



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

12 MARCH 2024

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 12 MARCH 2024 at 6:30PM

Table of Contents

ITEM	SUBJECT	PAGE NO
1	APOLOGIES AND LEAVE OF ABSENCE	3
35/24	RESOLVED	3
2	COMMUNITY CONSULTATION	3
6.1	NOTICE OF MOTION – CR MARK RODDA - MATTER OF PUBLIC INTEREST - LAMBRUK SOLAR FARM PROJECT AND OTHER ALTERNATIVE ENERGY PROJECTS	3
6.1	NOTICE OF MOTION – CR MARK RODDA - MATTER OF PUBLIC INTEREST - LAMBRUK SOLAR FARM PROJECT AND OTHER ALTERNATIVE ENERGY PROJECTS	3
6.1	NOTICE OF MOTION – CR MARK RODDA - MATTER OF PUBLIC INTEREST - LAMBRUK SOLAR FARM PROJECT AND OTHER ALTERNATIVE ENERGY PROJECTS	3
8.1	NORTH WEST SCHOOL SPORT ASSOCIATION FOOTBALL CHAMPIONSHIP FEE WAIVER REQUEST	3
3	MINUTES OF PREVIOUS MEETING SUBMITTED FOR APPROVAL	4
36/24	RESOLVED	4
4	DISCLOSURE OF INTEREST	4
5	MAYORAL MINUTE	4
6	NOTICE OF MOTION	5
6.1	MATTER OF PUBLIC INTEREST - LAMBRUK SOLAR FARM PROJECT AND OTHER ALTERNATIVE ENERGY PROJECTS	5
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	AMENDMENT	5
37/24	RESOLVED	5
OPEN COUNCIL REPORTS		7
7	ENVIRONMENT AND PLANNING	7

	7.1	PROPOSED ROAD NAMES FOR APPROVED MOORE CREEK GARDENS SUBDIVISION - STAGES 12 TO 17 (LOT 627 DP 1290364, LOT 722 DP 562156, LOT 121 DP 753851 AND LOT 7 DP 562157) RN2024-0016	7
38/24		RESOLVED	7
8		INFRASTRUCTURE AND SERVICES	8
	8.1	NORTH WEST SCHOOL SPORT ASSOCIATION FOOTBALL CHAMPIONSHIP FEE WAIVER REQUEST.....	8
39/24		RESOLVED	8
	8.2	TAMWORTH GLOBAL GATEWAY PARK - JEWRY STREET EXTENSION FUNDING CLOSE-OUT.....	8
40/24		RESOLVED	8
	8.3	URBAN STREET TREE ADVISORY GROUP - MEETING MINUTES	9
41/24		RESOLVED	9
9		GOVERNANCE, STRATEGY AND FINANCE	9
	9.1	IP&R - OUR PROGRESS REPORT JULY 2023 TO DECEMBER 2023	9
42/24		RESOLVED	9
10		COMMUNITY SERVICES	9
11		REPORTS TO BE CONSIDERED IN CLOSED COUNCIL	10
43/24		RESOLVED	10
		PROPOSED LEASE FOR COUNCIL OFFICE SPACE.....	10
12		CLOSED COUNCIL REPORTS	12
	12.1	PROPOSED LEASE FOR COUNCIL OFFICE SPACE	12
44/24		RESOLVED	12
13		RESOLUTIONS PASSED IN CLOSED COUNCIL.....	12
45/24		RESOLVED	12

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

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

1 APOLOGIES AND LEAVE OF ABSENCE

An apology was announced as having been received from Cr Bede Burke who is unable to attend the Meeting due to personal business.

MOTION

Moved Cr Betts/Cr Sutherland

That the apology be accepted and received from Cr Bede Burke.

35/24 RESOLVED

2 COMMUNITY CONSULTATION

6.1 NOTICE OF MOTION – CR MARK RODDA - MATTER OF PUBLIC INTEREST - LAMBRUK SOLAR FARM PROJECT AND OTHER ALTERNATIVE ENERGY PROJECTS

Robyn Wealand – spoke in support of the Motion.

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Ben Wynn – spoke in support of the Motion.

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Sam Newsome – spoke in support of the Motion.

8.1 NORTH WEST SCHOOL SPORT ASSOCIATION FOOTBALL CHAMPIONSHIP FEE WAIVER REQUEST

Kevin Squires – spoke to the financial benefit of this event being held in Tamworth.

