

ORDINARY COUNCIL MEETING



Council Chambers, 4th Floor Ray Walsh House, 437 Peel Street

6:30PM TUESDAY 10 AUGUST 2010

Order Of Business

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- 2 COMMUNITY CONSULTATION**
- 3 MINUTES OF PREVIOUS ORDINARY MEETING –27 JULY 2010 TO BE CONFIRMED (Enclosed)**

- 4 DISCLOSURE OF INTEREST**
 - Pecuniary Interest
 - Non Pecuniary Conflict of Interest
 - Political Donations
- 5 MAYORAL MINUTE**

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Glenn Inglis
General Manager

Council

Meeting Date: 2nd and 4th Tuesday of the month commencing at 6.30 p.m.

Matters determined by Ordinary meetings will include all those non-delegable functions identified in Section 377 of the Local Government Act as follows:

- *the appointment of a general manager*
- *the making of a rate*
- *a determination under section 549 as to the levying of a rate*
- *the making of a charge*
- *the fixing of a fee*
- *the borrowing of money*
- *the voting of money for expenditure on its works, services or operations*
- *the compulsory acquisition, purchase, sale, exchange or surrender of any land or other property (but not including the sale of items of plant or equipment)*
- *the acceptance of tenders which are required under this Act to be invited by the council*
- *the adoption of a management plan under section 406*
- *the adoption of a financial statement included in an annual financial report*
- *a decision to classify or reclassify public land under Division 1 of Part 2 of Chapter 6*
- *the fixing of an amount or rate for the carrying out by the council of work on private land*
- *the decision to carry out work on private land for an amount that is less than the amount or rate fixed by the council for the carrying out of any such work*
- *the review of a determination made by the council, and not by a delegate of the council, of an application for approval or an application that may be reviewed under section 82A of the [Environmental Planning and Assessment Act 1979](#)*
- *the power of the council to authorise the use of reasonable force for the purpose of gaining entry to premises under section 194*
- *a decision under section 356 to contribute money or otherwise grant financial assistance to persons*
- *the making of an application, or the giving of a notice, to the Governor or Minister*
- *this power of delegation*
- *any function under this or any other Act that is expressly required to be exercised by resolution of the council.”*

Other matters and functions determined by Ordinary Council Meetings will include:

- *Notices of Motion*
- *Notices of Motion of Rescission*
- *Council Elections, Polls, Constitutional Referendums and Public Hearings/Inquiries*
- *Ministerial Committees and Inquiries*
- *Mayor and Councillors Annual Fees*
- *Payment of Expenses and Provision of Facilities to Mayor and Councillors*
- *Local Government Remuneration Tribunal*
- *Local Government Boundaries*
- *NSW Ombudsman*
- *Administrative Decisions Tribunal*
- *Delegation of Functions by the Minister*
- *Delegation of Functions to General Manager and Principal Committees*
- *Organisation Structure*
- *Code of Conduct*
- *Code of Meeting Practice*
- *Honesty and Disclosure of Interests*
- *Access to Information*
- *Protection of Privacy*
- *Enforcement Functions (statutory breaches/prosecutions/recovery of rates)*
- *Dispute Resolution*
- *Council Land and Property Development*
- *Annual Financial Reports, Auditors Reports, Annual Reports and Statement of the Environment Reports*
- *Performance of the General Manager*
- *Equal Employment Opportunity*
- *Powers of Entry*
- *Liability and Insurance*
- *Membership of Organisations*
- *Any matter or function not within the delegable function of Principal Committees*
- *Matters referred from Principal Committees for determination*

Membership: All Councillors.
Quorum: 5 members
Chairperson: The Mayor
Deputy Chairperson: The Deputy Mayor

Community Consultation Policy

The first thirty (30) minutes of Open Council Meetings is available for members of the Public to address the Council Meeting or submit questions either verbally or in writing, on matters INCLUDED in the Business Paper for the Meeting.

Members of the public will be permitted a maximum of three (3) minutes to address the Council Meeting. An extension of time may be granted if deemed necessary.

Members of the public seeking to represent or speak on behalf of a third party must satisfy the Council or Committee Meeting that he or she has the authority to represent or speak on behalf of the third party.

Members of the public wishing to address the Council meetings are requested to contact Council either by telephone 67675 444 prior to 12 noon the day of the Meeting or in person and register their intention to address the Council Meeting.

Members of the public will not be permitted to raise matters or provide information which involve:

- Personnel matters concerning particular individuals (other than Councillors);
- Personal hardship of any resident or ratepayer;
- Information that would, if disclosed confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business;
- Commercial information of a confidential nature that would, if disclosed:
 - - prejudice the commercial position of the person who supplied it, or
 - - confer a commercial advantage on a competitor of the Council; or
 - - reveal a trade secret;
- information that would, if disclosed prejudice the maintenance of law
- matters affecting the security of the Council, Councillors, Council staff or Council property;
- advice concerning litigation or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege;
- on balance, be contrary to the public interest.
- Members of the public will not be permitted to use Community Consultation to abuse, vilify, insult, threaten, intimidate or harass Councillors, Council staff or other members of the public. Conduct of this nature will be deemed to be an act of disorder and the person engaging in such behaviour will be ruled out of the order and may be expelled.

Disclosure of Political Donations or Gifts

If you have made a relevant planning application to Council which is listed for determination on the Council Business Paper you must disclose any political donation or gift made to any councillor or employee of the Council within the period commencing 2 years before the application is made and ending when the application is determined (Section 147(4) Environmental Planning and Assessment Act 1979).

If you have made a relevant public submission to Council in relation to a relevant planning application which is listed for determination on the Council Business Paper you must disclose any political donation or gifts made to any councillor or employee of the Council by you as the person making the submission or any associate within the period commencing 2 years before the submission is made and ending when the application is determined (Section 147(5) Environmental Planning and Assessment Act 1979).

OPEN COUNCIL REPORTS

6 ENVIRONMENT & PLANNING

6.1 DRAFT PEEL RIVER ESTATE DEVELOPMENT CONTROLS - FILE NO 4939

DIRECTORATE: ENVIRONMENT PLANNING AND ECONOMIC DEVELOPMENT

AUTHOR: Andrew Spicer, Strategic Planner (Section 94)

ENCLOSURES ENCLOSED

RECOMMENDATION

That, in relation to the Peel River Estate:

- (i) the Draft Site Specific Development Controls be placed on public exhibition as a Site Specific Requirement under Step 4 of the Draft Tamworth Regional Development Control Plan for public comment for twenty-eight (28) days; and,*
- (ii) a further report be submitted to Council following the conclusion of the exhibition period to consider any submissions received.*

SUMMARY

The purpose of this report is to present the Draft Site Specific Development Controls for the Peel River Estate to Council and obtain a resolution for their public exhibition as a Site Specific Requirement under Step 4 of the Draft Tamworth Regional Development Control Plan (DCP). The Site Specific Development Controls have been formulated by the prospective developers of the site with input from Council Planning officers. Copies of the Site Specific Development Controls to be included in the Draft DCP, the Concept Master Plan, Sequencing Plan and the Supporting Report are included at **ENCLOSURES 6.1(a), (b), (c) and (d)**.

The Draft Peel River Estate Development Controls will provide a framework for a proposed 600 dwelling integrated housing development on the subject land (approx. 57ha) providing for a diverse range of housing options and significant infrastructure provision including the construction of a link road from Calala via King George V Avenue to the Tamworth Central Business District (CBD).

