



# 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**

### 8 AUGUST 2023

**PAUL BENNETT**  
**GENERAL MANAGER**



# ORDINARY COUNCIL MINUTES

Meeting of Tamworth Regional Council held in the Council Chambers, Lands Building,  
Nemingha Room, 25-27 Fitzroy Street, Tamworth  
**TUESDAY 8 AUGUST 2023 at 6.30PM**

## Table of Contents

ITEM	SUBJECT	PAGE NO
1	APOLOGIES AND LEAVE OF ABSENCE .....	3
184/23	RESOLVED .....	3
2	COMMUNITY CONSULTATION .....	3
3	MINUTES OF PREVIOUS MEETING SUBMITTED FOR APPROVAL .....	3
185/23	RESOLVED .....	3
4	DISCLOSURE OF INTEREST .....	4
5	MAYORAL MINUTE .....	4
	5.1 TAMWORTH NEW RESIDENTS WELCOME EVENTS .....	4
186/23	RESOLVED .....	4
6	NOTICE OF MOTION .....	4
	OPEN COUNCIL REPORTS .....	5
7	ENVIRONMENT AND PLANNING .....	5
	7.1 TAMWORTH REGIONAL COUNCIL HERITAGE ASSISTANCE FUND 2023/2024 AND TAMWORTH REGIONAL COUNCIL HERITAGE WORKING GROUP MEETING - 28 JULY 2023 .....	5
187/23	RESOLVED .....	5
8	INFRASTRUCTURE AND SERVICES .....	6
	8.1 TAMWORTH REGIONAL AQUATIC CENTRE AND NORTHERN INLAND CENTRE OF SPORT AND HEALTH - STAGE 1 DESIGN FUNDING .....	6
188/23	RESOLVED .....	6
	8.2 PROPOSED CHANGE TO THE POLICY - REDUCTION IN WATER CONSUMPTION CHARGES .....	7
189/23	RESOLVED .....	7
	8.3 AUSTRALIAN DRINKING WATER GUIDELINES INCLUSION OF MICROBIAL HEALTH BASED TARGETS .....	7
190/23	RESOLVED .....	7

---

8.4	DUNGOWAN DAM SAFETY REVIEW PROGRAM OF WORKS.....	8
<b>191/23</b>	<b>RESOLVED .....</b>	<b>8</b>
8.5	COOPERATIVE RESEARCH CENTRE FOR CONTAMINATION ASSESSMENT AND REMEDICATION OF THE ENVIRONMENT - ANNUAL MEMBERSHIP .....	9
<b>192/23</b>	<b>RESOLVED .....</b>	<b>9</b>
8.6	CONNORS CREEK DAM RISK ASSESSMENT AND SAFETY REVIEW.....	9
<b>193/23</b>	<b>RESOLVED .....</b>	<b>9</b>
<b>9</b>	<b>GOVERNANCE, STRATEGY AND FINANCE .....</b>	<b>10</b>
9.1	LOCAL GOVERNMENT NSW 2023 CONFERENCE.....	10
<b>194/23</b>	<b>RESOLVED .....</b>	<b>10</b>
9.2	REQUEST FOR FEE WAIVER - NATIONAL REINING HORSE ASSOCIATION OCEANIA AFFILIATE CHAMPIONSHIPS 2023.....	11
<b>195/23</b>	<b>RESOLVED .....</b>	<b>11</b>
<b>10</b>	<b>COMMUNITY SERVICES .....</b>	<b>11</b>
10.1	2023/2024 REGIONAL EVENTS MARKETING SUPPORT PROGRAM.....	11
<b>196/23</b>	<b>RESOLVED .....</b>	<b>11</b>
<b>11</b>	<b>REPORTS TO BE CONSIDERED IN CLOSED COUNCIL .....</b>	<b>12</b>
<b>197/23</b>	<b>RESOLVED .....</b>	<b>12</b>
	PROPOSED 5MW SOLAR FARM FOR TAMWORTH GLOBAL GATEWAY PARK TENANTS ...	12
<b>12</b>	<b>CLOSED COUNCIL REPORTS .....</b>	<b>15</b>
12.1	PROPOSED 5MW SOLAR FARM FOR TAMWORTH GLOBAL GATEWAY PARK TENANTS.....	15
<b>198/23</b>	<b>RESOLVED .....</b>	<b>15</b>
<b>13</b>	<b>RESOLUTIONS PASSED IN CLOSED COUNCIL.....</b>	<b>16</b>
<b>199/23</b>	<b>RESOLVED .....</b>	<b>16</b>

---

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

**IN ATTENDANCE:** The General Manager, 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**

An apology was announced as having been received from Cr Stephen Mears who is unable to attend the Meeting due to work commitments.

