

ORDINARY COUNCIL



MINUTES

held in the Council Chambers Ray Walsh House, 437 Peel Street, Tamworth

TUESDAY 14 DECEMBER 2010 at 6:30pm

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Minutes

PRESENT: Cr Col Murray (Mayor), Cr Phil Betts, Cr Paul Durant, Cr Ray Tait, Cr Helen Tickle, Cr Russell Webb Cr Juanita Wilson and Cr Warren Woodley.

IN ATTENDANCE: The General Manager, Director Corporate and Governance, Director Environmental & Planning and Economic Development, Director Regional Services, Director Water Enterprises and Finance and Information Technology Manager.

1 APOLOGIES

An apology was announced as having been received from Cr James Treloar who was unable to attend the Meeting due to personal business out of the region.

MOTION

Moved Cr Woodley/Cr Betts

459/10 RESOLVED

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

2 COMMUNITY CONSULTATION

2.1 ITEM 6.2 MODIFICATION TO DEVELOPMENT CONSENT FOR A SHED AT 91 FIONA DRIVE, MOORE CREEK - FILE No DA0286/2010

Ms Sandy Vigar, resident of Fiona Drive, Moore Creek addressed the Council and advised that she would read to the Council on behalf of Mr D & Mrs C Johnson of Fiona Drive, Moore Creek a prepared statement in relation to issues concerning the construction of a shed at 91 Fiona Drive, Moore Creek.

As read by Ms Vigar, Mr & Mrs Johnson advised that Council had approved the development application for a shed at 91 Fiona Drive, Moore Creek in April 2010. The shed was highly visible from their property and emanates a reflective glare. The applicant had not satisfied the conditions of development consent, the external cladding of the shed is not the approved colour, the downpipes had not been painted, a large storage container was located adjacent to the shed and the landscaping required as a condition of the consent had not been undertaken.

Ms Vigar addressed the Council and stated that she was a qualified Town Planner and had made a number of suggestions to Council to improve the environmental impacts of the shed on adjoining properties. She stated that she had planted a number of trees to screen the shed and had committed a substantial amount of her professional time and that of her employed planning staff to the project and had expended between \$10,000 to \$15,000 on reviewing the proposal. She argued that there were a number of measures she had suggested to improve the environmental impact of the proposed shed that had been ignored including, location, landscaping, storage of items, colours of external cladding materials and noted that the storage shipping container still

remained on the property contrary to Council's development consent. She noted that of most concern was that the applicant had not undertaken landscaping to screen the shed from adjoining property and that overall, the whole process had been most distressful and disheartening. She commented that cordial relations with the applicants had been disrupted and urged Council to apply its policy on large sheds within rural residential areas consistently and enforce conditions of development consent.

The applicant, Mrs Michelle Christakos, addressed the Council and stated that the items stored outside the shed, within and around the shipping container, were unable to be stored within the shed for reason that an Occupation Certificate had not been issued by Council. She advised that the shipping container will be removed upon completion of the shed and that landscaping as required by the conditions of development consent had not yet been undertaken because of the objections received to the application for modification of the development consent. The applicant advised that all of the conditions of development consent will be satisfied, however, the colour of the shed cladding is "wilderness green" contrary to the condition of the development consent which required the cladding to be "pale eucalypt". Mrs Christakos stated that the shed downpipes will be painted the same colour as the shed external cladding.

2.2 ITEM 6.1 EXTENSION TO EXISTING HOBBY/STUDIO WORKSHOP TO BE USED FOR STORAGE AND ADDITIONAL WORK SPACE AT 164-166 BRISBANE STREET, EAST TAMWORTH - FILE NO DA0229/2011

Mrs Sandy Findlay addressed the Council and requested a reduction in the height of the proposed hobby/workshop to be used for storage at 164-166 Brisbane Street, Tamworth which adjoined her property. She advised that the foundation of the building was 600mm above ground level adjacent to the fence dividing her property from the development site. She stated that the 3.1M wall adjacent to the fence restricted the open space amenity of her back yard and that as the adjoining resident, the height of the proposed storage and work space structure dwarfed her property.

The applicant, Mr Geoffrey Young, addressed the Council and stated that one of the reasons for purchasing the property 164-166 Brisbane Street Tamworth was to build a storage and work space to house his hobby of model trains. The hobby room, in his view, does not overshadow the adjoining property of Mrs Findlay and has no external windows facing the Findlay property. He stated that there are three large trees located on the Findlay property which create shadowing within the Findlay backyard. He stated that he had consulted with Mr & Mrs Findlay on many aspects of the development in an attempt to appease their concerns. He stated that the storage shed will be enclosed and that there is a territorial dog on the adjoining property which provides more impact on adjoining properties than his proposed development. He stated that he will abide by all of the conditions of the development consent but appealed to the Council in relation to development consent condition 4.5 requiring reduction of the dividing fence to 4.5 metres of the external wall of the building which will be located within 0.9 metres of the allotment boundary.

3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

MOTION

Moved Cr Tait/Cr Betts

460/10 RESOLVED

That the Minutes of the Ordinary Meeting of the Council held on Tuesday 23 November 2010, copies of which were circulated be taken as read and confirmed as a correct record of the proceedings of the Meeting.

4 DISCLOSURE OF INTEREST

Cr Russell Webb declared a non pecuniary interest in items 11.7 and 12.7 of the Council Business Paper for reason that he is a close friend of the proponent and that he would remain within the Council Chamber and participate in the debate and voting on both items.