3 MINUTES OF PREVIOUS MEETING SUBMITTED FOR APPROVAL

MOTION

Moved Cr Tickle/Cr Mears

That the Minutes of the Ordinary Meeting held on Tuesday, 27 February 2024, copies of which were circulated, be taken as read and confirmed as a correct record of the proceedings of the Meeting.

36/24 RESOLVED

4 DISCLOSURE OF INTEREST

Cr Southwell wishes to disclose a non-significant, non-pecuniary interest in Item 6.1 Notice of Motion – being that Cr Southwell's cousin will be impacted by the proposed project. Cr Southwell wishes to stay in the room at the time of discussing Item 6.1.

5 MAYORAL MINUTE

Nil

6 NOTICE OF MOTION

6.1 NOTICE OF MOTION – CR MARK RODDA - MATTER OF PUBLIC INTEREST - LAMBRUK SOLAR FARM PROJECT AND OTHER ALTERNATIVE ENERGY PROJECTS

MOTION

Moved Cr Rodda/Cr Mears

That Council write to the Premier of NSW, the Honourable Chris Minns and NSW Energy Minister, The Honourable Penny Sharpe to request:

- (i) The NSW State Government urgently quarantine land outside the Renewable Energy Zones from large-scale alternative energy projects that may be largely inconsistent with the land use;
- (ii) Prohibit any large projects outside of the Renewable Energy Zones;
- (iii) Establish best practice for future site remediation and projects end-of-life and cash bonds paid annually by the project owners and held by the NSW Government for same; and
- (iv) Urgently investigate construction of powerlines to less populated marginal land regions of the State;

AMENDMENT

That the Notice of Motion put forward by Cr Rodda above be amended with the below wording.

MOTION

Moved Cr Webb/Cr Southwell

That Council calls on the:-

1. Federal Government to amend the relevant legislation to mandate more transparent consultation in relation to transmission lines location including: -
 - (i) real engagement with landowners not just statutory notice; and
 - (ii) limiting the construction of transmission lines to less populated, marginal land regions of the State.
2. State Government to:-
 - a. require Transport for NSW and EnergyCo NSW to accept their joint responsibilities for resolving the transport and road issues that fall on local governments both within the Renewable Energy Zones (REZ) as well as adjoining renewable energy zones (and along haulage routes) so that these issues are resolved to the satisfaction of the relevant Council;

Note: No individual Council is in a position to manage or have oversight of multiple renewable energy projects within its LGA over multiple years and the consecutive/cumulative impacts on its local roads and infrastructure.

- b. enable Councils to charge the proponent an hourly rate for time spent on assessing renewable energy projects including meetings with renewable energy proponents;
 - c. establish best practice for future site remediation and projects end-of-life and cash bonds paid annually by the project owners and held by the NSW Government for same;
 - d. extend the applicability of the recent large scale renewable energy guidelines that currently only applies to state significant renewable energy projects to all renewable energy projects (including local and regionally significant developments); and
 - e. undertake a regional assessment of the impacts the Renewable Energy Zones are having on Councils within and directly adjoining REZ boundary (such as the majority of the Tamworth Region). This assessment should consider the cumulative impacts of renewable energy projects on the social, economic and natural environments which is simply not taken into account on a case-by-case basis. Such a review would enable government decision-makers (and proponents) to better understand the impacts and pressures on communities, infrastructure, and natural environments which are occurring from such large-scale projects.
3. Planning Minister to:-
- a. amend Division 4.7 of the EPA Act 1979 to prohibit State Significant Development renewable energy projects on land considered prime agricultural land as identified on state agricultural land mapping; and
 - b. amend Schedule 1, Clause 20 of State Environmental Planning Policy (Planning Systems) 2021 or Clause 2.42 of State Environmental Planning Policy (Transport and Infrastructure) 2021 to prohibit State Significant Development renewable energy projects on land considered as prime agricultural land as identified on state agricultural land mapping.
4. That Council forward a copy of this Motion to the:-
- a. Premier of NSW, the Honourable Chris Minns;
 - b. Planning Minister, the Honourable Paul Scully;
 - c. Federal Minister for Climate Change and Energy, the Honourable Chris Bowen;
 - d. Federal Minister for the Environment and Water, the Honourable Tanya Plibersek;
 - e. Federal Minister for Infrastructure, Transport, Regional Development and Local Government, the Honourable Catherine King;
 - f. NSW Energy Minister, the Honourable Penny Sharpe; and
 - g. NSW Minister for Agriculture, the Honourable Tara Moriarty.