It is intended to conduct the public exhibition of these 'place-based' Development Controls in part concurrently with the Draft Tamworth Regional DCP 2010 which Council resolved to exhibit at its Meeting on 27 July 2010 (Item 6.1). This approach should enable Council to consider and adopt, if appropriate, the Draft Peel River Estate Development Controls as a component of the comprehensive Tamworth Regional DCP.

BACKGROUND

Council has previously been informed of the legislative requirements that only one development control plan (DCP) may apply to any parcel of land. To comply with these requirements, the comprehensive Draft Tamworth Regional DCP 2010 has been formulated and Council resolved to exhibit the Draft DCP from early August 2010 (27/7/10 Item 6.1). This comprehensive DCP allows for site specific considerations to be made through 'place-based' Development Controls which are included in Step 4 of the comprehensive plan. The Draft Peel River Estate Development Controls are proposed to be one of these Site Specific Requirements of the Tamworth Regional DCP.

Council has undertaken an extensive process to develop, exhibit and adopt the Draft Tamworth Regional Local Environmental Plan (TRLEP) 2009. An expression of interest (EoI) and a number of submissions were received through this process relating to the proposed rezoning of the subject land from the existing 1(e) Future Investigation zone to R1 General Residential to facilitate the development of the land for residential housing. The subject land was identified through the LEP process as an Urban Release Area emphasising the suitability of the site for development in the short to medium term.

In response to a thorough submission to the LEP, Council supported the formulation of a special clause linked to Urban Release Areas that would enable subdivision to create lots less than the prescribed minimum lot size (MLS) of 600m² in the case of master-planned integrated housing developments. The Draft Peel River Estate Development Controls are designed to activate this clause, once the Tamworth Regional LEP is gazetted, by providing a complete framework to facilitate integrated housing development on the subject land.

It is prudent to note that should the TRLEP be gazetted without the inclusion of this special clause then development will need to proceed in accordance with the MLS applying to the site (600m²) and not in the manner provided for in the Draft Peel River Estate Development Controls as currently drafted.

COMMENTARY

The Draft Peel River Estate Development Controls are structured to be included as a new section in the comprehensive Draft Tamworth Regional DCP. The structure highlights the site specific issues that affect development on the land. The Development Controls hinge on the Concept Master Plan and a Sequencing Plan which provide the blueprint for the layout, overall design and implementation of the integrated housing development. The aspects addressed by the Draft Peel River Estate Development Controls include:

Vision and Character

Illustrated by the Concept Master Plan, the principles of Traditional Neighbourhood Design (TND) are applied to create three (3) distinct 'character areas'; Village Centre, Village Core, Village Edge. The Village Centre has higher density living and some commercial activity adjoined by medium density (Village Core) and then more traditional housing development with reducing density in the outer areas of the estate (Village Edge).

Density and Lots Sizes

The Village Centre is to comprise lots from 250 to 350m² with the adjacent areas (Core) ranging generally from 400 to 650m². It is understood that approximately 10% of lots are to be less than 450m². The integrated housing areas (<600m²) will form up to 50% of the lots, subject to market demand. The remaining Village Edge area will have lots larger than 650m² in area.

Site Coverage and Building Envelopes

These matters are provided for via detailed tables for each of the sections (Centre, Core, Edge) and indicate a variety of housing options.

Building Design

There is an emphasis on sustainable building materials allowing for natural heating and cooling and co-ordinated high quality design for housing, fencing and ancillary buildings.

Access and Road Design

Access to the development is initially via extensions to existing streets within Calala which connect to Campbell Road and Calala Lane. Following the subdivision and construction of 150 dwellings, a new public road is planned from the precinct via King George V Avenue to the Tamworth CBD. This will include resurfacing (but not widening) of the Avenue and construction upgrade of the Paradise Bridge to double lane standard. Thirdly, following the construction of 250 dwellings a further new access point to the subdivision will be gained directly to Calala Lane requiring the acquisition of a portion of the Calala Water Treatment Plant site.

Road connections, footpaths, cycle paths are to be generally in accordance with the Concept Master Plan and includes the development of an off-road cycleway along King George V Ave to the development.

Parking

No customer parking is to be required for the small retail or community uses (floor area max. 200m²) in the local village area and a maximum of 2 on-site spaces will be provided for managers and employees of such premises accessed from the rear of the site. This measure requires appropriate street configuration to allow on-street parking. The aim is to encourage pedestrian and cycle access to the Village Centre from surrounding areas. It is proposed to comply with the prescribed requirements for residential houses, but with a variation allowing that no parking be required for secondary dwellings in the form of a studio above a garage. Where a rear lane is constructed, parking will be accessed from that lane.

Open Space

It is proposed that approximately 3.0 hectares of public open space (8 public parks) be provided and dedicated to Council in accordance with the Sequencing Plan. This compares to 3.67 Ha that would be required by the Tamworth Urban S.94 Contributions Plan for 600 lots/3 bedroom dwellings. The range of parks includes; village green, northern attached green, local park, pedestrian passage, entry greens and heritage park. In this regard, there is reference to the proposed buffer around the water treatment plant being identified as a form of additional open space. This is not considered appropriate and will be the subject of further discussion with the proponent during the exhibition phase.

Landscaping

There is emphasis on the use of low maintenance drought and frost tolerant species and attention to complementary park and street lighting.

Private Open Space

The building envelope guidelines are to be used to specify appropriate private open space provided for the various types of housing.

Ecology and Landscaping

Landscaping in the road reserves will focus on native species. It is proposed that the removal of some 'over-mature/declining' trees and replanting along King George V Ave will be undertaken by TRC (up to 18% of existing trees). Mature trees planted along avenues within the development will have a minimum height of 3m.

Riparian Corridors and buffers, Drainage and Water Sensitive Urban Design are addressed in the DCP.

Utilities

Shared trenching is emphasised and power/telecom services are to be provided underground. The servicing strategy for all services to be provided is to be to the satisfaction of TRC.

Heritage

The subject land includes the site of the original Calala Homestead and the existing plaque commemorating this is to be located in the public "Heritage Park". Aboriginal artefacts have been identified in the locality and continuing consultation is to be undertaken to respectfully recognise Aboriginal heritage and consider any issues that may arise.

Key Points

The Draft Peel River Estate Development Controls represents an alternative approach in several ways. It is a developer formulated component of the comprehensive DCP with a significant amount of supporting information. The Draft Development Controls provide a detailed master plan aimed at facilitating a significant variation to residential lot size prescribed for Urban Release Areas under the Draft TRLEP 2009. The DCP draws together many aspects of residential planning and design to facilitate a vision that could result in a new form of high quality integrated urban design in Tamworth.

The recognition of the heritage significance of the site, the emphasis on high quality of design and planning are noted and supported. The aspects relating to housing affordability and choice are important. Similarly, the considerable investment in proposed infrastructure to support the development is a positive aspect of the Development Controls.

There remain a number of key points to be clarified or finalised and the exhibition process can be instrumental in achieving the best possible planning outcome. These include considerations relating to access points and road standards (for example of King George V Avenue) and thresholds for implementation of these. Also, clarification of the funding for the various key infrastructure projects cognizant of developer contributions, works-in-kind and the possibility of a voluntary planning agreement. The deficit of proposed open space relative to that prescribed by the S.94 Plan will need to be addressed or rectified. Clarification is also needed of Council's eventual role in the implementation of the design standards that have been specifically formulated for Peel River Estate and Council's responsibility for making decisions to maintain the design integrity of the Estate.

The Draft Peel River Estate Development Controls are recognised as an innovative alternative approach that could make possible high quality urban design in this precinct of Calala. There is clear justification for Council's general support of the Draft Development Controls being placed on public exhibition.

Consultation

The Draft Peel River Estate Development Controls have substantial implications for the community and development industry. Accordingly, the Environmental Planning and Assessment legislation requires that DCP provisions are publicly exhibited.

