

ORDINARY COUNCIL



MINUTES

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

TUESDAY 9 NOVEMBER 2010 at 6:30pm

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Minutes

PRESENT: Cr Col Murray (Mayor), Cr Paul Durant, Cr Ray Tait, Cr Helen Tickle, Crs James Treloar, Cr Russell Webb and Cr Juanita Wilson.

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

Apologies were announced as having been received from Cr Warren Woodley who was unable to attend the Meeting due to illness.

Cr Phil Betts, who was unable to attend the meeting due to personal commitments.

MOTION

Moved Cr Paul Durant/Cr Ray Tait

394/10 RESOLVED

That the apologies be accepted and Cr Warren Woodley and Cr Phil Betts be granted leave of absence from the Meeting.

2 COMMUNITY CONSULTATION

2.1 PRESENTATION – TIDY TOWNS SUSTAINABLE COMMUNITY AWARDS 2011

Mr Paul Ying, Chairperson of the Tamworth Tidy Towns Committee advised Council of the participation of Tamworth in the 2011 Tidy Towns Sustainable Communities Awards Program and indicated that Tamworth had been successful in three categories. Tamworth achieved 3rd place in the overall Tidy Town Award for population Category F, a highly commended Water Conservation Award and 1st in the School Category 1, the winner being South Tamworth Public School.

The Mayor accepted the awards and presented the winning plaque to the Principal of South Tamworth Public School, Mr Chris Shaw, and students thanking them for their participation and contribution towards a sustainable environment.

2.2 REFER ITEM 6.4 - DRAFT PEEL RIVER ESTATE DEVELOPMENT CONTROLS - UPDATE REPORT FOLLOWING PUBLIC EXHIBITION - FILE No 5023

Mr Phil Bolton owner of a property in King George Avenue, Tamworth advised Council that he had not made any donation or gift to any councillor or Council employee. He advised that concerned residents had engaged a consultant to ensure their rights were fully explored. He commended the staff report in relation to the recognition of community concerns. He also stated that the potential for flood impacts such as

diversion of flood water by proposed subdivision roads warrants further investigation. He requested that Council consider a collaborative approach in reviewing options between the developer, staff, councillors and the community.

Mr David McKinnon, resident of King George Avenue advised Council that he had not made any donation or gift to any councillor or Council employee. He stated that Council had received a petition for the protection of the King George Avenue, Tamworth Oak Trees containing 7,000 signatures of concerned citizens. He requested that Council ensure these petitioners and the public were continually updated on progress and given the opportunity for input into any future strategies being considered in conjunction with the proposed development. He also stated that no remedial action had been undertaken to protect the Oak Trees following investigation and a Council Report on the condition of the trees in 2003.

Mr John Sharkey, Secretary of the Calala Community Development Committee (CCDC) advised Council that he had not made any donation or gift to any councillor or Council employee. Mr Sharkey advised Council that the consensus of the members of the CCDC was for the preservation and protection of King George Avenue and the Oak Trees. He further stated that the CCDC had recommended to Council that the developers be requested to investigate alternative access options specifically a direct link from Scott Road and also issues in relation to design, lot sizes and green space.

Mr Andrew Falkenmire, resident of Tamworth advised Council that he had not made any donation or gift to any councillor or Council employee. Mr Falkenmire advised that King George Avenue had an important place in the history and heritage of Tamworth and in the amenity of this particular area. He raised concerns about the likely impact and the loss of amenity due to the increased future residential traffic and public transport.

Ms Gwen Beattie, resident of Calala advised Council that she had not made any donation or gift to any councillor or Council employee. Ms Beattie expressed her concern about the minimum lot size, the potential for three storey developments, the lack of green space and the desirability of keeping this parcel of land in its current state.

3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

MOTION

Moved Cr Russell Webb/Cr Paul Durant

395/10 RESOLVED

That the Minutes of the Ordinary Meeting of the Council held on Tuesday 12 October 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 James Treloar declared a Pecuniary Interest in Item 12.4 for reason that his son is employed by one of the tenderers and would leave the Chambers during discussion of this matter.

5 MAYORAL MINUTE

Nil.

OPEN COUNCIL REPORTS

6 ENVIRONMENT & PLANNING

6.1 SUBDIVISION OF PROPOSED LOT 22 (IN THE SUBDIVISION OF LOT 5 DP 114596, LOTS 134, 213, 214 DP 755334, LOTS 4, 5 DP 826712 AND THE UNFORMED PUBLIC ROAD TRAVERSING THESE LOTS), NUNDLE ROAD, NEMINGHA TO CREATE SEVENTEEN (17) LOTS – FILE NO DA 0193/2010

DIRECTORATE: ENVIRONMENT, PLANNING AND ECONOMIC DEVELOPMENT

AUTHOR: Lucy Walker, Senior Development Assessment Planner

MOTION

Moved Cr Russell Webb/Cr Paul Durant

396/10

RESOLVED

In, relation to Development Application No. DA0193/2010 for Subdivision of Lot 22 (in the subdivision of Lot 5 DP 114596, Lots 4 and 5 DP 826712, Lots 134, 213, 214 DP 755334 and the unformed public road traversing these lots), 355 Nundle Road, Nemingha to create 17 Lots, consent be granted subject to the following conditions:

DEFERRED COMMENCEMENT MATTERS

To confirm and clarify the terms of approval as provided for by Section 80(3) of the Environmental Planning and Assessment Act, 1979 the consent shall not operate until evidence has been submitted to Council's Director, Environment, Planning and Economic Development to confirm:

- (i) the section of unformed public road traversing Lot 5 DP 114596, Lots 4 and 5 DP 826712, Lots 134, 213, 214 DP 755334 has been closed and ownership transferred to Nunworth Pty Ltd;
- (ii) the public road and water supply infrastructure to be constructed as a component of Development Application No. DA0397/2009 and which provides public road access and water supply to this subdivision, has been constructed and dedicated to Council; and
- (iii) the landowner has entered into a conservation agreement with the Minister for the Environment to protect the undisturbed White Box/Yellow Box/Blakely's Red Gum Grassy Woodlands and Derived Native Grasslands located on proposed Lots 28, 29 and 30.

In accordance with clause 95(3) of the Regulation, a period of two (2) years from the date of this consent is allowed for the satisfaction of the “deferred commencement” matters.

GENERAL TERMS OF APPROVAL

- 1) The development shall be carried out in accordance with the General Terms of Approval issued by the Rural Fire Service, attached in Annexure A and the General Terms of Approval issued by the Office of Water, attached in Annexure B to this consent.