Cr Col Murray disclosed a non pecuniary in items 11.7 and 12.7 of the Council Business Paper for reason that the proponent's sister is married to his brother. Cr Murray stated that he would remain within the Council Chamber and participate in the debate and voting on both items.

5 MAYORAL MINUTE

Nil

6 OPEN COUNCIL REPORTS

6.1 EXTENSION TO EXISTING HOBBY/STUDIO WORKSHOP TO BE USED FOR STORAGE AND ADDITIONAL WORK SPACE AT 164-166 BRISBANE STREET, EAST TAMWORTH - FILE NO DA0229/2011

DIRECTORATE: ENVIRONMENT, PLANNING & ECONOMIC DEVELOPMENT
AUTHOR: Rodney Hogan – Team Leader Building Certification

MOTION

Moved Cr Durant/Cr Tait

461/10 RESOLVED

That in relation to Development Application No. 0229/2011 for an addition to a detached hobby studio/workshop building at 164-166 Brisbane Street, East Tamworth, the application be approved subject to the following conditions:-

Prior to Work Commencing

- 1) A peg out survey prepared by a Registered Surveyor is to be submitted to Council to confirm the building may be sited in accordance with approved plans.

- 2) Pursuant to s.81A of the Act, the following matters must be satisfied prior to the commencement of work:-
 - obtain a construction certificate from either Council or an accredited certifier; and
 - appoint a Principal Certifying Authority (and advise Council of the appointment, if it is not the Council).
- 3) A sign is to be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out stating:-
 - Unauthorised entry to the work site is prohibited;
 - The name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours; and
 - The name, address and phone number of the PCA by the owner.

Prior to Issue of a Construction Certificate

- 4) The colour of the side and rear external walls shall be selected by agreement with the owners of the properties that adjoin the development site. Written evidence of the agreement of the adjoining owners is to be provided to the PCA prior to the issue of a Construction Certificate.
- 5) Prior to the issue of a construction certificate, amended plans are to be submitted to Council indicating that no more than 4.5 metres of the external side wall of the building will be located within 0.9 metres of the allotment boundary.

General Conditions

- 6) All building work must be carried out in accordance with the provisions of the Building Code of Australia.
- 7) All proposed building, site works or property improvement indicated on the submitted plans or otherwise required under the terms of this consent shall be completed prior to occupation of the premises to ensure compliance with the provisions of the Environmental Planning and Assessment Act, 1979.
- 8) The development must be carried out in accordance with the Development Application and accompanying plans, drawings and other documents as amended by conditions of this consent. Any amendment to the development or to these conditions will require the consent of the Council.
- 9) Work on the project shall be limited to the following hours to prevent unreasonable disturbance to the amenity of the area:-
 - Monday to Friday – 7.00am to 5.00pm;
 - Saturday – 8.00am to 1.00pm if audible on other residential premises, otherwise 7.00am to 5.00pm;No work to be carried out on Sunday or Public Holidays if it is audible on other residential premises;
The builder shall be responsible to instruct and control his sub-contractors regarding the hours of work. Council will exercise its powers under the Protection of the Environment Operations Act, 1997, in the event that the building operations cause noise to emanate from the property on Sundays or Public Holidays or otherwise than between the hours detailed above.

Inspections

- 10) It is required that a Principal Certifying Authority (PCA) be appointed to undertake all critical stage inspections as prescribed under the Environmental Planning and Assessment Regulations, 2000. The owner may appoint either the Council or an accredited certifier to be the PCA.

During Construction

- 11) Roofwaters are to be disposed of by piping to the street gutter to control the flow of roofwaters so as to prevent damage to the building's footings and to restrict the likelihood of stormwater nuisance to adjoining landholders. A box gutter designed in accordance with the provisions of AS3500.3-2003 and incorporating a rainwater head with provision for overflow within the property shall be constructed within the roof framework to collect and drain all roof water.
- 12) A site rubbish enclosure shall be provided on the site for the period of the proposed construction works.
- 13) The footpath and/or road reserve are not to be used for construction purposes or placing of building materials (without Council's prior consent) to ensure safe and unobstructed access for pedestrians. Where necessary, application may be made by contacting Council's Development Services Division.

Prior to Issue of an Occupation Certificate

- 14) To ensure that the building work is completed in accordance with the approval and is in a safe and healthy condition for use by the occupants, the building (or part of the building in the case of alterations and additions) shall not be occupied or used until:-
 - (a) it is completed in accordance with the approval and the principal certifying authority has completed a satisfactory final inspection; or
 - (b) the principal certifying authority gives written permission to allow the building to be occupied or used before it is completed.

Continued Operations

- 15) The extensions to studio/workshop are not to be used for commercial, industrial or residential purposes without the prior approval of Council.

RECORD OF VOTING ON DEVELOPMENT OR PLANNING MATTERS – SECTION 375A (3) LOCAL GOVERNMENT ACT 1993

DIVISION

COUNCILLORS WHO VOTED FOR THE DECISION	COUNCILLORS WHO VOTED AGAINST THE DECISION
1. Cr Col Murray, Mayor 2. Cr Russell Webb, Deputy Mayor 3. Cr Phil Betts 4. Cr Paul Durant 5. Cr Ray Tait 6. Cr Helen Tickle 7. Cr Juanita Wilson 8. Cr Warren Woodley	Nil

It should be noted that Cr James Treloar was an apology for the meeting and was not present.