It is proposed to place the Draft Development Controls on public exhibition as Site Specific Requirements under Step 4 of the Draft Tamworth Regional DCP for a period of 28 days from mid-August. Where possible, it is proposed to take advantage of the targeted consultation opportunities being scheduled as part of the consultation strategy for the comprehensive DCP to groups including:-

- Builders;
- Draftsmen and Architectural Firms;
- Engineering and Surveying Consultancies; and,
- General Community Sessions.

(a) Policy Implications

Once adopted, the Development Control Plan will be a Policy of the Council in relation to specified development types and will provide for development criteria for future subdivision and development of the Peel River Estate at Calala.

(b) Financial Implications

Nil

(c) Legal Implications

A Development Control Plan is a specified matter for consideration in the evaluation of a development application.

(d) Community Consultation

The report identifies that community consultation will be undertaken to satisfy the legislative requirements taking advantage of the concurrent exhibition of the Draft Tamworth Regional DCP to maximise the effectiveness of the consultation.

CONCLUSION

The Draft Peel River Estate Development Controls will provide a framework for the proposed 600 dwelling integrated housing development on the subject land providing for a diverse range of housing options and significant infrastructure provision including the development of a new public road link from Calala to King George V Avenue to access the Tamworth Central Business District.

It is recommended that Council resolve to exhibit the Draft Peel River Estate Development Controls in part concurrently with the Draft Tamworth Regional DCP 2010. This approach should enable Council to consider the Peel River Estate Development Controls as a Site Specific component of the comprehensive Regional DCP in a further report to Council following the exhibition process.

6.2 ROAD CLOSURE APPLICATION – UNFORMED PUBLIC ROAD OFF APPLEBY LANE, APPLEBY - FILE NO LF6796

DIRECTORATE: ENVIRONMENT, PLANNING AND ECONOMIC DEVELOPMENT
AUTHOR: Chris Johnston, Manager Economic Development and Commercial Lands

RECOMMENDATION

That in relation to a request to close the unformed public road from Appleby Lane to the Peel River and bounded by Lot 161 and Lot 162 in DP 560748 and Lot 17 in DP 95993, Council authorise the making of an application to the Land and Property Management Authority for the closure of the road under terms as detailed in the report.

SUMMARY

This report seeks Council's consideration of a request for the closure of the unformed public road from Appleby Lane to the Peel River and bounded by Lot 161 and Lot 162 in DP 560748 and Lot 17 in DP 95993.

COMMENTARY

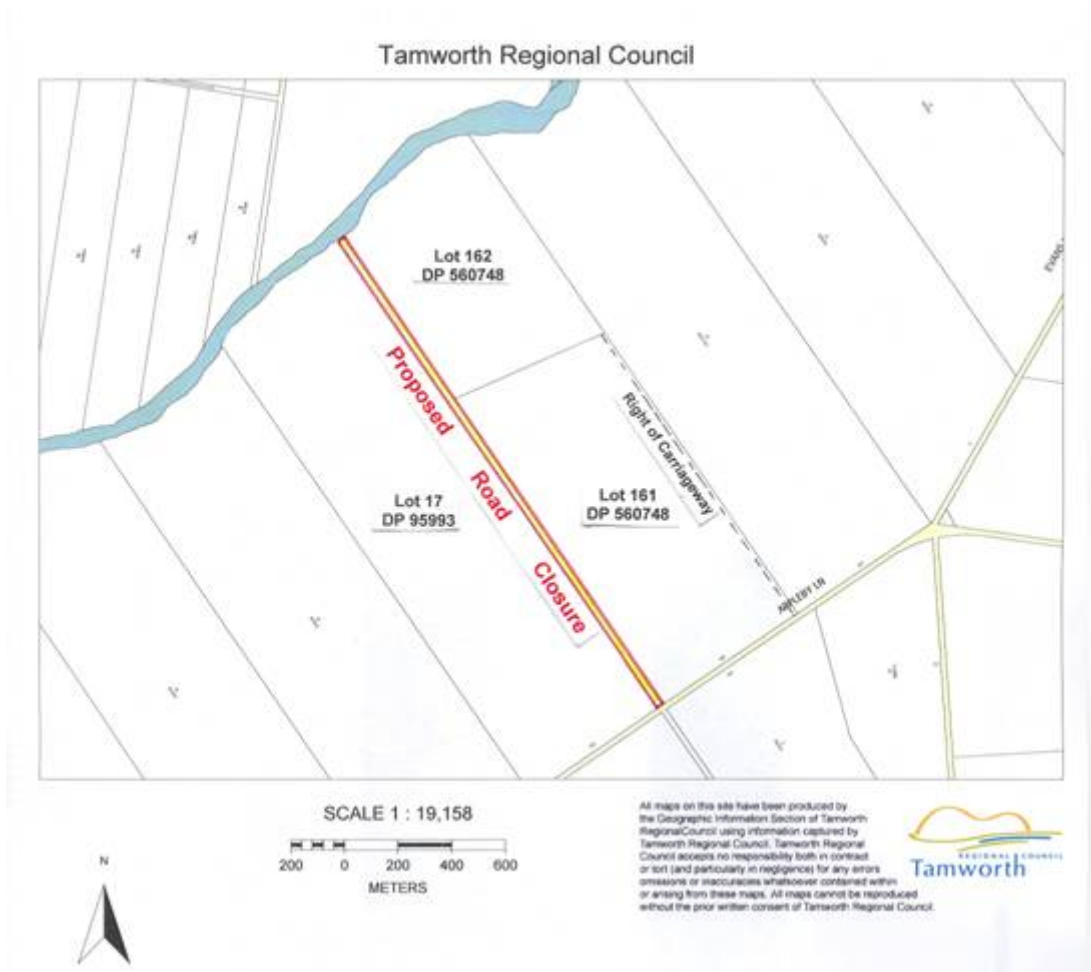
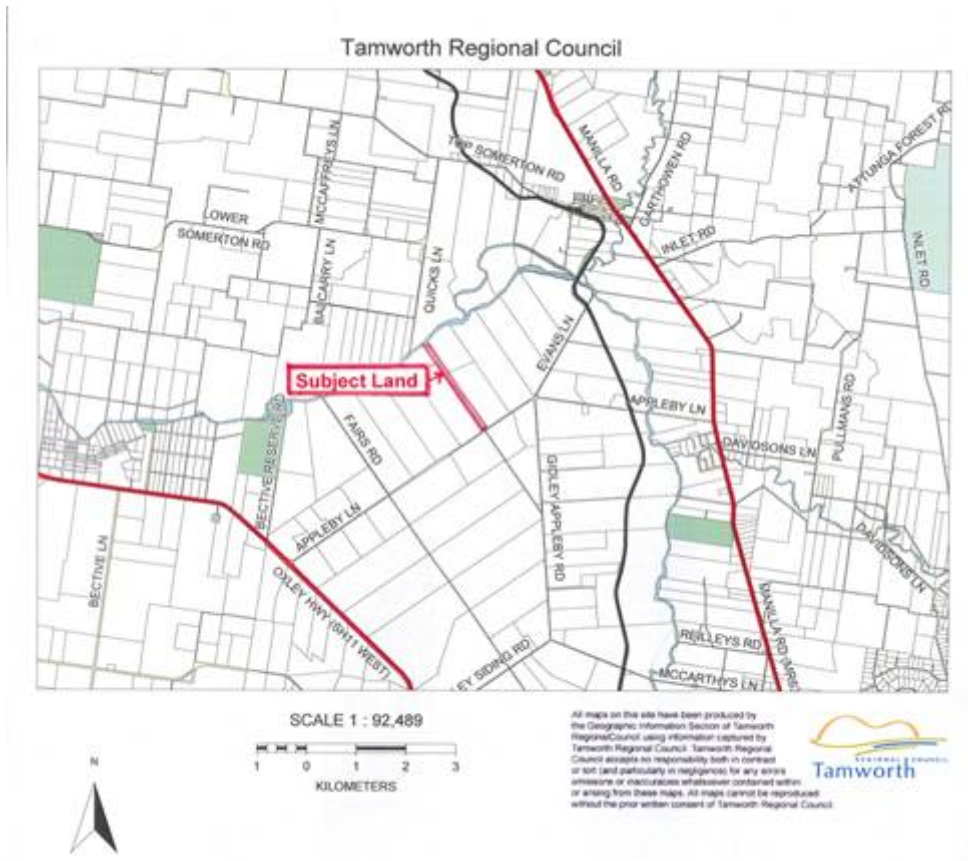
The Joint Regional Planning Panel, at its meeting on 21 April 2010, gave conditional consent to Development Application DA0156/2010 for a poultry broiler farm at 'Silverweir', Appleby Lane, Appleby.