PRIOR TO WORK COMMENCING

- 2) A Construction Certificate is to be obtained prior to commencement of any subdivision works and can be obtained by applying to either Council, or a private certifier. Please note that under Council's current planning instrument, Parry Local Environmental Plan 1987, the Principal Certifying Authority must be the Council.
- 3) In the week prior to work commencing, a report shall be prepared by an ecologist or zoologist and submitted to Council to confirm that the trees to be removed do not contain bird nests with offspring of one of the threatened woodland birds identified in the addendum to the Flora and Fauna Assessment prepared by EA Systems Pty Ltd (dated 9 October 2010).

PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

- 4) A compliance certificate under the Water Management Act 2000 must be obtained from the Council (as the local water supply authority). Council requires the following works to be completed prior to issuing a compliance certificate:
 - (i) A concept Water Servicing Strategy for the development shall be submitted and approved by Council prior to the submission of the detailed engineering drawings required by condition 4(ii) of this consent. Prior to preparation of the Water Servicing Strategy, consultation shall be undertaken with Council's Water Enterprises Directorate to determine the applicable requirements.
 - (ii) Engineering drawings and construction specifications for the extension to the water main shall be prepared in accordance with Council's Engineering Guidelines for Subdivision and Development and submitted and approved by Council prior to the issue of a Construction Certificate for subdivision.
- 5) Engineering drawings and construction specifications prepared in accordance with Council's Engineering Guidelines for Subdivision and Development are required for stormwater drainage and roads to ensure all works are designed and constructed in accordance with recognised and accepted guidelines.
- 6) A pavement report shall be prepared that demonstrates compliance with Australian Road Research Board “Special Report No. 41” and shall be submitted for approval prior to the issue of a Construction Certificate for subdivision to ensure that the minimum requirements for the public road have been met.
- 7) An Inspection and Test Plan (ITP) shall be prepared that satisfies the requirements of AUS-SPEC Document Numbers 7200.C0102-2006 and 7200.C0103-2006 to

ensure that construction meets the relevant design criteria. The ITP shall be submitted prior to the issue of a Construction Certificate for subdivision. Copies of the referenced documents are available from Council upon request.

- 8) Prior to the issue of a Construction Certificate, a Construction Management Plan shall be prepared by a suitably qualified person and submitted to Council to address protection of existing flora and fauna, water management, sediment and erosion control, drainage and noxious weed control during construction. These measures are to be approved, installed and/or implemented for the duration of the works.
- 9) A Conservation Management Plan shall be prepared by a suitably qualified person to address issues including, but not limited to, the recommendations of the addendum to the Flora and Fauna Impact Assessment Report prepared by EA Systems (dated 7 October 2009), existing vegetation, biodiversity and water management, drainage, grazing and noxious weed control and submitted for the approval of Council prior to issue of a Construction Certificate.
- 10) A plan shall be prepared and submitted to Council for approval, nominating the location and area of a building envelope on each of the allotments in the subdivision. The building envelopes shall be appropriately located having regard to the White Box/Yellow Box/Blakely's Red Gum Grassy Woodlands and Derived Native Grasslands, bushfire risk, topography and natural water courses.

GENERAL

- 11) 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.
- 12) Conservation measures to mitigate the potential impacts of the proposed subdivision on existing vegetation and habitats present on the site and in the locality shall be undertaken in accordance with the recommendations of the addendum to the Flora and Fauna Impact Assessment Report prepared by EA Systems Pty Ltd (dated 9 October 2009).
- 13) A Restriction as to User under Section 88b of the Conveyancing Act 1919 is to be registered to designate that the owners:
 - (i) of each rural residential allotment in the subdivision are not permitted to construct a commercial or stock/domestic bore;
 - (ii) are required to comply with the provisions of the Conservation Management Plan required by condition 9 of this consent, with the exception of Lots 28, 29 and 30 which are subject to the Conversation Agreement required by deferred commencement matter (iii); and
 - (iii) may only construct a dwelling and associated outbuildings or infrastructure within the envelopes nominated on each allotment in the subdivision.
- 14) To confirm and clarify Council's terms of approval, the roads illustrated on the submitted plan (ref Oak S2 and dated September 2009) on the adjoining property "Springhill" do not comprise part of this consent.

DURING CONSTRUCTION

General

- 15) The contractors engaged on the construction the subdivision must maintain public liability insurance cover to the value of \$20 million. The policy shall specifically indemnify Council from all claims arising from the execution of the works. Documentary evidence of the currency of the policy shall be provided to the Council upon request.
- 16) In the event that material suspected of being an Aboriginal relic is discovered during the activity, work must cease immediately and the National Parks and Wildlife Service and the Local Aboriginal Land Council be contacted to arrange inspection. Subject to discussion on the relic, any approval to proceed with the works would then require a licence under the National Parks and Wildlife Act 1974.
- 17) 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 developer shall be responsible to instruct and control his sub-contractors regarding the hours of work.

Road Construction

- 18) Full width rural standard bitumen sealed roads shall be constructed for the full frontage of the lots to ensure that public road facilities are established to an appropriate standard having regard to the traffic generated by the proposed development. The work shall be completed in accordance with the Council's Engineering Guidelines for Subdivisions and Development.

Access

- 19) All driveways shall be bitumen sealed with a two coat application from the edge of the new seal to the lot boundary and appropriate sealing of the shoulders at the driveways shall occur in a splayed format.
- 20) Depending on the location of the driveways either of the following shall apply:
 - (i) A rural type dish-drain crossing shall be provided in the driveway for each lot to facilitate access to the site and provide for road drainage in accordance with Council's Guidelines; or
 - (ii) A concrete driveway culvert with reinforced concrete headwalls shall be provided to allow access to each lot and also to facilitate drainage in accordance with Council's Guidelines.

Electricity

- 21) Underground electrical reticulation shall be provided to each lot in accordance with the requirements of the electricity supply authority to ensure a high standard of visual amenity.

PRIOR TO ISSUE OF A SUBDIVISION CERTIFICATE

- 22) Notification being provided that satisfactory arrangements have been made with Country Energy to ensure that electricity supply infrastructure is available for each lot in accordance with community expectations.
- 23) Notification being provided that satisfactory arrangements have been made with Telstra to ensure that telecommunication infrastructure is available for each lot in accordance with community expectations.
- 24) Council is satisfied that the proposed development is likely to increase the demand for the following public amenities and public services within the area:
- Rural Fire Brigade Services; and
 - Rural Roads.

Pursuant to Section 94 of the Environmental Planning and Assessment Act 1979, Council requires the payment of a monetary contribution of:

- \$3262 per additional lot toward the provision of rural roads; and
- \$234 per additional lot toward the provision of rural fire brigade services.

The contributions shall be paid prior to issue of the Subdivision Certificate.