### **MOTION**

**Moved Cr Betts/Cr Burke**

That the apology be accepted and Cr Stephen Mears be granted leave of absence from the Meeting.

**184/23 RESOLVED**

## **2 COMMUNITY CONSULTATION**

Nil

## **3 MINUTES OF PREVIOUS MEETING SUBMITTED FOR APPROVAL**

### **MOTION**

**Moved Cr Coates/Cr Burke**

That the Minutes of the Ordinary Meeting held on Tuesday, 25 July 2023, copies of which were circulated, be taken as read and confirmed as a correct record of the proceedings of the Meeting.

**185/23 RESOLVED**

#### **4 DISCLOSURE OF INTEREST**

Cr Bede Burke declared an interest in Item 8.1 - Tamworth Regional Aquatic Centre and Northern Inland Centre of Sport and Health - Stage 1 Design Funding - of the Business Paper for the reason that he is a life member of both the local swimming club and the New England and Central North. Cr Burke further declared that this was a less than significant, non-pecuniary interest and he would remain in the Chamber and participate in the debate.

#### **5 MAYORAL MINUTE**

##### **5.1 TAMWORTH NEW RESIDENTS WELCOME EVENTS**

**DIRECTORATE:**  
**AUTHOR:**

**OFFICE OF THE GENERAL MANAGER**  
**Russell Webb, Mayor**

##### **MOTION**

**Moved Cr Webb**

That in relation to the report "Tamworth New Residents Welcome Events", Council:

- (i) approve the establishment of a series of themed New Residents Welcome Events per year; and
- (ii) approve the allocation of funds as outlined in the body of the report.

**186/23 RESOLVED**

#### **6 NOTICE OF MOTION**

Nil

## OPEN COUNCIL REPORTS

### 7 ENVIRONMENT AND PLANNING

#### 7.1 TAMWORTH REGIONAL COUNCIL HERITAGE ASSISTANCE FUND 2023/2024 AND TAMWORTH REGIONAL COUNCIL HERITAGE WORKING GROUP MEETING - 28 JULY 2023

DIRECTORATE:

LIVEABLE COMMUNITIES

AUTHOR:

Lisa Rennie, Executive Assistant

#### MOTION

##### Moved Cr Tickle/Cr Sutherland

That in relation to the report “Tamworth Regional Council Heritage Assistance Fund 2023/2024 and Tamworth Regional Council Heritage Working Group Meeting - 28 July 2023”, Council:

- (i) receive and note the Minutes of the Tamworth Regional Council Heritage Working Group meeting held 28 July 2023;
- (ii) adopt the recommendations 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:
  - The Bendemeer Hotel, 112-130 Caroline Street, Bendemeer \$12,000
  - Rural Medical Clinic, 111-115 Manilla Street, Manilla \$ 4,744
  - Limbri Church, 17 Church Street, Limbri \$ 5,000
  - “Mumblegum”, 34 Ten Mile Lane, Wallamore (Bithramere Hall) \$ 7,181
  - “Elmdale Cottage”, 604 Duncans Creek Road, Woolomin \$ 2,181
  - 108 Belmore Street, Tamworth \$ 5,000
  - 85-87 Queen Street, Barraba \$ 5,676
- (iii) approve the amount of \$15,218.00 remaining from the 2023/2024 Heritage Assistance Fund to be carried over to the 2024/2025 Heritage Assistance Fund.