The conditional consent is subject to a Deferred Commencement matter as detailed below:

"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 Tamworth Regional Council's Development and Approvals Division to confirm the unformed public road located between Appleby Lane and the Peel River and bounded by Lot 17 DP 95993 and Lot 161 DP 560748 has been closed and the ownership transferred to Rostry Pty Ltd."

Bath Stewart Associates Pty Limited, on behalf of their client Rostry Pty Limited, has written to Council requesting consideration of the road closure and the making of a Road Closure Application to the Land and Property Management Authority (LPMA) pursuant to Section 34(1) of the Roads Act 1993.

A locality plan, together with a plan showing the road requested to be closed, have been reproduced below for reference.



Lot 17 in DP 95993 and Lot 161 in DP 560748 are owned by Rostry Pty Limited. Lot 162 in DP 560748 is in separate ownership and the only other lot with frontage to the unformed public road proposed to be closed. Formal access to Lot 162 is via a 10.06 metre wide Right of Carriageway over Lot 161.

Bath Stewart, in their letter requesting Council's consideration of the road closure application, has addressed the matters of access to Lot 162 and the link between Appleby Lane and the Peel River. An extract from the letter is provided below for the information of Councillors.

"In asking Council to discharge this request our client acknowledges that Council may consider that its actions will disadvantage the only other party with a genuine interest in this matter, being the owner of Lot 162 in DP560748, Messrs [landowner]. However, our client still stands by its statements and the offer put before Council in a letter from GSS Environmental dated the 10.03.2010, and for the sake of clarity it is now repeated.

The subject Council Public Road is not constructed in any shape or form and is fenced out of Messrs [landowner] property known as "Maricopa" (Lot 162 in DP 560748). There is no evidence to suggest that the road reserve, which traverses through private property, is used by any surrounding landholders or the wider public for access or any other purpose. Furthermore, Fairs Road, which is a nearby constructed public road located to the west of "Silverweir", provides ready access between Appleby Lane and the Peel River.

"Maricopa" enjoys long-standing vehicular access from Appleby Lane via a Right of Carriageway 10.06 metres wide running down the north-eastern boundary of Lot 161 in DP560748 (vide DP560748). This Right of Carriageway will continue to benefit Lot 162 in DP560748 and the proposed "Silverweir" poultry development will not in any way impact upon the vehicular access provisions to "Maricopa" (or any other surrounding properties).

In an attempt to appease the concerns of adjoining landholders, Baiada has previously raised the following options for offsetting the proposed closure of the unconstructed public road for consideration:-

- (a) Relocation of the public road reserve to a suitable alignment negotiated between Council, Baiada and the neighbouring landholder; or*
- (b) A boundary adjustment between Lot 161 in DP 560748 (part of "Silverweir" owned by Rostry Pty Limited) and Lot 162 in DP 560748 ("Maricopa" owned by Messrs [landowner]) in order to provide "Maricopa" with its own access handle battleaxe block from Appleby Lane. This would not only offset the public road closure, but also do away with the need for the current Right of Carriageway benefiting "Maricopa", which could be subsequently extinguished."*

The offer from Rostry in (a) and (b) above was made as part of the development application for the poultry broiler farm. Bath Stewart has advised that the offer has not been directly relayed to the owners of Lot 162.

Council's Manager Works and Operational Services has addressed the request to close the unformed road and advised that:

- 1 the subject road is surplus to Council's current and future needs; and
- 2 Rostry's offer (a) above, being the relocation of the public road, is not an acceptable option as it may cause a future financial burden to Council.

Pursuant to Section 34(1) of the Roads Act 1993 a Road Closure Application can only be made by the road authority, in this case Council, as owner of the public road. The application to close the road will be determined by LPMA. Council has, however, the opportunity to recommend conditions to be attached to the closing of the road.

It is noted that pursuant to Section 38(2)(b) and (c) of the Roads Act 1993, the ownership of unformed public road will revert to the Crown as Crown land upon closure of the road. It will be the responsibility of LPMA to negotiate the sale of the closed road and not Council.

The subject road has been identified as surplus to Council's current and future needs. Accordingly it is considered appropriate that Council raises no objection to the making of an application for closure of the public road. It is also considered appropriate that the application to close the road includes a recommendation that the owner of Lot 162 be given the opportunity to consider Rostry's offer in (b) above.

(a) Policy Implications

Nil

(b) Financial Implications

All costs associated with the road closure application are at the expense of Rostry Pty Limited.

(c) Legal Implications

Nil

(d) Community Consultation

The process of application to the LPMA requires that the Authority give public notice of the proposed road closure for a period of 28 days. The Authority will advise adjoining land owners of the application to close the road and place an advertisement in the local newspaper inviting submissions from interested parties.

7 INFRASTRUCTURE AND SERVICES

7.1 NEMINGHA WATER MAIN AUGMENTATION – ACQUISITION OF 6M WIDE AND VARIABLE WATER MAIN EASEMENTS - FILE NO LF4573

DIRECTORATE: WATER ENTREPRISES

AUTHOR: Bruce Logan – Director Water Enterprises

RECOMMENDATION

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 would, if disclosed, confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business.

SUMMARY

This report seeks Council authorisation for the payment of compensation for the acquisition of a 6 metre and variable width easement over one property to allow the construction of a water main as part of the Nemingha Water Augmentation.

COMMENTARY

The proposed Nemingha Pipeline strategy comprises the construction of a new DN375 DICL pipeline to extend from an existing DN500 main in Armidale Road at Crawford Street, East Tamworth to the Nemingha Reservoir. The pipeline will extend approximately 4.3km and be installed along Armidale Road (New England Highway) then along Johnson Street and Railway Street, across the Main North Railway Line and along Nemingha Heights Road finishing at the Nemingha Reservoir.

The Tamworth Interim Water Supply Strategy (HWA 2006) identified the need to augment the supply infrastructure in the East Tamworth Water Supply System to meet the future demand in areas serviced by Nemingha Reservoir and recommended the construction of the Nemingha Pipeline. Augmenting the East Tamworth Water Supply System was considered preferable to developing a new water source and treatment and distribution infrastructure east of Nemingha.

The pipeline route was developed based on least cost as well as environmental considerations. Impacts on roads, existing utilities, waterways, and significant trees were the key considerations encountered.

After consultation with RTA the pipeline route ultimately chosen was partly within the road reserve and partially in private property following the existing Dungowan pipeline. Where the pipeline is to be constructed in private property an easement in favour of Tamworth Regional Council is required.