6.2 MODIFICATION TO DEVELOPMENT CONSENT FOR A SHED AT 91 FIONA DRIVE, MOORE CREEK - FILE NO DA0286/2010

DIRECTORATE: ENVIRONMENT, PLANNING & ECONOMIC DEVELOPMENT
AUTHOR: Sam Roche – Senior Building Inspector

MOTION

Moved Cr Betts/Cr Durant

462/10 RESOLVED

That in relation to the application to modify Development Application 0286/2010 for a shed at 91 Fiona Drive, Moore Creek, Council:

- (i) approve the application subject Condition No 10 being amended to allow the proposed shed including walls, roof, barge and flashing and gutters to be constructed using “Pale Eucalypt” coloured metal and an additional condition be imposed to require all downpipes to be painted with a durable external paint colour identical to “Pale Eucalypt”;
- (i) notify the appointed Principal Certifying Authority for the development that an Occupation Certificate must not be issued in respect of the construction of a shed at 91 Fiona Drive, Moore Creek until all conditions of the development consent have been satisfied; and,
- (ii) request the Director Environment Planning and Economic Development to submit a further report to Council detailing the inspections completed by the Principal Certifying Authority for the development and whether the non-compliance relating to the colour of the shed could reasonable have been identified by the Private Certifier at an earlier time.

RECORD OF VOTING ON DEVELOPMENT OR PLANNING MATTERS – SECTION 375A (3) LOCAL GOVERNMENT ACT 1993

DIVISION

COUNCILLORS WHO VOTED FOR THE DECISION	COUNCILLORS WHO VOTED AGAINST THE DECISION
1. Cr Col Murray, Mayor 2. Cr Russell Webb, Deputy Mayor 3. Cr Phil Betts 4. Cr Paul Durant 5. Cr Ray Tait 6. Cr Helen Tickle 7. Cr Juanita Wilson 8. Cr Warren Woodley	Nil

It should be noted that Cr James Treloar was an apology for the meeting and was not present.

6.3 TAMWORTH RIVERBANK PRECINCT MASTER PLAN – IMPLEMENTATION FILE No SF 4717

DIRECTORATE: ENVIRONMENT PLANNING AND ECONOMIC
DEVELOPMENT

AUTHOR: Andrew Spicer – Strategic Planner (Section 94)

MOTION

Moved Cr Webb/Cr Woodley

463/10 RESOLVED

That, in relation to the Tamworth Riverbank Precinct Master Plan, Council approve the expenditure of \$60,000 from the Tamworth open space section 94 reserve toward the costs of tree planting, grassing, pedestrian pathways and the installation of bollards in accordance with the Riverbank Master Plan.

7 INFRASTRUCTURE AND SERVICES

7.1 DUNGOWAN DAM – DAM SAFETY EMERGENCY PLAN - FILE No SF4539

DIRECTORATE: WATER ENTERPRISES

AUTHOR: Bruce Logan, Director

MOTION

Moved Cr Woodley/Cr Wilson

464/10 RESOLVED

That, in relation to the report Dungowan Dam – Dam Safety Emergency Plan, Council:

- (i) agree to provide the Local Emergency Management Committee with a copy of the Final Draft Plan for comment;
- (ii) request the Director Water Enterprises to submit further reports on this matter following completion of the consultation process with the Local Emergency Management Committee; and
- (iii) advise the NSW Dam Safety Committee that Council will commence a new dam break study for Dungowan Dam in the 2011-2012 financial year.

7.2 TAMWORTH WATER SUPPLY - SCOTT ROAD WELL FIELD (PARADISE WELLS) FILE NO SF3308

DIRECTORATE: WATER ENTERPRISES

AUTHOR: Headworks Engineer, Neil Sharpham

MOTION

Moved Cr Woodley/Cr Tait

465/10 RESOLVED

That, in relation to the report Tamworth Water Supply - Scott Road Well Field (Paradise Wells), Council make application to the NSW Office of Water for the Paradise Wells to be changed to surface water works and included as additional works on Council's existing Chaffey Dam Water Access Licence, broadly based around the following principles:

- (i) the Well Field be considered as a secondary access point (the existing Peel River Pump Station remains as the primary access point) for access to flows in the Peel River;
- (ii) extraction from the Well Field be limited to an average of 100 ML/month with a total annual extraction of up to 1,200 ML/annum when the General Security Allocation out of Chaffey Dam is greater than or equal to 35%;
- (iii) extraction from the Well Field be limited to one 12 hour extraction period per month when the General Security Allocation out of Chaffey Dam is less than 35% - to allow the facility to be exercised and maintained;
- (iv) in the event of extreme drought conditions (Ministerial Declaration of Critical Water Shortage resulting in suspension of the Peel Valley Water Sharing Plan) - unlimited use of the Well Field as an emergency source be permitted, subject to the yield of the aquifer; and
- (v) any water used at the Well Field would be deducted from Council's existing entitlement at Chaffey Dam, paid for as per other high security water accessed from the dam and ordered from State Water as per normal protocols.

7.3 TRADE WASTE EFFLUENT PLAN – VITERRA MALT (FORMERLY JOE WHITE MALTINGS) - FILE NO SF2645

DIRECTORATE: WATER ENTERPRISES

AUTHOR: Daniel Coe – Water Engineer

MOTION

Moved Cr Durant/Cr Tait

466/10 RESOLVED

That, in relation to the report Trade Waste Effluent Improvement Plan – Viterria Malt, Council permanently waive the deferred charges totalling \$144,029 accumulated during the period of the effluent improvement plan for the site.