**187/23 RESOLVED**

## **8 INFRASTRUCTURE AND SERVICES**

### **8.1 TAMWORTH REGIONAL AQUATIC CENTRE AND NORTHERN INLAND CENTRE OF SPORT AND HEALTH - STAGE 1 DESIGN FUNDING**

**DIRECTORATE:** REGIONAL SERVICES  
**AUTHOR:** Callum Fletcher, Senior Project Engineer  
Samuel Eriksson, Sports and Recreation Strategy Officer

#### **MOTION**

##### **Moved Cr Betts/Cr Coates**

That in relation to the report “Tamworth Regional Aquatic Centre and Northern Inland Centre of Sport and Health - Stage 1 Design Funding”, Council:

- (i) endorse Embellishment Option 2 as the recommended option for the Tamworth Regional Aquatic Centre and Northern Inland Centre of Sport and Health;
- (ii) endorse Location Option 5 as the recommended location for the Tamworth Regional Aquatic Centre and Northern Inland Centre of Sport and Health;
- (iii) endorse the proposed funding plan for the construction of the Tamworth Regional Aquatic Centre and Northern Inland Centre of Sport and Health Stage 1; and
- (iv) allocate \$250,000 from the Regional Development Fund to enable a design tender to be awarded.

**188/23 RESOLVED**



## **8.2 PROPOSED CHANGE TO THE POLICY - REDUCTION IN WATER CONSUMPTION CHARGES**

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

### **MOTION**

#### **Moved Cr Coates/Cr Sutherland**

That in relation to the report “Proposed Change to the Policy - Reduction in Water Consumption Charges”, Council agree:

- (i) to the proposed changes to the policy;
- (ii) to place the amended policy on public display for a period of not less than 28 days seeking comments on the proposed changes;
- (iii) in the event that no submissions are received, adopt the policy; and
- (iv) if any submissions are received, request the Director Water and Waste prepare a further report to Council with details of the submissions for Councils’ further consideration.

**189/23 RESOLVED**

## **8.3 AUSTRALIAN DRINKING WATER GUIDELINES INCLUSION OF MICROBIAL HEALTH BASED TARGETS**

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

**Reference:** Item 8.9 to Ordinary Council 22 November 2016 - Minute No. 355/16  
Item 8.5 to Ordinary Council 13 December 2022 - Minute No. 378/22

### **MOTION**

#### **Moved Cr Coates/Cr Betts**

That in relation to the report “Australian Drinking Water Guidelines Inclusion of Microbial Health Based Targets”, Council:

- (i) receive and note the report; and
- (ii) request the Director Water and Waste prepare further reports in relation to this matter as required.

**190/23 RESOLVED**

#### **8.4 DUNGOWAN DAM SAFETY REVIEW PROGRAM OF WORKS**

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

**Reference:** Item 8.4 to Ordinary Council 24 May 2022 - Minute No 142/22

#### **MOTION**

##### **Moved Cr Betts/Cr Burke**

That in relation to the report “Dungowan Dam Safety Review Program of Works”, Council:

- (i) receive and note the report;
- (ii) allocate \$825,000 from the water reserve to undertake the following projects at Dungowan Dam in 2023/2024:
  - Power Supply Battery Backup \$200,000;
  - Debris Boom Replacement \$300,000;
  - Dam Gate Maintenance \$250,000; and
  - Scoping of Dam Safety Investigations \$75,000.
- (iii) request the Director Water and Waste prepare a submission for the NSW and Federal Water Ministers detailing the costs incurred by Council given the decision not to proceed with the new Dungowan Dam and request consideration of funding contribution to reduce Dam safety risks at Council’s existing Dungowan Dam.

**191/23 RESOLVED**

## **8.5 COOPERATIVE RESEARCH CENTRE FOR CONTAMINATION ASSESSMENT AND REMEDIATION OF THE ENVIRONMENT - ANNUAL MEMBERSHIP**

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

### **MOTION**

#### **Moved Cr Coates/Cr Betts**

That in relation to the report “Cooperative Research Centre for Contamination Assessment and Remediation of The Environment - Annual Membership”, Council:

- (i) receive and note the report;
- (ii) provide \$5,000 from the sewer reserve to fund annual membership with Cooperative Research Centre for Contamination Assessment and Remediation of The Environment; and
- (iii) request the Director Water and Waste review membership following the initial 12 months and report to Council on any potential projects as required.