The contributions required by this condition are allowed by and determined in accordance with the Parry Section 94 Contribution Plan No. 1- Rural Roads and Parry Section 94 Contributions Plan No. 2 Bushfire Brigade Services, copies of which may be inspected at the office of the Council.

NOTE: The above contributions have been adopted under the 2010/20011 Council Management Plan. Revised rates adopted in subsequent Management Plans will apply to lots released in later financial years.

- 25) A compliance certificate under the Water Management Act 2000 must be obtained from the Council (as the local water supply authority). Council requires the following works and payments to be completed prior to issuing a Subdivision Certificate:
- (i) A single water supply service shall be provided to each lot through an internal trickle feed system.
 - (ii) Water headworks contributions will apply at the rate identified in Council's Management Plan at the time of issue of a Subdivision Certificate or by a Development Servicing Plan applicable to the land. Revised rates adopted in subsequent Management Plans will apply to lots released in later financial years.

- 26) One set of approved construction drawings shall be amended to show the "work-as executed". These drawings shall be provided prior to issue of the subdivision certificate. The drawings are required to ensure that adequate records are maintained of community infrastructure. The drawings shall be certified by a registered surveyor or a Chartered Professional Civil Engineer.
- 27) All test results, material certificates, non-conformance reports and signed off Hold/Witness Points as required by the Inspection and Test Plan (ITP) shall be submitted for the review of the Development Engineer to verify the Quality of the completed product.

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 Paul Durant 4. Cr Ray Tait 5. Cr Helen Tickle 6. Cr James Treloar 7. Cr Juanita Wilson	Nil

6.2 PROPOSED ROAD NAMES – HILLVUE LOCALITY - FILE No DA0052/2010 AND SF2771

DIRECTORATE: ENVIRONMENT, PLANNING AND ECONOMIC DEVELOPMENT

AUTHOR: Carolyn Tickle, Development Assistant

MOTION

Moved Cr Russell Webb/Cr Paul Durant

397/10 RESOLVED

That in relation to naming the new roads created within the approved subdivision of Lot 4 DP 872074, Bylong Road, Hillvue, Council:

- (i) approve in principle, the road names “Peak Drive” and “Sanctuary Place”;
- (ii) advertise the proposed names as required by the Roads Act 1993 Section 162, Roads (General) Regulation 2008, Part 2, Division 2 to enable interested parties the opportunity to make comment;
- (iii) serve notice of proposed names on Australia Post, the Department of Lands, Chief Executive of the Ambulance Service of NSW, NSW Fire Brigades, the NSW Rural Fire Service, NSW Police Force and State Emergency Service; and
- (iv) following consideration and determination of any submissions made, proceed to publish the adopted names in the Government Gazette and notify Australia Post, the Department of Lands, Chief Executive of the Ambulance Service of NSW, NSW Fire Brigades, the NSW Rural Fire Service, NSW Police Force and State Emergency Service with sufficient particulars for identification of the road.

6.3 PROPOSED ROAD NAMES – OXLEY VALE LOCALITY - FILE NO DA 0565/1999 AND SF 2771

DIRECTORATE: ENVIRONMENT, PLANNING AND ECONOMIC DEVELOPMENT

AUTHOR: Jenny Clarke, Development Assistant

MOTION

Moved Cr Ray Tait/Cr Russell Webb

398/10 RESOLVED

That in relation to naming the new roads created within the approved subdivision of Lot 6 DP 1119377, Orley Drive, Oxley Vale, Council:

- (i) approve in principle, the road names “Bottlebrush Cove” and “Brushbox Grove”;
- (ii) advertise the proposed names as required by the Roads Act 1993 Section 162, Roads (General) Regulation 2008, Part 2, Division 2 to enable interested parties the opportunity to make comment;
- (iii) serve notice of proposed names on Australia Post, the Department of Lands, Chief Executive of the Ambulance Service of NSW, NSW Fire Brigades, the NSW Rural Fire Service, NSW Police Force and State Emergency Service; and
- (iv) following consideration and determination of any submissions made, proceed to publish the adopted names in the Government Gazette and notify Australia Post, the Department of Lands, Chief Executive of the Ambulance Service of NSW, NSW Fire Brigades, the NSW Rural Fire Service, NSW Police Force and State Emergency Service with sufficient particulars for identification of the road.

6.4 DRAFT PEEL RIVER ESTATE DEVELOPMENT CONTROLS - UPDATE REPORT FOLLOWING PUBLIC EXHIBITION - FILE NO 5023

DIRECTORATE: ENVIRONMENT PLANNING AND ECONOMIC DEVELOPMENT

AUTHOR: Andrew Spicer, Strategic Planner (Section 94)

MOTION

Moved Cr Russell Webb/Cr James Treloar

399/10 RESOLVED

That, in relation to the Peel River Estate:

- (i) consideration of the draft Site Specific Development Controls as a Site Specific Requirement under Step 4 of the Draft Tamworth Regional Development Control Plan be deferred;
- (ii) a holistic approach to traffic management in Calala and Tamworth generally, be developed upon completion of the Tamworth Regional Traffic Study; and
- (iii) further reports be submitted to Council addressing the outcomes of the traffic analysis and following receipt of a revised Draft Peel River Estate Concept Plan and Development Controls.

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 Paul Durant 4. Cr Ray Tait 5. Cr Helen Tickle 6. Cr James Treloar 7. Cr Juanita Wilson	Nil

6.5 DEVELOPMENT APPLICATION (DA 0089/2011) FOR A COMMUNICATIONS FACILITY AT VICTORIA PARK, PIPER STREET, EAST TAMWORTH (LOT 2 DP 711212 FILE NO. DA0089/2011)

DIRECTORATE: ENVIRONMENT, PLANNING AND ECONOMIC DEVELOPMENT

AUTHOR: David Koppers, Senior Development Assessment Planner

MOTION

Moved Cr Russell Webb/Cr Ray Tait

400/10 RESOLVED

That in relation to Development Application No. DA0089/2011 for a Communications Facility at Victoria Park, Piper Street, East Tamworth, consent be granted subject to the following conditions:

- 1) Appropriate measures are to be implemented in relation to erosion and sediment control prior to work commencing. Such measures are to be maintained during the construction of the development.
- 2) Pursuant to s.81A of the Act, the following matters must be satisfied prior to the commencement of work:
 - (i) obtain a construction certificate from either Council or an accredited certifier;
 - (ii) appoint a Principal Certifying Authority (and advise Council of the appointment, if it is not the Council);
 - (iii) give at least 2 days notice to Council of the intention to commence work.
- 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:
 - (i) Unauthorized entry to the work site is prohibited; and
 - (ii) 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
 - (iii) The name, address and phone number of the PCA by the owner.