7.4 WATER LOSS MANAGEMENT – MANILLA AND TAMWORTH - FILE NO SF3869

DIRECTORATE: WATER ENTERPRISES

AUTHOR: Bruce Logan – Director

MOTION

Moved Cr Webb/Cr Woodley

467/10 RESOLVED

That in relation to the report Water Loss Management – Manilla and Tamworth, Council:

- (i) note that Council's funding application under the Water Loss Management Program for work at Manilla has been successful;
- (ii) adopt the following program to begin to address water loss in the Tamworth City reticulation;
 - (a) Replace the 2 electromagnetic flow meters on the down stream side of the Calala Lane Water Treatment Plant;
 - (b) Call quotations to undertake leak detection across the whole of the Tamworth water reticulation;
 - (c) Repair leaks identified during the leak detection program;
 - (d) Reassess Tamworth Cities Infrastructure Leakage Index following the measures identified above; and
 - (e) Consider further measures to reduce losses including the establishment of District Metered Areas and reducing pressure after the completion of steps (a) to (d) inclusive above.
- (iii) approve the allocation of \$110,000 From the Water reserve to fund the works identified in (ii) above; and
- (iv) request the Director Water Enterprises prepare further reports for Council updating progress with the results of water loss initiatives at Manilla and Tamworth and other towns and villages.

7.5 GRANT FUNDING AGREEMENT FOR FEDERAL STRENGTHENING BASIN COMMUNITIES PROGRAM - FILE No SF4893

DIRECTORATE: WATER ENTERPRISES

AUTHOR: Ian Lobban

MOTION

Moved Cr Webb/Cr Woodley

468/10 RESOLVED

That Council authorise the General Manager to negotiate the Funding Agreement conditions for \$200,000 of Federal funding to investigate, design, and plan stormwater harvesting and reuse projects and sign the Agreement subject to successful negotiations.

7.6 DA0289/2006 REIMBURSEMENT OF COSTS ASSOCIATED WITH CONSTRUCTING WATER MAIN - FILE No DA0289/2006

DIRECTORATE: WATER ENTERPRISES

AUTHOR: Bruce Logan – Director

MOTION

Moved Cr Woodley/Cr Durant

469/10 RESOLVED

That in relation to report DA0289/2006 Reimbursement of Costs Associated with Constructing Water Main Council:

- (i) agree to reimburse to the Developer, Kode Holdings Pty Ltd an amount of \$24,227.50 (inc GST) being the difference in the cost of construction of a length of 200mm diameter water main compared to the same length of 150mm diameter water main; and
- (ii) fund the payment from the Water Reserve.

7.7 CENTRAL NORTHERN REGIONAL LIBRARY (CNRL) - FILE No SF2712

DIRECTORATE: REGIONAL SERVICES

AUTHOR: Bruce Mercer, Manager Cultural and Community Services

MOTION

Moved Cr Webb/Cr Tait

470/10 RESOLVED

That the minutes of the CNRL Annual General Meeting and Ordinary Meetings of November 2010 be received and noted and Council approve the proposed Tamworth Regional Council CNRL budget contribution for 2011/2012.

7.8 TAMWORTH REGIONAL COUNCIL DRAFT GRAFFITI MANAGEMENT 2010-2014 - FILE NO SF 3852

DIRECTORATE: REGIONAL SERVICES

AUTHOR: Bruce Mercer, Manager Cultural and Community Services

MOTION

Moved Cr Tait/Cr Betts

471/10 RESOLVED

That in relation to the Report on the Tamworth Regional Council Draft Graffiti Management Plan 2010/2014, Council:

- (i) adopt the Draft Graffiti Management Plan as updated following public exhibition; and
- (ii) consider the provision of funds for continued implementation of the Plan in future Annual Management Plans.

7.9 EFFLUENT REUSE FARM PROGRESS - FILE NO SF3217

DIRECTORATE: WATER ENTERPRISES

AUTHOR: Nigel Thompson Manager Augmentation

MOTION

Moved Cr Webb/Cr Woodley

472/10 RESOLVED

That the report in relation to the Effluent Reuse Farm Progress be received and noted.

7.10 ROAD MAINTENANCE UPDATE - FILE NO SF4140

DIRECTORATE: REGIONAL SERVICES

AUTHOR: Manager, Works and Assets Services

MOTION

Moved Cr Woodley/Cr Betts

473/10 RESOLVED

That the report in relation to Road Maintenance Update be received and noted and Council lobby the Federal Member to have the Federal Government, in this term of Parliament, develop a funding mechanism that bridges the estimated funding gap as detailed in Recommendation 3 of "The Local Roads Funding Gap" study enclosed.

7.11 REPLACEMENT OF SKERRETTS BRIDGE, ECHO HILLS ROAD, MULLA CREEK - FILE NO SF4201

DIRECTORATE: REGIONAL SERVICES
AUTHOR: Manager, Works and Asset Services

MOTION

Moved Cr Woodley/Cr Webb

474/10 RESOLVED

That Council determine to replace Skerretts Bridge over the Mulla Creek on Echo Hills Road with a two (2) span, 5.2 metre wide, high level concrete structure subject to final design and necessary permits and approvals being gained.

7.12 WESTDALE ALLIANCE UPDATE - FILE NO SF3216

DIRECTORATE: WATER ENTERPRISES
AUTHOR: Nigel Thompson, Manager Water Augmentation

MOTION

Moved Cr Durant/Cr Tait

475/10 RESOLVED

That the report in relation to the Report Westdale Alliance Update be received and noted.