A general locality plan which shows Lot 1 DP1112562 and Lot 17 DP113145 is shown below:



The RTA would not allow the pipeline to be constructed within the road reserve in the rural area and only within the standard footpath allocation in urban areas.

The suggested route requires the acquisition of an easement through lots as detailed in the table below:

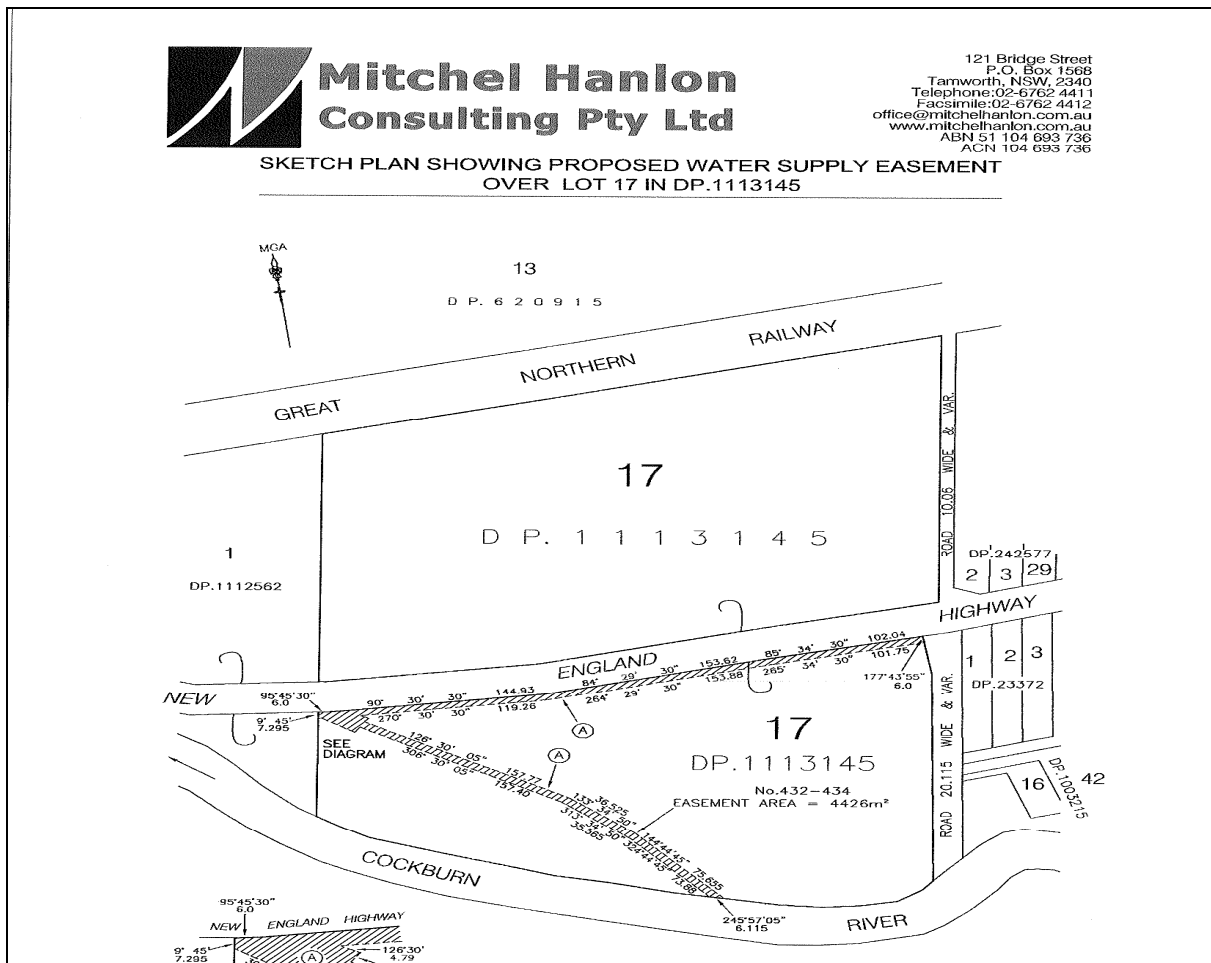
Property Number	Lot & DP	Status
LF2092	Lot 13 DP1088427	Resolution to acquire Passed
LF14463	Lot 14 DP753848	Resolution to acquire Passed
LF20043	Lot 2 DP204705	Owners agreed to the offer of compensation and to sign the Deed of Agreement. Report to Council shortly.
LF9052	Lot 2 DP360993	Resolution to acquire Passed.
LF4573	Lot 1 DP1112562 & Lot 17 DP1113145	Subject of this report.

As an easement acquisition was required the following process was instigated:

- property owners were contacted and advised of Council's interest in acquiring an easement, advised of the process to be followed and that Council would bear all costs associated with the acquisition process;
- property owners were requested to allow Council and its agents access to their land for the purposes of survey and valuation;
- a valuation was prepared for each proposed easement by Sharrock Enterprises Pty Ltd;

- the valuation was formally offered to the property owners as fair compensation for the acquisition of the easement, on the understanding that settlement would be subject to formal resolution of Council; and
- if the property owners accepted the price offered then they were to sign a letter to that effect and return same to Council.

This process was followed in relation to Lot 1 DP1112562 and Lot 17 DP1113145. A Plan showing the general location of the easement on Lot 1 DP1112562 and Lot 17 DP1113145 is below:



(a) Policy Implications

Nil.

(b) Financial Implications

Costs associated with the compensation of landowners for the acquisition of easements, including all legal and registration costs will be met by Council. Funds have been allocated in the 10/11 Management Plan to cover this expenditure.

(c) Legal Implications

Nil.

(d) Community Consultation

Affected property owners were contacted directly.

7.2 TENDER T067/2010 – TAMWORTH REGIONAL COUNCIL UNDERGROUND PETROLEUM STORAGE SYSTEM – FILE No T067/2010

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

RECOMMENDATION

That Council determine this matter in part of the meeting closed to the public pursuant to Section 10A(2)(d)(i)(ii) 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, or confer a commercial advantage on a competitor of the council, or reveal a trade secret.

SUMMARY

Legislation introduced by the Department of Energy Climate Change and Water (DECCW) at the conclusion of the 2008/2009 financial year changed the procedures for underground fuel storage (Underground Petroleum Storage Systems or UPSS) and initiated a review of Council’s refuelling infrastructure.

The full regulations come into effect in June 2011. The interim regulation requires that all existing UPSS have an environmental protection plan and loss monitoring procedure in place by the end of June 2009. Council has complied with this requirement at all it fuel storage depots.

From July 2011 Council will be required to undertake regular on-site testing of the hardware, on-site testing of soils and ground water, ongoing monitoring of fuel stock (loss monitoring). Council will also be required to have in place an approved maintenance procedure for fuel infrastructure.

As there is significant cost in carrying out the required works to satisfy the regulations for retaining the UPSS, the Plant and Fleet Division has considered other possible options for upgrading Council’s fuel storage and dispensing infrastructure with a view to providing the most cost effective long term solution.

A further report on this subject is included for determination in Closed Council which deals with confidential matters and information which is recommended for determination by Council in a meeting closed to the public.

COMMENTARY

Tenders were advertised on the 5th of June 2010 and closed on the 29th June 2010. Tenders were received from the following four (4) tenderers:

Tenderer
OTEK Australia, Roseville NSW 2069
Engineering, Mining and Petroleum Pty Ltd, Tamworth NSW 2340
Petrolink Pty Ltd, Penrith NSW 2750
JFTA Engineering Services, Newport VIC 3015

(a) Policy Implications

Nil.