The sign is to be removed when the work has been completed.

- 4) Toilet facilities are to be provided, prior to the commencement of work, at or in the vicinity of the work site on which work involved in the erection or demolition of a

building is being carried out. Facilities are to be provided at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

Each toilet provided must be a standard flushing toilet, and must be connected to;

- (i) a public sewer,
- (ii) if connection to a public sewer is not practicable, then the toilet is to be connected to an accredited sewage management facility approved by the council, and
- (iii) if connection to a public sewer or an accredited sewage management facility is not practicable, then connection to some other sewage management facility approved by the council is required.

The provision of toilet facilities in accordance with this clause must be completed before any other work is commenced.

- 5) All building work must be carried out in accordance with the provisions of the Building Code of Australia.
 - 6) 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.
 - 7) Inspection – 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.
 - 8) To ensure the safety of workers on site and the public, all excavations and backfilling are to be executed safely and in accordance with appropriate professional standards and, properly guarded and protected to prevent them from being dangerous to property or life.
 - 9) A site rubbish enclosure shall be provided on the site for the period of the proposed construction works.
 - 10) All roofwaters are to be collected to a 5000 litre rainwater tank. The rainwater tank is to be designed to allow for a constant discharge through an outlet pipe of no greater than 20mm diameter, through an appropriately sized "leaky pipe" system, downhill of the building to control the flow of roofwaters and prevent damage to the building and to restrict nuisance to adjoining properties. Provide opportunity for the developer to propose an acceptable alternate solution that achieves the same outcomes for drainage control. Details are to be provided with application for a Construction Certificate.
 - 11) 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.
-

- 12) 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 shall not be occupied or used until
 - (i) it is completed in accordance with the approval and the principal certifying authority has completed a satisfactory final inspection; or
 - (ii) the principal certifying authority gives written permission to allow the building to be occupied or used before it is completed.
- 13) External lighting shall be designed and installed so as to avoid light spill and prevent contribution to sky glow in accordance with AS4282:1997 - Control of the Obtrusive Effects of Outdoor Lighting. Additionally, lighting shall be directed to focus on the compound and not on adjoining land.
- 14) Due to the proximity and location of the proposed equipment shelter to the reservoir overflow/scour structure, the applicant is advised to give appropriate consideration to finished floor levels.
- 15) Fibre Optic cable and power trenching will intersect both Council's 375 diameter and 500 diameter water mains. Council requires the applicant to locate these assets by utilising an appropriate skilled and qualified service locator prior to any excavation in the vicinity of these assets. If excavation works are to be undertaken within 600mm of Council's assets, or if infrastructure such as electricity or telecommunications services are to be constructed within 600mm of existing assets, the applicant is to contact Council's Water Enterprises Directorate prior to the commencement of any works.
- 16) The applicant will have registered over Lot 2 DP 711212 and Council Reserve R6742 from the Piper Street road reserve to the development, a three (3) metre wide Right of Carriageway under the provisions of s88B of the Conveyancing Act 1919. The Right of Carriageway is to be registered prior to the release of any Occupation Certificate.

AMENDMENT

Moved Cr Paul Durant/Cr Juanita Wilson

That, in relation to Development Application No. DA0089/2011 for a Communications Facility at Victoria Park, Piper Street, East Tamworth, the matter be deferred to review other available site options considered by the Developer.

AMENDMENT LOST

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 Paul Durant 2. Cr Juanita Wilson	1. Cr Col Murray, Mayor 2. Cr Russell Webb, Deputy Mayor 3. Cr Ray Tait 4. Cr Helen Tickle 5. Cr James Treloar

MOTION

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 Paul Durant 4. Cr Ray Tait 5. Cr Helen Tickle 6. Cr James Treloar	Cr Juanita Wilson

6.6 TAMWORTH REGIONAL HERITAGE AWARDS - FILE NO SF 4970

DIRECTORATE: ENVIRONMENT, PLANNING AND ECONOMIC DEVELOPMENT

AUTHOR: Megan Purkiss, Strategic Planner

MOTION

Moved Cr Ray Tait/Cr Juanita Wilson

401/10 RESOLVED

That the report in relation to the Tamworth Regional Heritage Awards be received and noted.

6.7 MANILLA – NUNDLE - BENDEMEER - KOOTINGAL MAIN STREET DESIGN UPGRADE BEAUTIFICATION PROJECT- FILE NO SF 4660

DIRECTORATE: ENVIRONMENT, PLANNING AND ECONOMIC DEVELOPMENT

AUTHOR: Nathan Bartlett, Strategic Planner

MOTION

Moved Cr Paul Durant/Cr Ray Tait

402/10 RESOLVED

That the report in relation to the Main Street Design Upgrade Beautification Project be received and noted and Council adopt 'in principle' each of the Draft Master Plans for Manilla, Nundle, Bendemeer and Kootingal, subject to any minor amendments identified following the final phase of consultation with the communities.

6.8 PUBLIC EXHIBITION OF THE DRAFT ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2010 - FILE NO SF 53

DIRECTORATE: ENVIRONMENT, PLANNING AND ECONOMIC DEVELOPMENT

AUTHOR: Alison McGaffin, Director, Environment, Planning and Economic Development

MOTION

Moved Cr Russell Webb/Cr Helen Tickle

403/10 RESOLVED

That Council make a submission to the Department of Planning in relation to the draft Environmental Planning and Assessment Regulation 2010 on the issues as outlined in this report.

7 INFRASTRUCTURE AND SERVICES

7.1 EFFLUENT REUSE FARM PROGRESS - FILE NO SF4595

DIRECTORATE: WATER ENTERPRISES

AUTHOR: Nigel Thompson Manager Augmentation

MOTION

Moved Cr Paul Durant/Cr Ray Tait

404/10 RESOLVED

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.

7.2 WESTDALE ALLIANCE UPDATE - FILE NO SF3216

DIRECTORATE: WATER ENTERPRISES

AUTHOR: Nigel Thompson, Manager Water Augmentation

MOTION

Moved Cr Juanita Wilson/Cr Ray Tait

405/10 RESOLVED

That the report in relation to the Report Westdale Alliance Update be received and noted and Council determine the financial aspects of this matter in that part of the meeting which is closed to the public pursuant to section 10A(2) (c) of the Local Government Act 1993 on the grounds that the information would, if disclosed, confer a commercial advantage on a person with whom Council is conducting business.