8 GOVERNANCE, STRATEGY AND FINANCE

8.1 ANNUAL REPORT 2009/2010 AND STATE OF THE ENVIRONMENT REPORT 2009/2010 - FILE NOS SF4950 & SF3747

MOTION

Moved Cr Durant/Cr Tait

476/10 RESOLVED

DIRECTORATE: OFFICE OF THE GENERAL MANAGER
AUTHOR: Michael Gould, Management Accountant,
Geoff Mitchell, Environmental Planner,
Alison McGaffin, Director Environment, Planning and
Economic Development,
Stephen Bartlett, Director Corporate & Governance

- (i) That the 2009/2010 Annual Report and Comprehensive State of the Environment Report be received and noted; and
- (ii) That the report on the contractual conditions of Tamworth Regional Council Senior Staff be received and noted.

8.2 BARRABA CENTRAL BUSINESS DISTRICT RENEWAL OF ALCOHOL FREE ZONE - FILE No SF2351

MOTION

Moved Cr Webb/Cr Betts

477/10 RESOLVED

DIRECTORATE: DIRECTOR CORPORATE AND GOVERNANCE

Author: Robert Charlesworth, Administration & Governance Manager

- (i) That in accordance with Section 644 (B) (1) & (2) of the Local Government Act 1993, Council establish an Alcohol Free Zone in respect of all the public roads, and carparks within the Barraba Central Business District bounded by and including Queen Street from the intersection of Edward Street to the intersection of Savoy Street, Maude Street from the intersection of Cherry Street to Fitzroy Street and the Queen Street Mall, Barraba for a period of four years up to 29 December 2014.
- (ii) That in accordance with Section 644 (B) (3) of the Local Government Act 1993, Council publish a notice advising that the Barraba Central Business District Alcohol Free Zone has been renewed for a period of four years up to 29 December 2014.

8.3 BRIDGE STREET - RENEWAL OF ALCOHOL FREE ZONE - FILE No SF991

MOTION

Moved Cr Webb/Cr Betts

478/10 RESOLVED

DIRECTORATE: DIRECTOR CORPORATE AND GOVERNANCE

Author: Robert Charlesworth, Administration & Governance Manager

- (i) That in accordance with Section 644 (B) (1) & (2) of the Local Government Act 1993, Council establish an Alcohol Free Zone in respect of all public roads and car parks within the area bounded by and including Bridge Street, West Tamworth from the western side of the intersection of Ebsworth Street for its length through to the intersection with Philip Street, including In Street, Hercules Street and Reserve Place for a period of four years up to 29 December 2014; and
- (ii) That in accordance with Section 644 (B) (3) of the Local Government Act 1993, Council publish a notice advising that the Bridge Street, West Tamworth Alcohol Free Zone has been renewed for a period of four years up to 29 December 2014.

8.4 MANILLA CENTRAL BUSINESS DISTRICT - RENEWAL OF ALCOHOL FREE ZONE - FILE NO SF2306

MOTION

Moved Cr Webb/Cr Betts

479/10 RESOLVED

DIRECTORATE: DIRECTOR CORPORATE AND GOVERNANCE

Author: Robert Charlesworth, Administration & Governance Manager

- (i) That in accordance with Section 644 (B) (1) & (2) of the Local Government Act 1993, Council establish an Alcohol Free Zone in respect of all public roads and car parks within the area bounded by and including Progress Lane, Market Street, Arthur Street and Court Street, Manilla; for a period of four years up to 29 December 2014; and
- (ii) That in accordance with Section 644 (B) (3) of the Local Government Act 1993, Council publish a notice advising that the Manilla Central Business District Alcohol Free Zone has been renewed for a period of four years up to 29 December 2014.

8.5 ROBERT STREET SOUTH TAMWORTH - RENEWAL OF ALCOHOL FREE ZONE - FILE NO SF993

MOTION

Moved Cr Webb/Cr Betts

480/10 RESOLVED

DIRECTORATE: DIRECTOR CORPORATE AND GOVERNANCE

Author: Robert Charlesworth, Administration & Governance Manager

- (i) That in accordance with Section 644 (B) (1) & (2) of the Local Government Act 1993, Council establish an Alcohol Free Zone covering the Robert Street Shopping Centre incorporating the footpath and carpark and the area bounded by Robert Street, Woodward Avenue, Petra Avenue and Links Avenue and including Hobbs Lane for a period of four years up to 29 December 2014; and
- (ii) That in accordance with Section 644 (B) (3) of the Local Government Act 1993, Council publish a notice advising that the Robert Street Shopping Centre, South Tamworth Alcohol Free Zone has been renewed for a period of four years up to 29 December 2014.

8.6 TAMWORTH CENTRAL BUSINESS DISTRICT - RENEWAL OF ALCOHOL FREE ZONE - FILE No SF992

MOTION

Moved Cr Webb/Cr Betts

481/10 **RESOLVED**

DIRECTORATE: DIRECTOR CORPORATE AND GOVERNANCE
Author: Robert Charlesworth, Administration & Governance Manager

(iii)

- (i) That in accordance with Sections 644 (B) (1) and (2) of the Local Government Act 1993, Council renew the Tamworth Business District Alcohol Free Zone for a further four years to the 29 December 2014 incorporating the public roads and carparks in the Central Business District block bounded by Marius Street, Darling Street, Kable Avenue and Murray Street; and
- (ii) That in accordance with Section 644 (B) (3) of the Local Government Act 1993, Council publish a notice advising that the Manilla Central Business District Alcohol Free Zone has been renewed for a period of four years up to 29 December 2014.