37/24 RESOLVED

OPEN COUNCIL REPORTS

7 ENVIRONMENT AND PLANNING

7.1 PROPOSED ROAD NAMES FOR APPROVED MOORE CREEK GARDENS SUBDIVISION - STAGES 12 TO 17 (LOT 627 DP 1290364, LOT 722 DP 562156, LOT 121 DP 753851 AND LOT 7 DP 562157) RN2024-0016

DIRECTORATE:
AUTHOR:

LIVEABLE COMMUNITIES
Kathleen See-Kee, Development Support Officer

MOTION

Moved Cr Southwell/Cr Tickle

That in relation to the report "Proposed Road Names for Approved Moore Creek Gardens Subdivision - Stages 12 to 17 (Lot 627 DP 1290364, Lot 722 DP 562156, Lot 121 DP 753851 and Lot 7 DP 562157) RN2024-0016", Council:

- (i) approve in principle the road names: 'Bowerbird' Road, 'Fantail' Street, 'Pardalote' Court, 'Pipit' Street, 'Plover' Street, 'Quail' Close and 'Zebra Finch' Drive;
- (ii) advertise the proposed road names as required by the Roads Act 1993 Section 162, Roads Regulation 2018 Part 2 Division 1 Section 7 to enable interested parties the opportunity to make comment; and
- (iii) provided no submissions are made which object to the proposed road names, proceed to publish the adopted names in the Government Gazette.

38/24 RESOLVED

8 INFRASTRUCTURE AND SERVICES

8.1 NORTH WEST SCHOOL SPORT ASSOCIATION FOOTBALL CHAMPIONSHIP FEE WAIVER REQUEST

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

MOTION

Moved Cr Southwell/Cr Betts

That in relation to the report “North West School Sport Association Football Championship Fee Waiver Request”, Council provide a full fee waiver.

39/24 RESOLVED

8.2 TAMWORTH GLOBAL GATEWAY PARK - JEWRY STREET EXTENSION FUNDING CLOSE-OUT

DIRECTORATE: REGIONAL SERVICES
AUTHOR: Callum Fletcher, Senior Project Engineer
Reference: Item 8.4 Ordinary Council 14 June 2022 – Minute No 161/22
Item 8.4 to Ordinary Council 28 March 2023 - Minute No 51/23

MOTION

Moved Cr Coates/Cr Sutherland

That in relation to the report “Tamworth Global Gateway Park - Jewry Street Extension Funding Close-Out”, Council approve the allocation of \$850,000 from the Westdale Land Reserve to finalise the Jewry Street Extension project.

40/24 RESOLVED

8.3 URBAN STREET TREE ADVISORY GROUP - MEETING MINUTES

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

MOTION

Moved Cr Tickle/Cr Sutherland

That in relation to the report “Urban Street Tree Advisory Group - Meeting Minutes”, Council receive and note the minutes from the Urban Street Tree Advisory Group meetings for the December 2023 and February 2024 meetings.

41/24 RESOLVED

9 GOVERNANCE, STRATEGY AND FINANCE

9.1 IP&R - OUR PROGRESS REPORT JULY 2023 TO DECEMBER 2023

DIRECTORATE: OFFICE OF THE GENERAL MANAGER
AUTHOR: Anna Russell, Manager - Strategy and Performance

MOTION

Moved Cr Betts/Cr Coates

That in relation to the report “IP&R - Our Progress Report July 2023 to December 2023”, Council receive and adopt the report.

42/24 RESOLVED

10 COMMUNITY SERVICES

Nil

11 REPORTS TO BE CONSIDERED IN CLOSED COUNCIL

At 7.50pm, 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.

Cr Rodda requested the location of the proposed lease be made public and such request was agreed with the resolution amended accordingly.

MOTION

Moved Cr Betts/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.

43/24 RESOLVED

PROPOSED LEASE FOR COUNCIL OFFICE SPACE

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) 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.

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 LEASE FOR COUNCIL OFFICE SPACE

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

MOTION

Moved Cr Tickle/Cr Coates

That in relation to the report “Proposed Lease for Council Office Space”, Council:

- (i) authorise the Mayor and General Manager to negotiate a lease agreement for further office space in the Leader Building as set out in the body of this report; and
- (ii) authorise the Seal of Council to be affixed to the lease agreement and any other associated documents.

44/24 RESOLVED

13 RESOLUTIONS PASSED IN CLOSED COUNCIL

MOTION

Moved Cr Betts/Cr Tickle

That Council move into Open Council.

45/24 RESOLVED

At 8.00pm 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 8.01pm.

Cr Russell Webb, Chairperson

Tuesday, 12 March 2024

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