7.3 STRATEGIC BUSINESS PLANS – WATER AND SEWER - FILE No SF4121

DIRECTORATE: WATER ENTERPRISES

AUTHOR: Doug Hill – Manager Water Strategy & Assets

MOTION

Moved Cr Paul Durant/Cr Ray Tait

406/10 RESOLVED

That in relation to the report Strategic Business Plans – Water and Sewer Council:

- (i) place the Strategic Business Plan for Water and the Strategic Business Plan for Sewerage Services on display for a period of 28 days seeking submissions in relation to the plans;
- (ii) request the Director Water Enterprises to submit a further report to Council in the event that submissions objecting to the adoption of one or both of the plans are received; and
- (iii) adopt the plans if no submissions objecting are received and provide copies of the adopted strategies to the NSW Office of Water.

7.4 KOOTINGAL SEWERAGE EFFLUENT REUSE - FILE No SF1941

DIRECTORATE: WATER ENTERPRISES

AUTHOR: Michael Bryant, Water Executive Services Manager

MOTION

Moved Cr Ray Tait/Cr Paul Durant

407/10 RESOLVED

That in respect to the report Kootingal Sewerage Effluent Reuse, Council:

- (i) seek expressions of interest from the private sector for the purchase of treated effluent from the Kootingal Sewerage Treatment Plant for beneficial reuse on land located in the local area; and
- (ii) prior to calling for expression of interest Council first write to the NSW Department of Local Government seeking advice as to whether the expression of interest may be handled under the normal provisions of the Local Government Act (1993), or required to be handled under the Local Government Amendment (Public Private Partnerships) Act 2004.

7.5 BENDEMEER WATER SUPPLY GROUNDWATER INVESTIGATION - FILE No SF3542

DIRECTORATE: WATER ENTERPRISES

AUTHOR: Michael Bryant, Water Executive Services Manager

MOTION

Moved Cr James Treloar /Cr Paul Durant

408/10 RESOLVED

That the report in relation to Bendemeer Water Supply Groundwater Investigations, be received and noted and Council:

- (i) enter into discussion with NSW Government agencies for the approval and licensing of the test bore at site 3A Airlie Road to be equipped and connected to the Bendemeer water supply;
- (ii) proceed with detailed investigations, design and construction for the equipping of the bore at site 3A and connection to the Bendemeer Water Treatment Plant; and
- (iii) once the bore at site 3A has been equipped and pump tested over a long duration the Director Water Enterprises provide a further report to Council on the performance of the groundwater supply including whether additional emergency bores are required for Bendemeer plus changes required to the Drought Management Plan to accommodate the groundwater supply.

7.6 KOOTINGAL / MOONBI WATER SUPPLY GROUNDWATER INVESTIGATION - FILE No SF3544

DIRECTORATE: WATER ENTERPRISES

AUTHOR: Michael Bryant, Water Executive Services Manager

MOTION

Moved Cr Russell Webb/Cr Juanita Wilson

409/10 RESOLVED

That the report in relation to Kootingal/Moonbi Water Supply Groundwater Investigations be received and noted and Council not proceed with any further groundwater investigations at Kootingal / Moonbi.

7.7 MANILLA WATER SUPPLY GROUNDWATER INVESTIGATION - FILE No SF3543

DIRECTORATE: WATER ENTERPRISES

AUTHOR: Michael Bryant, Water Executive Services Manager

MOTION

Moved Cr Ray Tait/Cr Paul Durant

410/10 RESOLVED

That the report in relation to Manilla Water Supply Groundwater Investigations be received and noted and Council:

- (i) not proceed with any further groundwater investigations at Manilla at this point in time; and
- (ii) request the Director Water Enterprises to submit a report to Council on improving the efficiency of the transfer of water from the Manilla River to the Water Treatment Plant to maximise the back up water supply from Split Rock Dam.

7.8 NUNDE WATER SUPPLY GROUNDWATER INVESTIGATION - FILE No SF3541

DIRECTORATE: WATER ENTERPRISES

AUTHOR: Michael Bryant, Water Executive Services Manager

MOTION

Moved Cr Russell Webb/Cr Helen Tickle

411/10 RESOLVED

That the report in relation to Nundle Water Supply Groundwater Investigations be received and noted and Council:

- (i) enter into discussion with NSW Government agencies for the approval and licensing of the test bore at site 3B Crawney Road to be equipped and connected to the Nundle water supply;
- (ii) proceed with detailed investigations, design and construction for the equipping of the bore at site 3B and connection to the Nundle Water Treatment Plant; and
- (iii) once the bore at site 3B has been equipped and pump tested over a long duration the Director Water Enterprises provide a further report to Council on the performance of the groundwater supply including whether additional emergency bores are required for Nundle plus changes required to the Drought Management Plan to accommodate the augmented groundwater supply.

7.9 DROUGHT EMERGENCY WATER SUPPLY FUNDING - FILE No SF515

DIRECTORATE: WATER ENTERPRISES

AUTHOR: Michael Bryant, Water Executive Services Manager

MOTION

Moved Cr Paul Durant/Cr Ray Tait

412/10 RESOLVED

That the report in relation to Drought Emergency Water Supply Funding be received and noted and Council:

- (i) not proceed with the following investigation and design projects included in the NSW Government 2007 offer for drought emergency water supply funding;
- Item 1.4 - Tamworth Water Supply – Paradise Weir design,
 - Item 1.5 – Tamworth Water Supply – Back feed water from Kootingal / Moonbi water supply,
 - Item 2.2 – Kootingal / Moonbi Water Supply – Design bores and rising main, and
 - Item 3.3 – Manilla Water Supply – Design bores and rising main; and
- (ii) request the NSW Office of Water (and if necessary the Minister for Water) to reallocate unexpended drought emergency water supply funding to projects that exceeded the initial estimated cost of investigation, plus new construction projects identified from the groundwater investigations;
- Item 3.1 Manilla Water Supply – Investigate bulk transfer from Manilla River (additional expenditure of \$1,757).
 - Item 3.2 Manilla Water Supply – Investigate new bores (additional expenditure of \$5,630).
 - Item 4.1 Bendemeer Water Supply – Investigate new bores (additional expenditure of \$98,694).
 - Item 5.1 Nundle Water Supply – Investigate new bores (additional expenditure of \$72,501)
 - New Item - Bendemeer Water Supply - equipping of a bore and construction of a pipeline to the Bendemeer water treatment plant at an estimated cost of \$240,000 (new project),and
 - New item - Nundle Water Supply equipping of a bore and construction of a pipeline to the Nundle water treatment plant at an estimated cost of \$210,000 (new project).