8.7 LOCAL GOVERNMENT REMUNERATION TRIBUNAL - FILE No SF828

MOTION

Moved Cr Webb/Cr Tait

482/10 **RESOLVED**

DIRECTORATE: CORPORATE AND GOVERNANCE
AUTHOR: Robert Charlesworth, Administration & Governance Manager

That the report in relation to the Local Government Remuneration Tribunal be received and noted and that Council make a submission to the Tribunal arguing the case for creation of a special category for rural regional councils such as Tamworth Regional Council to recognise the much larger size, diversity, functions and population of such local government areas.

8.8 SCHEDULE OF COUNCIL MEETINGS FOR 2011- FILE No SF809

MOTION

Moved Cr Webb/Cr Woodley

483/10 RESOLVED

DIRECTORATE: CORPORATE AND GOVERNANCE
AUTHOR: Robert Charlesworth, Administration and Governance Manager

- (i) That Council fix the dates and times for the Council Meetings for 2011 as follows and determine whether any meeting will be held in other Council locations:

	TIME	FEB 2011	MAR 2011	APR 2011	MAY 2011	JUNE 2011	JULY 2011	AUG 2011	SEPT 2011	OCT 2011	NOV 2011	DEC 2011
Ordinary Council	6:30pm	8 th	8 th	12 th	10 th	14 th	12 th	9 th	13 th	11 th	8 th	13 th
		22 nd	22 nd	26 th	24 th	28 th	26 th	23 ^d	27 th	-	22 nd	-

- (ii) That the General Manager be requested to schedule Ordinary Meetings of the Council during the 2011 calendar year where appropriate and possible at Barraba, Manilla or Nundle.

8.9 COMMUNITY DEVELOPMENT COMMITTEE - MINUTES - FILE No SF1907, SF2637 & SF 2664

MOTION

Moved Cr Webb/Cr Woodley

484/10 RESOLVED

DIRECTORATE: corporate and governance
Jodie Archer, Section 355 Coordinator

- (i) That Council receive and note the minutes of the following Community Development Committee meetings:

<u>Committee</u>	<u>Date</u>
Bendemeer Community Development Committee - AGM	15 September 2010
Nundle Community Development Committee	1 November 2010
Kootingal Community Development Committee	8 November 2010;

- (ii) That Council adopt the recommendation of the Bendemeer Community Development Committee at its Annual General Meeting held 15 September, 2010 to appoint the following persons as Office Bearers of the Bendemeer Community Development Committee:

Chairperson: Ruth Mathews;
 Secretary: Barbara Poole; and

- (iii) That Council adopt the recommendation of the Bendemeer Community Development Committee at its Annual General Meeting held 15 September, 2010 to accept Winston Doak as a member of the Bendemeer Community Development Committee.

8.10 COUNCIL INVESTMENTS NOVEMBER - FILE No SF3455

MOTION

Moved Cr Durant/Cr Webb

485/10 RESOLVED

DIRECTORATE: CORPORATE AND GOVERNANCE

AUTHOR: Mark Crompton, Finance & Information Technology Manager

That the report on Council's Investments for the month of November 2010 be received and noted.

8.11 AUSTRALIA DAY 2011 - FILE No SF786

MOTION

Moved Cr Webb/Cr Woodley

486/10 RESOLVED

DIRECTORATE: CORPORATE AND GOVERNANCE

AUTHOR: Jodie Archer, Section 355 Coordinator

(i) That Council nominate Councillors to attend and participate in the Australia Day celebrations and activities at:

Barraba Cr Tickle

Bendemeer Cr Treloar (subject to agreement)

Manilla Crs Tait and Webb

Nundle Cr Durant

Tamworth Crs Murray and Wilson noting that Cr Murray will be attending the Australia Day Celebrations at Watsons Creek;

(ii) That Council approve a Free Pool Entry Day to all citizens at the Tamworth Olympic Pool as part of Australia Day celebrations on Australia Day 26 January 2011 as stated under section 6.5d of the TRC Swimming Pool Management Plan:

"Council will aim to provide one free entry day each year to celebrate a national or community event i.e. Australia Day or significant pool anniversary"; and

(iii) That the Director Corporate and Governance be requested to establish whether a combined Australia Day celebration can be held for Woolomin and Nundle.

8.12 SECTION 355 COMMITTEES - MINUTES - FILE NO SF2256

MOTION

Moved Cr Betts/Cr Woodley

487/10 RESOLVED

DIRECTORATE: CORPORATE AND GOVERNANCE
AUTHOR: Jodie Archer, Section 355 Coordinator

That the minutes of the following Section 355 Committees listed below be received and noted:

Committee Meeting Date

Barraba Australia Day Committee	6 September 2010
Manilla Showground Users Committee	12 October 2010
Tamworth Sister City Committee	13 October 2010
Tamworth Sister City Committee - AGM	13 October 2010
Kootingal Recreational Reserve Committee	18 October 2010
Barraba Showground Management Committee	20 October 2010
Dungowan Hall Committee	20 October 2010
Barraba Australia Day Committee	30 November 2010

8.13 GRANTING OF EASEMENT TO DRAIN WATER – 32-36 BYRNES AVENUE TAMWORTH - FILE NO LF4977

MOTION

Moved Cr Tait/Cr Durant

488/10 RESOLVED

DIRECTORATE: OFFICE OF THE GENERAL MANAGER
AUTHOR: Chris Johnston, Manager Commercial Lands

That in relation to the granting of an easement to drain water over Council owned land at 32-36 Byrnes Avenue Tamworth, being part Lot 1 in DP 741265, part Lot 2 in DP 781317 and part Lot 3 in DP 1131189, Council authorise the affixing of the Seal of Council to the plan of survey creating the easement.

