, Council:

- (i) accept the tender provided by Reddawn Security; and;
- (ii) authorise the affixing of the Seal of Council on the supply contract.

229/24 RESOLVED

12.12 TOURISM PRECINCT UPDATE - POSSIBLE SALE AND DEVELOPMENT OF THE OLD ATHLETICS TRACK GOONOO GOONOO ROAD, TAMWORTH

DIRECTORATE: WATER AND WASTE
AUTHOR: Bruce Logan, Director - Water and Waste

Reference: Item 12.7 Closed Council Meeting 27 September 2022 - Minute No 289/22
Item 12.1 Closed Council Meeting 25 July 2023 - Minute No 181/23

8 CONFIDENTIAL ENCLOSURES ENCLOSED

MOTION

Moved Cr Coates/Cr Tickle

That in relation to the report “Tourism Precinct Update - Possible Sale and Development of the Old Athletics Track Goonoo Goonoo Road, Tamworth”, Council adopts the resolution as per Option 2 detailed in confidence in the report.

AMENDMENT

Moved Cr Coates/Cr Burke

That the matter be deferred to be decided by the new Council.

AMENDMENT LOST

THE ORIGINAL MOTION STANDS

MOTION TO PUT

Moved Cr Southwell

230/24 RESOLVED

231/25 RESOLVED

12.13 LANDFILL GAS - FINALISATION OF AGREEMENT WITH THE CLEAN ENERGY REGULATOR IN RELATION TO PAYMENTS FOR GAS CAPTURED

DIRECTORATE: WATER AND WASTE

AUTHOR: Bruce Logan, Director - Water and Waste

Reference: Item 12.2 Closed Council 25 July 2023 Minute No 182/23

MOTION

Moved Cr Coates/Cr Betts

That in relation to the report “Landfill Gas - Finalisation of Agreement with the Clean Energy Regulator in relation to payments for gas captured”, Council

- (i) agree to move forward with Option 2 as detailed in confidence in the report:
- (ii) approve funding from the Waste Reserve to fund costs detailed.

232/26 RESOLVED

13 RESOLUTIONS PASSED IN CLOSED COUNCIL

MOTION

Moved Cr Mears/Cr Southwell

That Council move into Open Council.

233/27 RESOLVED

At 9.48pm, 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 9.49pm.

Cr Russell Webb, Chairperson

Tuesday, 27 August 2024

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