**192/23 RESOLVED**

## **8.6 CONNORS CREEK DAM RISK ASSESSMENT AND SAFETY REVIEW**

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

**Reference:** Item 8.4 to Ordinary Council 24 May 2022 - Minute No 142/22

### **MOTION**

#### **Moved Cr Tickle/Cr Sutherland**

That in relation to the report “Connors Creek Dam Risk Assessment and Safety Review”, Council receive and note the report.

**193/23 RESOLVED**

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

### **9.1 LOCAL GOVERNMENT NSW 2023 CONFERENCE**

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

#### **MOTION**

##### **Moved Cr Southwell/Cr Coates**

That in relation to the report “Local Government NSW 2023 Conference”, Council:

- (i) determine issues that are important to Tamworth Regional Council for motions to be drafted and request a further report to be prepared for approval;
- (ii) authorise the Mayor, Deputy Mayor, Councillor Phil Betts and Councillor Brooke Southwell to attend the 2023 Local Government NSW Conference as Voting Delegates together with the General Manager; and
- (iii) nominate Councillor Helen Tickle and Councillor Judy Coates to attend the Conference as observers in accordance with Council’s Policy for the attendance of observers.

**194/23 RESOLVED**

**9.2 REQUEST FOR FEE WAIVER - NATIONAL REINING HORSE ASSOCIATION OCEANIA AFFILIATE CHAMPIONSHIPS 2023**

**DIRECTORATE:** GROWTH AND PROSPERITY  
**AUTHOR:** Jacqueline O'Neill, Director - Growth and Prosperity

**MOTION**

**Moved Cr Tickle/Cr Coates**

That in relation to the report "Request for Fee Waiver - National Reining Horse Association Oceania Affiliate Championships 2023", Council decline the request to support the event with a \$3,000 fee waiver

**195/23 RESOLVED**

**10 COMMUNITY SERVICES**

**10.1 2023/2024 REGIONAL EVENTS MARKETING SUPPORT PROGRAM**

**DIRECTORATE:** GROWTH AND PROSPERITY  
**AUTHOR:** Linda Bridges, Coordinator Visitor Economy

**MOTION**

**Moved Cr Betts/Cr Coates**

That in relation to the report "2023/2024 Regional Events Marketing Support Program", Council;

- (i) support the recommended events as noted within the body of this report; and
- (ii) approve the allocation of funds as outlined in the body of the report

**196/23 RESOLVED**

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

At 7:21pm, 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 Burke/Cr Southwell**

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.

### **197/23 RESOLVED**

Minutes

**PROPOSED 5MW SOLAR FARM FOR TAMWORTH GLOBAL GATEWAY PARK TENANTS**

**DIRECTORATE: WATER AND WASTE**

**AUTHOR: Ashleigh Smith, Sustainability Coordinator**

**2 CONFIDENTIAL ENCLOSURES ENCLOSED**

The Council will determine this matter in part of the meeting closed to the public pursuant to Section 10A(2) (a),(d)i,(f)&(h) of the local Government Act 1993 on the grounds that the matter and information is personnel matters concerning particular individuals other than Councillors, commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it, details of systems and/or arrangements that have been implemented to protect Council, Councillors, staff and Council property and information concerning the nature and location of a place or an item of Aboriginal significance on community land.

Minutes

## **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 5MW SOLAR FARM FOR TAMWORTH GLOBAL GATEWAY PARK TENANTS**

**DIRECTORATE:** WATER AND WASTE  
**AUTHOR:** Ashleigh Smith, Sustainability Coordinator

#### **MOTION**

##### **Moved Cr Betts/Cr Sutherland**

That in relation to the report “Proposed 5MW Solar Farm for Tamworth Global Gateway Park Tenants”, Council:

- (i) authorise the Mayor and General Manager to continue to negotiate terms of agreement between Council and Flow Power, broadly as detailed in the body of this report, to provide green energy to TGGP Property owners and /or tenants; and
- (ii) request the Director of Water and Waste submit a further report to Council at the conclusion of the negotiation process.

**198/23 RESOLVED**

## **13 RESOLUTIONS PASSED IN CLOSED COUNCIL**

### **MOTION**

#### **Moved Cr Betts/Cr Southwell**

That Council move into Open Council.

### **199/23 RESOLVED**

At 7:38pm 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 7:39pm.

Cr Russell Webb, Chairperson

Tuesday, 22 August 2023

**- oOo -**