8.14 PROPOSED OPTUS MOBILE TELEPHONE COMMUNICATIONS FACILITY - HILLVUE AND KINGSWOOD RESERVOIRS - FILE NO LF5907 AND LF5623

MOTION

Moved Cr Woodley/Cr Tait

489/10 RESOLVED

DIRECTORATE: GENERAL MANAGERS OFFICE

AUTHOR: Barbara Thomson, Acting Commercial Property Officer

That in relation to the proposed Optus Mobile Telecommunications facilities at Council's Hillvue Reservoir and Kingswood Reservoir, Council:

- (i) approve the proposal of Daly International acting on behalf of Optus Mobile Pty Ltd to mount antennae on Council's Hillvue Reservoir and install associated equipment shelter;
- (ii) approve the proposal of Daly International acting on behalf of Optus Mobile Pty Ltd to install antennae on the proposed Telstra monopole with adjacent equipment shelter at Council's Kingswood Reservoir;
- (iii) authorise the General Manager to execute the leases between Council and Optus Mobile Pty Ltd for the installations at Council's Hillvue and Kingswood Reservoirs; and
- (iv) authorise the Seal of Council to be affixed to any documents relating to the lease agreements for the installations at the Hillvue and Kingswood Reservoirs.

8.15 2011 JAYCO TAMWORTH COUNTRY MUSIC FESTIVAL - FILE NO SF4813

MOTION

Moved Cr Webb/Cr Woodley

490/10 RESOLVED

DIRECTORATE: CORPORATE & GOVERNANCE

AUTHOR: Stephen Bartlett, Director Corporate & Governance

- i) That the report in relation to Council's planning for 2011 JAYCO Tamworth Country Music Festival be received and noted; and
- ii) That the Director Corporate and Governance be requested to ensure that the issue of closing times for itinerant food traders located within the Tamworth CBD for the annual Tamworth Country Music Festival be referred to the Festival Management Board when established for discussion and determination.

8.16 COUNCIL ORGANISATION STRUCTURE RE-DETERMINATION - FILE NO SF2827

MOTION

Moved Cr Woodley/Cr Tait

491/10 **RESOLVED**

DIRECTORATE: OFFICE OF THE GENERAL MANAGER

AUTHOR: Paul Bennett, General Manager

- (i) That in accordance with section 333 of the Local Government Act 1993 Council approve re-determination of Tamworth Regional Council's Organisation Structure in accordance with the proposal contained within this report; and
- (ii) That Council approve the following positions within the re-determined Tamworth Regional Council Organisation Structure as senior staff positions in accordance with section 332(2) of the Local Government Act 1993:
 - Director Regional Services
 - Director Environment and Planning
 - Director Water Enterprises
 - Director Corporate & Governance
 - Director Commercial and Community Enterprises

9 **REPORTS FROM DELEGATES**

NIL.

10 **QUESTIONS AND MATTERS OF CONCERN**

10.1 **OXLEY LOOKOUT - FILE NO SF5106**

Cr Juanita Wilson commented that she had received favourable comments from visitors who attended the Tamworth Oxley lookout. .

10.2 **FLOOD RESTORATION WORKS - FILE NO SF5106**

Cr Juanita Wilson acknowledged the efforts of Council staff in the rapid restoration flood damage following the recent flood event. Cr Wilson requested the General Manager to remain vigilant in maintaining Council's case for full funding from Natural Disaster Funding for the flood damaged Somerton Bridge.

Cr Russell Webb advised the Council that he had received a number of expressions of appreciation from rural residents in respect of action taken by Council staff to restore flood affected roads quickly following the recent flood event.

11 REPORTS TO BE CONSIDERED IN CLOSED COUNCIL

MOTION

Moved Cr Webb/Cr Woodley

492/10 RESOLVED

That the confidential reports numbered 11.1 to 11.7 as listed be considered in a meeting closed to the public in accordance with Section 10A(2) of the Local Government Act 1993.

11.1 RECONSTRUCTION OF SOMERTON BRIDGE - FILE NO T022/2011

That Council determine this matter in part of the meeting closed to the public pursuant to Section 10A(2) (d) of the Local Government Act 1993 on the grounds that the matter and information is commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

11.2 TENDER T033/2011 – SUPPLY AND DELIVERY OF TWO MOTOR GRADERS - FILE NO T033/2011

That Council determine this matter in part of the meeting closed to the public pursuant to Section 10A(2) (d) of the Local Government Act 1993 on the grounds that the matter and information is commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

11.3 BRINDABELLA AIRLINES - FILE NO SF3103

That Council 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 the council is conducting (or proposes to conduct) business.

11.4 PARADISE CARAVAN PARK- FILE NO SF2609

That Council 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 when the Council is conducting (or proposed to conduct) business.

11.5 LAND ACQUISITION FOR ROAD WIDENING DOWELL AVENUE – FILE NO LF4256 AND LF13824

That Council determine this matter in 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 the Council is conducting (or proposes to conduct) business.

11.6 LEASE OF BARRABA MEDICAL CENTRE - FILE NO SF2181

That Council determine this matter in 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 the Council is conducting (or proposes to conduct) business.

11.7 SALE OF COUNCIL LAND – KABLE AVENUE TAMWORTH – FILE NO LF6184

That Council determine this matter in 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 the Council is conducting (or proposes to conduct) business.