(b) Financial Implications

The proposed purchase is within the 2010/2011 depot upgrades budget.

(c) Legal Implications

Nil.

(d) Community Consultation

Nil.

7.3 TAMWORTH REGIONAL COUNCIL WASTE MANAGEMENT WORKING GROUP MINUTES- FILE No SF3101

DIRECTORATE: REGIONAL SERVICES

AUTHOR: John Davis, Manager Waste and Cleaning Services

ANNEXURE ATTACHED

RECOMMENDATION

That in relation to the report Tamworth Regional Council Waste Management Working Group Minutes, Council:

- (i) receive and note the minutes of the Waste Management Working Group meeting held on 13th July 2010;***
- (ii) endorse the recommendation of the Working Group in relation to item 3.2 of the minutes:***
- (iii) that Council cease landfilling of waste material at the Kootingal and Attunga Landfills and close the sites effective from the 1st February 2011;***
- (iv) that Council develop a communication plan in consultation with the respective community development committees to ensure affected residents are appropriately informed about landfill closures.***
- (v) endorse the recommendation of the Working Group in relation to item 3.3 of the minutes:***
- (vi) that Council continue providing recycling service options at its supervised rural waste management facilities.***

SUMMARY

The Tamworth Regional Council Waste Management Working Group (WMWG) met on 13 July 2010. The minutes of that meeting are **ATTACHED 7.3**.

This report provides recommendations from the WMWG on two principal items being the closure of the Kootingal and Attunga landfills and the review of Rural Recycling Facilities.

COMMENTARY

Item 3.2 Closure of Rural Landfills – Kootingal and Attunga – Minutes Waste Management Working Group.

The WMWG considered a report from the Waste and Cleaning Services Manager that addressed Council's Management Plan objective to cease landfilling at Kootingal and Attunga.

Previous Council Management Plans have highlighted the need to close the Kootingal and Attunga landfills. The question of whether or not Council replaces these landfills with an alternative waste disposal facility, such as a waste transfer station (similar to the waste transfer station at Dungowan), was referred to the Waste Management Working Group for consideration in the context of any impacts from the new kerbside waste collection service.

The WMWG considered the data gathered at the landfills to determine patronage levels, both pre and post the new kerbside waste collection contract. The data was gathered with the aim of assisting Council to determine the most appropriate service level for waste disposal options within the respective localities into the future.

The data collected from the respective landfills indicates there has been a decline in patronage since the introduction of the expanded kerbside waste collection services throughout the region- refer; **Table 1**.

Table 1. Average daily patronage - Attunga and Kootingal Landfills

	Attunga		Kootingal	
	Pre new service	Post new service	Pre new service	Post new service
Monday	closed	Closed	Closed	closed
Tuesday	closed	Closed	57 (11)	31 (6)
Wednesday	closed	Closed	Closed	closed
Thursday	11	13	Closed	closed
Friday	closed	Closed	38 (8)	37 (9)
Saturday	closed	Closed	58 (12)	50 (13)
Sunday	39	26	93 (19)	89 (18)
Weekly Totals	50	39	246	207

() indicates residents from Limbri, Mulla Creek and Weabonga areas who use Kootingal Landfill.

Approximately 10% of the residents using the Kootingal landfill come from the Tintinhull area. This locality is reasonably close to the Forest Road Landfill.

About 20% of residents using the Kootingal landfill come from the Limbri and Mulla Creek locality. These areas would be around 20 – 30 km from the nearest landfill (Dungowan or Forest Road) should the Kootingal landfill be closed with no replacement waste disposal facility.

The majority of residents that use the Kootingal landfill come from the Kootingal, Moonbi and New England Gully areas. A large percentage of this area is covered by the new kerbside waste collection service.

The WMWG considered the following points in determining whether alternative waste disposal facilities were justified at Kootingal and/or Attunga:

- The escalating cost of operating the current network of rural waste facilities and the need to achieve a financially sustainable level of service for the long term.
- The proximity of comparable alternative waste disposal facilities;
- Consideration of a reasonable travel distance for rural residents to travel to a waste disposal facility;
- The impact the closure of a landfill will have upon illegal dumping;
- The declining patronage and the impact of the new kerbside waste collection service; and
- The cost of providing an alternative waste disposal service.

The WMWG was advised that the capital cost to provide infrastructure to accommodate continuing waste disposal at Kootingal Landfill would be around \$450,000. There would also be a small increase in the recurrent operating cost of around \$5,000.

The capital cost for alternative waste disposal at the Attunga Landfill would be minimal however there would be an increase in the recurrent operation cost of around \$10,000.

The WMWG noted that the residents in the Kootingal/Moonbi community that do not receive a kerbside waste collection service have reasonable access to alternative waste disposal facilities at Bendemeer, Dungowan and Tamworth. The Attunga community have access to alternative waste disposal facilities at Somerton, Manilla and Tamworth.

It was also noted a significant number of additional properties in these areas have been provided with a service under the new kerbside waste collection contract.

The WMWG agreed to recommend that Council not provide alternative waste disposal facilities following the closure of the Kootingal and Attunga landfill sites.

Item 3.3 Review of Rural Recycling Facilities – Minutes of Waste Management Working Group

At the time of awarding its new kerbside waste collection contract an option existed for Council to review the provision of recycling services at its rural landfills. This option was incorporated in the contract due to the uncertainty surrounding the impact the new kerbside waste collection contract may have on the provision of recycling at rural landfills.

The WMWG considered the statistics that have been collected on a site by site basis to evaluate the recovery rate of recyclables and the comparative cost for recycling on a per tonne basis both pre and post contract.

The WMWG noted that there has been a decline in volumes of recyclables collected from rural facilities when compared to the corresponding period prior to the new household collection service being introduced. Whilst volumes have reduced, the cost structure applying to the collection and processing of the rural recyclables also reduced.

The following table illustrates the changes in recovery of recyclables and the cost implication for a corresponding nine month period both before and after the commencement of the new waste collection contract.

Table 2. Recycling performance – pre and post 2009 waste contract

	Tonnes Collected PRE Contract (SEP 2008 - May 2009)	Tonnes Collected POST Contract (SEP 2009 - May 2010)	% Change	Pre 2009 Contract Collection Cost / Tonne (\$)	Post 2009 Contract Collection Cost / Tonne (\$)	% Change
RURAL RECYCLING	471.76	287.86	-39%	\$ 315.04	\$ 238.68	-24%
RECYCLING - KERBSIDE	2126.94	3740.28	76%	\$ 226.22	\$ 237.38	5%

The decline in recovered volumes of recyclables varied considerably between localities. The reduction in volume for all sites for the March – May quarter is 56.12 tonnes which represents a 66% decline from the comparable period prior to the new collection system. It is notable that the cumulative total of recyclable material collected from both kerbside collection and rural centres is up by 379.18 tonnes for the same period - which is an overall increase in recovered recyclables of 36%.

The cost per tonne to recover material from the rural facilities was a major influencing factor for the WMWG. The cost for rural recycling averaged about \$238.68 per tonne for the first nine months of the new contract. The comparable cost for the corresponding period prior to the new contract was \$315.04 per tonne.

The WMWG noted that the cost for collecting and processing recyclables from rural sites currently aligns very closely with the cost of providing kerbside recycling.

The WMWG agreed to recommend that Council continue to provide recycling services at its rural landfills.

(a) Policy Implications

Nil.

(b) Financial Implications

The current budget has \$50,000 allocated to Attunga landfill and \$150,000 allocated to Kootingal Landfill to accommodate the closure and rehabilitation works at the respective sites.