7.10 IPART REVIEW OF BULK WATER PRICING FROM JULY 2010 - FILE No SF2229

DIRECTORATE: WATER ENTERPRISES

AUTHOR: Michael Bryant – Water Executive Services Manager

MOTION

Moved Cr Ray Tait/Cr James Treloar

413/10 RESOLVED

That in relation to the report IPART Review of Bulk Water Pricing from July 2010, Council:

- (i) note the IPART Draft Report and Draft Pricing Determination for the NSW Office of Water for the three year period commencing July 2011;
- (ii) make a submission to IPART on the IPART Draft Report and Draft Pricing Determination for the NSW Office of Water; and
- (iii) request the Director Water Enterprises to submit reports to Council as further information becomes available on the bulk water pricing review of maximum charges that may be charged by the NSW Office of Water.

7.11 SPORTS WORKING GROUP MINUTES - FILE No SF2539

DIRECTORATE: REGIONAL SERVICES

AUTHOR: Simon Haire - Manager Parks, Gardens and Recreation

MOTION

Moved Cr Russell Webb/Cr Ray Tait

414/10 RESOLVED

That, in relation to the Minutes of the Sports Working Group, Council:

- (i) receive and note the minutes of the Sports Working Group;
- (ii) approve the recommended competition winners as detailed in the body of this report; and
- (iii) make a determination in respect of a name for the Indoor Sports Centre.

ADDITIONAL ITEM – INDOOR SPORTS CENTRE NAME – FILE No SF5032

MOTION

Moved Cr James Treloar /Cr Juanita Wilson

415/10 RESOLVED

That the name for the new Indoor Sports Centre be *Tamworth Sports Dome*.

7.12 SPORTS CENTRE COMMITTEE - FILE NO SF5032

DIRECTORATE: REGIONAL SERVICES

AUTHOR: Simon Haire Manager Parks, Gardens and Recreation

MOTION

Moved Cr Russell Webb/Cr Juanita Wilson

416/10 RESOLVED

That in relation to management and operation of the new Tamworth Sports Centre Council:

- (i) appoint Lynette O'Brien and Clare Dubois as Tamworth Netball delegates of the Sports Centre Committee;
- (ii) appoint Scott Ward and Neil Gaffney as Tamworth Basketball delegates of the Sports Centre Committee; and
- (iii) appoint Walter Franklin and Timothy Coates as community members of the Sports Centre Committee.

7.13 TAMWORTH REGIONAL LOCAL TRAFFIC COMMITTEE MEETING – OCTOBER 2010 FILE NO SF1387

DIRECTORATE: REGIONAL SERVICES

AUTHOR: Murray Russell, Manager Civil Construction and Engineering Services

MOTION

Moved Cr Ray Tait/Cr Juanita Wilson

417/10 RESOLVED

That Council endorse the following recommendations of the Tamworth Regional Local Traffic Committee meeting held on 13 October 2010:

- 50/2010 With regard to the proposed Restricted Access Vehicles (RAV) gazettal of Nowendoc Road from the Tamworth Regional Council (TRC) and Walcha Shire Council boundary west for a distance of 10 kilometres, this matter be deferred till the November Local Traffic Committee meeting.
- 51/2010 With regard to the proposed installation of regulatory facilities adjacent to the Child Care Centre at 116/118 Kent Street at the intersection with the Werris Creek Road in Tamworth and in accordance with Brown & Krippners Surveyors Plan No. 1485E0202, the following be endorsed:
 - (i) The proposed No Stopping restriction in front of 114 Kent Street be amended to only apply between the hours of 7am and 9am and 4pm to 6pm Monday to Friday and terminate at the eastern property boundary of 114 Kent Street;

- (ii) The proposed unrestricted No Stopping on the southern side of Kent Street commence at the boundary of 114 and 116/118 Kent Street terminate on the eastern side of Werris Creek Road; and
- (iii) The remainder of all regulatory facilities as per Plan No. 1485E0202 be endorsed.
- 52/2010 With regard to proposed parking restrictions in front of Duri Public School in Duri, the following be endorsed:
- (i) a bus zone restricted between 8.00am to 9.30am and 2.30pm to 4.00pm on School days be imposed for 20m along the school frontage; and
- (ii) the existing No Parking restrictions at the school driveway be extended to align with the restricted bus zone.
- 53/2010 No Parking restrictions be imposed along the eastern boundary of Railway Park in Currabubula Street, Duri.
- 54/2010 A disabled parking bay be imposed on the southern side of Gate Street in Kootingal, immediately west of the existing marked pedestrian crossing.
- 55/2010 With regard to the proposed lockable gates in Carter Street, Plain Street and Solander Drive, as part of the Riverside Sporting precinct, Council's Plan Nos 18896 & 18895 be approved in their entirety including all regulatory and warning signage.

7.14 BARRABA ADDITIONAL GROUNDWATER INVESTIGATION - FILE No SF1884

DIRECTORATE: WATER ENTERPRISES

AUTHOR: Bruce Logan, Director

MOTION

Moved Cr James Treloar /Cr Paul Durant

418/10 RESOLVED

That in relation to the report Barraba Additional Groundwater Investigations Council:

- (i) not proceed with the additional groundwater investigations at Barraba until after Council has considered the Sustainability Report on the James Street Bores prepared by Council's consultant Sinclair Knight Merz; and
- (ii) abandon tender number T014/2011 Drilling & Testing of Water Supply Investigation Bores for Barraba and call fresh tenders if a decision to proceed with the investigation has not been made and contracts, associated with T014/2011, signed by 31 December 2010.

8 GOVERNANCE, STRATEGY AND FINANCE

8.1 COMPARATIVE INFORMATION ON NSW LOCAL GOVERNMENT COUNCILS 2008/2009 - FILE No SF799

DIRECTORATE: CORPORATE AND GOVERNANCE
AUTHOR: Mark Crompton, Finance and Information Technology Manager

MOTION

Moved Cr Russell Webb/Cr Paul Durant

419/10 RESOLVED

That the report on Comparative Information on NSW Local Government Councils for the year 2008/2009 be received and noted.

8.2 BRIDGE STREET – RENEWAL OF ALCOHOL FREE ZONE - FILE No SF991

REPORT FROM: DIRECTOR CORPORATE AND GOVERNANCE
Actioning Officer: Robert Charlesworth, Administration & Governance Manager

MOTION

Moved Cr James Treloar /Cr Paul Durant

420/10 RESOLVED

- (i) That Council give notice and invite public comments in respect of a proposal to renew an Alcohol Free Zone for a period of four years from 29 December 2010 covering all public roads and car parks within the area bounded by and including Bridge Street, Tamworth from the western side of the intersection of Ebsworth Street for its length through to the intersection with Phillip Street, In Street, Hercules Street and Reserve Place; and
- (ii) That Council consider any public comments received in respect of the proposal to renew the Alcohol Free Zone in respect of all public roads and car parks within the area bounded by and including all public roads and car parks within the area bounded by and including Bridge Street, Tamworth from the western side of the intersection of Ebsworth Street for its length through to the intersection with Phillip Street, In Street, Hercules Street and Reserve Place at the December 2010 Ordinary Meeting of the Council.