At 9.10pm the Meeting moved into Closed Council to consider the abovementioned Report(s) it being noted that there were no members of the public in attendance at this Meeting at this time and 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 advised that it is a requirement of clause 253 of the *Local Government (General) Regulation 2005* that any resolution passed in Closed Council, be made public as soon as practicable after the meeting has ended. At the end of Closed Council meeting and upon resumption into Open Council, the Chairperson will provide a summary of those resolutions passed in Closed Council.

12 CLOSED COUNCIL REPORTS

12.1 RECONSTRUCTION OF SOMERTON BRIDGE - FILE NO T022/2011

MOTION

Moved Cr Woodley/Cr Webb

493/10

RESOLVED

DIRECTORATE: REGIONAL SERVICES
AUTHOR: Manager, Civil Construction and Engineering Services

That, in relation to the report Tender No. T022/2011 – Design and Construct Somerton Bridge, Council:

- (i) accept the Schedule of Rates Tender T022/2011 (Option A) submitted by Civil Build for the construction of the bridge and bridge approaches at a cost of \$1,374,500 (excl GST); and
- (ii) authorise the Seal of the Council to be affixed to the Contract.

12.2 TENDER T033/2011 – SUPPLY AND DELIVERY OF TWO MOTOR GRADERS - FILE NO T033/2011

MOTION

Moved Cr Woodley/Cr Webb

494/10

RESOLVED

DIRECTORATE: REGIONAL SERVICES
AUTHOR: George Shearman, Manager Plant and Fleet Services

That, in relation to the report T033/2011 – Supply and delivery of two motor graders, Council accept the tender of Hitachi Construction Machinery, for the supply and

delivery of two John Deere 670GP Motor graders for a change over price of \$467,700.00.

12.3 BRINDABELLA AIRLINES - FILE No SF3103

MOTION

Moved Cr Durant/Cr Woodley

495/10 RESOLVED

DIRECTORATE: CORPORATE AND GOVERNANCE
AUTHOR: Michael Dubois, Business Manager

That Council welcome the introduction of the proposed new airline service between Tamworth and Canberra by Brindabella Airlines and agree to the start up initiatives as detailed in the body of the report under Financial Implications and seek the assistance of the Tamworth & District Chamber of Commerce and Industry and Tourism Tamworth Ltd to promote the new service.

12.4 LAND ACQUISITION FOR ROAD WIDENING DOWELL AVENUE - FILE No LF4256 AND LF13824

MOTION

Moved Cr Woodley/Cr Betts

496/10 RESOLVED

DIRECTORATE: OFFICE OF THE GENERAL MANAGER
AUTHOR: Barbara Thomson, Acting Commercial Property Officer

That in relation to the acquisition of part Lot 3 in DP 18676, 51 Dowell Avenue and part Lot 4 in DP 18676, 53 Dowell Avenue for road widening, Council:

- (i) authorise the General Manager to negotiate the acquisition of some 41.05 square metres from Lot 3 in DP 18676 and some 41.05 square metres from Lot 4 in DP 18676 under terms and conditions as detailed in the report;
- (ii) authorise the allocation of funds from the Water Reserve for the purchase of the land and associated costs; and
- (iii) authorise the affixing of the seal of Council to the agreement for the purchase of the land, the plan of subdivision creating the road widening and associated land transfer documents as required.

12.5 LEASE OF BARRABA MEDICAL CENTRE - FILE NO SF2181

MOTION

Moved Cr Webb/Cr Tickle

497/10 **RESOLVED**

DIRECTORATE: OFFICE OF THE GENERAL MANAGER
AUTHOR: Barbara Thomson, Acting Commercial Property Officer

That, in relation to the lease over the Barraba Medical Centre located at 8 Maude Street Barraba, Council authorise the terms of the lease described in the body of the report and authorise the affixing of the Seal of Council to the lease document.

12.6 PARADISE CARAVAN PARK- FILE NO SF2609

MOTION

Moved Cr Tait/Cr Betts

498/10 **RESOLVED**

DIRECTORATE: CORPORATE AND GOVERNANCE
AUTHOR: Michael Dubois, Business Manager

- (i) That Council decline the offer to purchase the Paradise Caravan Park Council for reason that continued lease of the Caravan Park provides a better return to Council than sale of the asset; and
- (ii) That it be noted that annual Paradise Caravan Park lease payments are transferred annually to a Caravan Park Reserve created as a Restricted Asset which will be available to fund the purchase of Paradise Caravan Park removal assets at the expiration of the current lease.

12.7 SALE OF COUNCIL LAND – KABLE AVENUE TAMWORTH - FILE NO LF6184

MOTION

Moved Cr Durant/Cr Tait

499/10 **RESOLVED**

DIRECTORATE: OFFICE OF THE GENERAL MANAGER
AUTHOR: Chris Johnston, Manager Commercial Lands

That, in relation to a request from Single Builders for Council to consider the sale of part of car parking land located in Kable Avenue, Tamworth, Council request the General Manager to:

- (i) obtain a Valuation Report for Lots 1, 2 and 3 DP 227923 and Lot 6 Section 67 DP 710142 to establish a market value for the subject land; and
- (ii) convene a Councillor Workshop to determine whether a further report will be submitted to Council in respect of the proposal by Single Builders.

13 RESOLUTIONS PASSED IN CLOSED COUNCIL

At 9.39pm the meeting moved back into Open Council

In accordance with clause 253 of the *Local Government (General) Regulation 2005* 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 9.40 pm.

Chairperson of the meeting at which these minutes were adopted, Title of Chairperson
Chairperson
Date at which these minutes will be adopted

- oOo -