The continuation of recycling at rural waste disposal facilities will cost about \$84,500 per annum which is accommodated within the current Management Plan.

(c) Legal Implications

Nil.

(d) Community Consultation

A communication strategy will be developed in consultation with the Community Development Committees from Attunga, Kootingal and Moonbi to provide the appropriate and timely information with respect to the changes to their waste management arrangements.

7.4 CRIME PREVENTION WORKING GROUP MINUTES - FILE No SF2300

DIRECTORATE: REGIONAL SERVICES

AUTHOR: Bruce Mercer Manager Cultural and Community Services

ANNEXURE ATTACHED

RECOMMENDATION

That in relation to the Crime Prevention Working Group report, Council receive and note the minutes of the June 2010 Crime Prevention Working Group meeting.

SUMMARY

The purpose of this report is to provide Council with an overview of the Crime Prevention Working Group outcomes for June 2010.

The minutes of the Crime Prevention Working Group meeting held on 22 June 2010 are **ATTACHED 7.4**.

COMMENTARY

The main issues discussed at the June 2010 Crime Prevention Working Group meeting were:

1. Safe Activities for Youth (SAY) – Police are looking at applying for funding for a night patrol bus to take youth home, YAMANAR men's group have expressed interest in sponsoring the bus. Application will be made for funding with a view to leasing a vehicle and using paid staff not volunteers to drive the bus;
2. Alcohol Free Zone proposed for Coledale: The proposal has been advertised and is on public display and a letter has been sent to 1200 householders in the affected area seeking feedback. Most comments received to date have been favourable. A signage plan will need to be adopted. No police procedures will be put in place until after signage has been installed;
3. CCTV Surveillance System in CBD: The system is not fully operational with sequencing and other operational issues being addressed by Council's IT team. A procedure for the use of CCTV is in place and being administered by Council's IT. The CCTV Code of Practice which includes policy regarding access (including media) to CCTV footage is available on the Council website.
4. Tamworth Liquor Accord: The Liquor Accord's current activities include Secure Cab initiative which provides vouchers for each person using a cab. The Secure Cab initiative will focus on the Friday to Saturday period, 9pm-3am. There is currently \$11,000 available to fund the scheme;

5. Draft Graffiti Management Plan. The draft plan is currently being reviewed internally by Council's relevant Managers and Technical staff. A report will be presented to the Crime Prevention Working Group and Council early in September 2010.

6. Inspector Philip O'Reilly Oxley Local Area Command reported that Housing NSW is planning on 135 new housing properties in Tamworth, disposing of 150-160 properties in the Coledale area with an option for current residents to purchase the properties. The Housing Minister will be visiting Tamworth in July 2010. Items from the Coledale Community Safety Audit will be progressed; such as lighting. Youth Space Forums are underway and Bulky Waste pickups have been held. Rail Corp will be laying matting over rail ballast to reduce the incidents of rock throwing along Warral Road.

(a) Policy Implications

None.

(b) Financial Implications

None.

(c) Legal Implications

None.

(d) Community Consultation

Community consultation is open to the public at the beginning of each Crime Prevention Working Group Meeting.

There was no community input during the June 2010 Crime Prevention Working Group meeting.

7.5 NUNDLE LIBRARY - FILE No SF2189

DIRECTORATE:

REGIONAL SERVICES

AUTHOR:

Kay Delahunt Library Services Manager

RECOMMENDATION:

That in relation to the Nundle Library, Council:

- (i) approve the submission of a Library Development Grant application to fund the relocation of the Nundle Library to the former Council Chambers in Nundle; and***
- (ii) approve the use of funding (\$6,000) allocated in the 2010-13 Management Plan for air conditioning of the existing Nundle Library premises for the preparation of plans required for the Library Development Grant application.***

SUMMARY

The purpose of this report is to seek approval to submit a Library Development Grant application to fund the proposed relocation of the Nundle Library to the former Council Chambers in Nundle. A plan is provided at the end of this report.

COMMENTARY

The need to upgrade and improve the library service in Nundle was identified as a priority by the Nundle Community Development Committee during the community consultation on the Draft Cultural Plan. The Cultural and Community Services Manager and Library Services Manager have been working with the Nundle Community Development Committee and Nundle Memorial Hall Trust over a two year period on this issue. In 2009 a detailed application was prepared for a Jobs Fund grant to upgrade the facility in its current location. This application was unsuccessful.

A new funding opportunity is available through a Library Development Grant to improve the Library Facility at Nundle. An additional \$2 million will be available to country libraries through the Library Development Grant process this year. The NSW State Government's Country Libraries Fund (\$9 million over five years) is in its 3rd year of allocation. Up to \$200,000 is awarded to individual grant projects. The Library Development Grant is a non-recurrent capital grant.

In June 2010 a presentation was made to the Nundle Community Development Committee seeking feedback about an opportunity to apply for a Library Development Grant to relocate the Nundle Library to the former Nundle Council Chambers and extending the building at the rear to obtain the maximum library floor space possible. The Nundle Community Development Committee gave unanimous support to the proposal and requested that the community be consulted during the planning and implementation stages. The proposed renovations and extension will be fully funded and therefore no additional cost to Council.

The Nundle Library has 329 members and circulation is very high with 6,543 loans in 2008/09 or 20 loans per registered member. The library is currently located in a small space (43.9 sq metres) in the front section of the *School of Arts* building in Jenkins Street Nundle. The *School of Arts* was built in 1891 and is in very poor condition. Council currently pays \$2,000 each year to the Nundle Memorial Hall Trust for the use of this space.

Community concerns about the current Nundle Library include the lack of space, with only a few people able to use the library at any one time. The building leaks, is poorly lit, has no seating for readers, client privacy is compromised, there is no heating or cooling, and it is too small for comfortable use by clients in wheelchairs or "gophers". Events such as book group meetings or children's story time cannot be held in the current space.

There is no storage or bench area and crates are stacked on the floor and difficult to move. Library staff have to issue items from an office desk rather than a counter and there is insufficient room for an ergonomically designed counter to be installed. The current facility is open and staffed for only 12.5 hours per week and public Internet use is limited to these hours.

The relocation to the Innes Street address would provide a joint Tamworth Regional Council Office / Library facility similar to the Manilla model. Council's Corporate and Governance Directorate have indicated support for the project and will assist with the preparation of the plans and grant application for the capital funds to complete this project.

There is a risk that if unsuccessful with the application no air conditioning will be available in 2010-11 for the Nundle Library. However, the investment of \$6,000 in plans will mean a fully developed application will be ready for the next funding opportunity. The significant contribution of existing building space in good condition by Council should be viewed favourably and enhance the chances of a successful application.

This presents an opportunity to offer a vastly improved service to the Nundle Community. The proposed space will be large enough to accommodate normal modern library functions such as a reading area, story time space and a meeting space for the book group. The area will be able to be maintained at a comfortable temperature and Internet availability will be increased with the use of automated self booking at the times when the Council Office is open and the library is not staffed.

(a) Policy Implications

None.

(b) Financial Implications

Should Council approve the recommendation \$6,000 will be available in the 2010 – 2013 Management Plan to produce the plans necessary to submit a Library Development Grant application.