8.3 ROBERT STREET, TAMWORTH – RENEWAL OF ALCOHOL FREE ZONE - FILE NO SF993

REPORT FROM: DIRECTOR CORPORATE AND GOVERNANCE
Actioning Officer: Robert Charlesworth, Administration & Governance Manager

MOTION

Moved Cr James Treloar /Cr Paul Durant

421/10 RESOLVED

- (i) That Council give notice and invite public comments in respect of a proposal to renew an Alcohol Free Zone for a period of four years from 29 December 2010 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; and
- (ii) That Council consider any public comments received in respect of the proposal to renew the 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 at the December 2007 Ordinary Meeting of the Council.

8.4 RENEWAL OF ALCOHOL FREE ZONE TAMWORTH CENTRAL BUSINESS DISTRICT (CBD) - FILE NO SF992

REPORT FROM: DIRECTOR CORPORATE AND GOVERNANCE
Actioning Officer: Robert Charlesworth, Administration & Governance Manager

MOTION

Moved Cr James Treloar /Cr Paul Durant

422/10 RESOLVED

- (i) That Council give notice and invite public comments in respect of a proposal to renew an Alcohol Free Zone for a period of four years from 29 December 2010 in respect of all public roads and car parks within the area bounded by Kable Avenue south from White Street to Murray Street, then east in Murray Street to Marius Street, then north in Marius Street to White Street, including Peel Street south from the White Street intersection to the Murray/Peel Street roundabout Tamworth; and.
- (ii) That Council consider any public comments received in respect of the proposal to renew the Alcohol Free Zone in respect of all public roads and car parks within the area bounded by Kable Avenue south from White Street to Murray Street, then east in Murray Street to Marius Street, then north in Marius Street to White Street, including Peel Street south from the White Street intersection to the Murray/Peel Street roundabout Tamworth at the December 2010 Ordinary Meeting of the Council.

8.5 BARRABA CENTRAL BUSINESS DISTRICT – RENEWAL OF ALCOHOL FREE ZONE - FILE NO SF2351

REPORT FROM: DIRECTOR CORPORATE AND GOVERNANCE
Actioning Officer: Robert Charlesworth, Administration & Governance Manager

MOTION

Moved Cr James Treloar /Cr Paul Durant

423/10 RESOLVED

- (i) That Council give notice and invite public comments in respect of a proposal to renew an Alcohol Free Zone for a period of four years from 29 December 2010 covering 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; and
- (ii) That Council consider any public comments received in respect of the proposal to renew the Alcohol Free Zone covering 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 at the December 2010 Ordinary Meeting of the Council.

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

REPORT FROM: DIRECTOR CORPORATE AND GOVERNANCE
Actioning Officer: Robert Charlesworth, Administration & Governance Manager

MOTION

Moved Cr James Treloar /Cr Paul Durant

424/10 RESOLVED

- (i) That Council give notice and invite public comments in respect of a proposal to renew an Alcohol Free Zone for a period of four years from 29 December 2010 covering all public roads and car parks within the area bounded by and including Progress Lane, Market Street, Arthur Street and Court Street, Manilla; and
- (ii) That Council consider any public comments received in respect of the proposal to renew the Alcohol Free Zone covering all public roads and car parks within the area bounded by Progress Lane, Market Street, Arthur Street and Court Street, Manilla at the December 2010 Ordinary Meeting of the Council.

8.7 VILLAGE IMPROVEMENT FUND PROGRAM 2010/2011 - FILE No SF4913

DIRECTORATE: CORPORATE AND GOVERNANCE

AUTHOR: Paul Newall, Community Facilities Co-ordinator

MOTION

Moved Cr James Treloar /Cr Ray Tait

425/10 RESOLVED

That, in relation to the report on the 2010/2011 Village Improvement Fund Program, Council allocate funds totalling \$61,995 to the following projects:

Committee	Project	Committee funding	Funds requested from Council
Nundle Community Development Committee	Install bubbler in Captain Cook Park	\$500	\$750
Duri Progress Association	Extension to canteen	\$1,500	\$1500
Dungowan Recreation Reserve	Replace Fencing	\$12,000	\$10,000
Woolomin Reserve	Extensions to existing toilet block	\$7,500	\$7,500
Victoria Park 335 Committee	Stage 1 threatened species section	\$5,000	\$5,000
Moore Creek Hall	New tank on hall plus pump & irrigation system	\$5,000	\$5,000
Dungowan Hall 355	Reline wall and interior painting	\$7,000	\$7,000
Moonbi Community Development Committee	Awning over front of museum	\$1250	\$1,250
Moonbi Hall	Paving entry to hall	\$960	\$960
Bendemeer Community Development Committee	Paint Interior of Hall	\$5,000	\$3,000
Watsons Creek	Outdoor furniture –covered table and chairs	\$2,800	\$2,000
Sub total		\$48,510	\$43,960
Emergency Projects:			
Moore Creek Hall	New effluent disposal system	N/A	\$14,275
Bendemeer Hall	Rubble drainage system	N/A	\$3,760
Total		\$48,510	\$61,995

8.8 CODE OF MEETING PRACTICE – MEETING PRACTICE NOTE No16 - FILE No SF802

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

MOTION

Moved Cr Russell Webb/Cr Ray Tait

426/10 RESOLVED

That, in relation to the report Code of Meeting Practice, Council approve and implement the following changes to the Code of Meeting Practice:

- (i) allow councillors prior to the end of the Council Meeting the opportunity to raise *Questions and Matters of Concern* that seek no resolution of the Council and on the understanding that answers will be provided at the following meeting; and
- (ii) minute the reason(s) when Council makes a decision against the staff recommendation in the report in relation to determining development applications.

8.9 FINANCIAL ASSISTANCE GRANT 2010/2011 - FILE No SF1057

DIRECTORATE: CORPORATE AND GOVERNANCE
AUTHOR: Mark Crompton, Manager Finance & Information Technology

MOTION

Moved Cr Russell Webb/Cr Paul Durant

427/10 RESOLVED

That the report in relation to Council's 2010/2011 Financial Assistance Grant be received and noted.

8.10 DISCLOSURE OF INTEREST RETURNS - FILE No SF3854

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

MOTION

Moved Cr Ray Tait/Cr Helen Tickle

428/10 RESOLVED

That it be noted all Councillors and designated persons have completed and lodged Disclosure of Interests Returns within three months of 30 June 2010 in accordance with Section 449(3) of the Local Government Act 1993 and that the Department of Local Government be advised accordingly.

8.11 FINANCIAL REPORTS 2009/2010 – CONSOLIDATED – TAMWORTH REGIONAL COUNCIL - FILE NO SF4433

DIRECTORATE: CORPORATE AND GOVERNANCE
AUTHOR: Mark Crompton, Finance and Information Technology Manager

MOTION

Moved Cr Paul Durant/Cr Juanita Wilson

429/10 RESOLVED

That in relation to the Annual Financial Reports and Auditor's Reports for the period ended 30 June 2010 for Tamworth Regional Council, Council:

- (i) receive and note the reports as presented; and
- (ii) resolve that Council has achieved "substantial compliance" with each criterion in the DEUS Best Practice Guidelines for Water and Sewerage.

8.11 FINANCIAL RESULTS 2009/2010 – GENERAL WATER AND SEWERAGE FUNDS – TAMWORTH REGIONAL COUNCIL - FILE NO SF4433

DIRECTORATE: CORPORATE AND GOVERNANCE
AUTHOR: Mark Crompton, Finance and Information Technology Manager

MOTION

Moved Cr Paul Durant/Cr Juanita Wilson

430/10 RESOLVED

That the report in relation to the 2009/2010 Financial Results for Tamworth Regional Council General, Water and Sewerage Funds be received and noted.

8.12 MANAGEMENT PLAN QUARTERLY PERFORMANCE AND BUDGET REVIEW TO 30 SEPTEMBER 2010 -- FILE NO SF4653

DIRECTORATE: GENERAL MANAGER
AUTHOR: Finance and Information Technology Manager, Mark Crompton

MOTION

Moved Cr Russell Webb/Cr Ray Tait

431/10 RESOLVED

That the General Manager's Report – 2010/2011 Management Plan Quarterly Performance and Budget Review Statements to 30 September 2010 for Tamworth Regional Council be received and noted and the variations as listed in Enclosure 8.12 be approved.

9 REPORTS FROM DELEGATES

9.1 EVOCITIES UPDATE: POST-LAUNCH PERIOD - FILE NO SF5052

AUTHOR: Cr James Treloar

MOTION

Moved Cr James Treloar /Cr Paul Durant

432/10 RESOLVED

That the Delegate's Report from Cr James Treloar, Spokesperson, Evocities Steering Committee advising of the status of the Evocities Campaign from 22 September 2010 (the Official Launch Bathurst) to date be received and noted.

10 QUESTIONS FOR NEXT MEETING

10.1 COUNCIL MEETING SCHEDULE – FILE NO SF806

Cr Ray Tait requested the General Manager investigate scheduling an Ordinary Council meeting for the month of January 2011.

11 REPORTS TO BE CONSIDERED IN CLOSED COUNCIL

MOTION

Moved Cr James Treloar /Cr Paul Durant

433/10 RESOLVED

That the confidential report Items as listed be considered in a meeting closed to the public in accordance with Section 10A(2) of the Local Government Act 1993 save and except Item 11.3 Effluent Reuse Farm Progress.

11.1 TENDER T008/2011– SUPPLY & DELIVERY OF THREE BACKHOE LOADERS AND ONE WASTE HANDLING WHEEL LOADER

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 NIRW REGIONAL GREEN WASTE PROCESSING - FILE NO TO65/2010

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.

11.4 WESTDALE ALLIANCE UPDATE - FILE NO SF3216

That Council determine the financial aspects of this matter in that part of the meeting which is closed to the public pursuant to section 10A(2) (c) of the Local Government Act 1993 on the grounds that the information would, if disclosed, confer a commercial advantage on a person with whom Council is conducting business.

11.3 EFFLUENT REUSE FARM PROGRESS - FILE NO SF4595

Cr James Treloar requested clarification on the grounds for moving this item into Closed Council. The Director Water Enterprises advised that information contained in the report was considered confidential that would, if disclosed, prejudice the commercial position of the person who supplied it.

MOTION

Moved Cr Ray Tait/Cr Russell Webb

434/10 RESOLVED

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.

At 8:00pm, 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.

There was no response from the public. 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 EFFLUENT REUSE FARM PROGRESS - FILE NO SF4595

DIRECTORATE: WATER ENTERPRISES
AUTHOR: Nigel Thompson, Manager Augmentation

MOTION

Moved Cr Russell Webb/Cr Paul Durant

435/10 RESOLVED

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

12.2 WESTDALE ALLIANCE UPDATE - FILE NO SF3216

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

MOTION

Moved Cr Ray Tait/Cr Russell Webb

436/10 RESOLVED

That Council approve the allocation of funds for the Tamworth Sewerage Augmentation Scheme as set out in the report Westdale Alliance update.

12.3 NIRW REGIONAL GREEN WASTE PROCESSING - FILE NO T062/2010

DIRECTORATE: Regional Services
AUTHOR: John Davis, Manager Waste and Cleaning Services

MOTION

Moved Cr James Treloar /Cr Paul Durant

437/10 RESOLVED

That, in relation to the report Tender T062/2010 NIRW Regional Green Waste Processing, Council:

- (i) accept the tender of Regen (NSW) Pty Ltd for processing of Green waste; and
- (ii) authorise the execution of contracts by the Mayor and General Manager with the Regen (NSW) Pty Ltd.

Cr James Treloar declared a Pecuniary Interest in this matter for reason that his son is employed by one of the tenderers and left the Chambers at 8:08pm.

12.4 TENDER T010/2011 – SUPPLY AND DELIVERY OF THREE BACKHOE LOADERS AND ONE WASTE HANDLING WHEEL LOADER FILE NO T008/2011

DIRECTORATE: Regional Services
AUTHOR: George Shearman, Plant and Fleet Manager

MOTION

Moved Cr Russell Webb/Cr Paul Durant

438/10 RESOLVED

That in relation to the report T008/2010 – Supply & Delivery of Three Backhoe Loaders and One Waste Handling Wheel Loader, Council accept the tender of Westrac, for the supply and delivery of Three (3) Caterpillar 432E Backhoes and One Caterpillar 928HZ Waste Handling Wheel Loader, for a change over price of \$598,221.59.

At 8:10pm, Cr James Treloar rejoined the Meeting.

13 RESOLUTIONS PASSED IN CLOSED COUNCIL

At 8:11pm the meeting moved back into Open Council

In accordance with clause 253 of the *Local Government (General) Regulation 2005* the General Manager provided a summary of the resolutions passed in Closed Council.

Closure: There being no further business the Ordinary Meeting of Council concluded at 8:12pm.

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

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