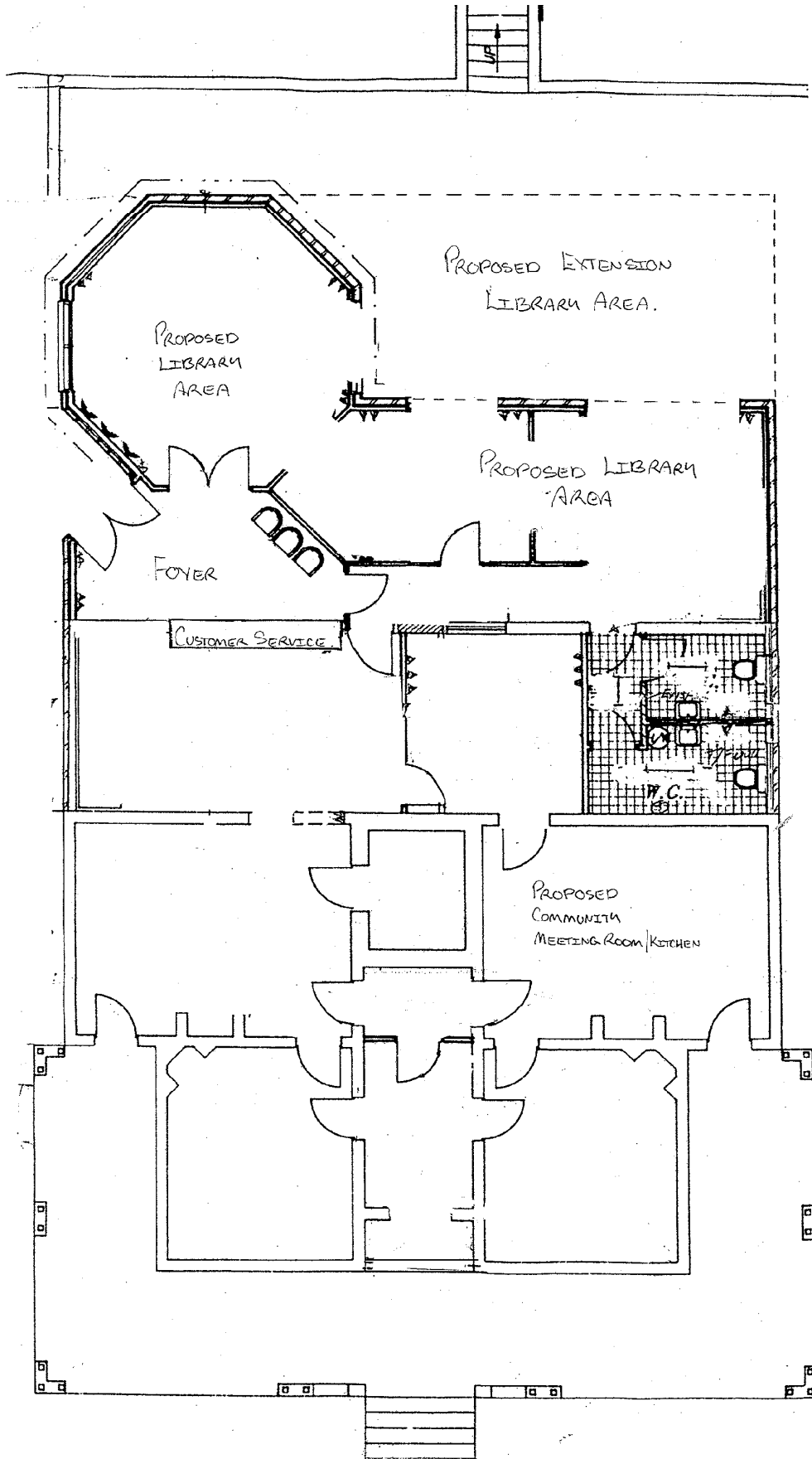
(c) Legal Implications

None.

(d) Community Consultation

Presentations and extensive discussions have been held with the Nundle Community Development Committee.

Plan of proposed relocation of the Nundle Library to the former Council Chambers.



7.6 WESTDALE ALLIANCE AND EFFLUENT REUSE FARM PROGRESS UPDATE - FILE NO SF3216 & SF3217

DIRECTORATE: WATER ENTERPRISES

AUTHOR: Bruce Logan - Director Water Enterprises/Peter Thompson - General Counsel

RECOMMENDATION

That Council determine this matter in the 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.

SUMMARY

Council is undertaking the construction of the Westdale Wastewater Treatment Plant augmentation in two parts being Part A and Part B. As construction progresses, it is clear that the construction of the irrigation system at the reuse farm (Part B) will be complete much earlier than Part A which is a far more complex component of the scheme. The purpose of this report is to recommend that Council consider a number of initiatives to assist the contractor responsible for operating the reuse farm given that the contractor can't commence operating the farm until both Part A and Part B of the scheme are complete.

COMMENTARY

The substance of this matter concerns commercial terms both in relation to the existing contract with Realm Agribusiness Pty Ltd and a proposed collateral agreement to reflect the initiatives being recommended. The matter also relates in some respects to the contract for the construction of the Part A works which is with United Infrastructure Pty Ltd. It is therefore recommended that Council consider the matter in the part of the meeting which is closed to the public on the basis that it is information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

(a) Policy Implications

Nil.

(b) Financial Implications

Please refer to the report on this subject included in the part of the meeting which is closed to the public.

(c) Legal Implications

Please refer to the report on this subject included in the part of the meeting which is closed to the public.

(d) Community Consultation

Nil.

8 GOVERNANCE, STRATEGY AND FINANCE

8.1 GOVERNMENT INFORMATION (PUBLIC ACCESS) ACT 2009 (GIPAA) - PUBLICATION GUIDE – FILE No SF4633

DIRECTORATE: CORPORATE AND GOVERNANCE

AUTHOR: Robert Charlesworth, Administration & Governance Manager

ANNEXURE ATTACHED

RECOMMENDATION

That Council adopt the Publication Guide as required under the Government Information (Public Access) Act 2009 noting that the Guide has been approved by the NSW Information Commissioner.

SUMMARY

The purpose of this report is to advise Council of the requirement of the *Government Information (Public Access) Act 2009* sections 20, 21 and 22 that Council must adopt its first *Publication Guide* within 6 months after the commencement of the Act and must notify the Information Commissioner before adopting or amending a *Publication Guide*.

COMMENTARY

Tamworth Regional Council's draft *Publication Guide* (**ANNEXED 8.1**) was sent to the Information Commissioner 8 July 2010 for approval prior to submission to Council for adoption. The Information Commissioner has since reviewed the *Publication Guide* and confirmed approval in a communication dated 16 July 2010.

BACKGROUND

The *Government Information (Public Access) Act 2009* (GIPA Act) contains significant reforms to the previous *Freedom of Information* legislation in New South Wales and requires public sector Agencies to be more proactive in their disclosure of government information.

From 1 July 2010, the *Government Information (Public Access) Act 2009* (**GIPA Act**) came into force replacing the former *Freedom of Information Act 1989* (**FOI**).

These changes are relevant to:

public sector Agencies which must comply with the Act;

private sector entities who contract with the public sector Agencies whose information may be disclosed; and

people seeking to access government held information.

The GIPA Act provides a new framework for accessing information from New South Wales Government Agencies and seeks to promote a more *proactive* and transparent approach towards accessing and releasing government information.

The GIPA Act applies to all Agencies. An Agency is defined to mean any of the following:

A Government department;

A Minister (including a Minister's personal staff);

A public authority, including a body (whether incorporated or unincorporated) established or continued for a public purpose by or under the provisions of a legislative instrument (such as a public hospital, the NSW Police Force, a teaching service or a state owned corporation);

A public office;

A local authority such as a local council;

A court; or

A person or entity that is an Agency pursuant to the regulations under clause 5 of Schedule 4 of the GIPA Act.

Under the GIPA Act there are four ways to access information from Council, only one of which requires a formal application.

In contrast with FOI legislation, the GIPA Act shifts the focus towards *proactive* disclosure and 'open access information' by creating a *presumption* in favour of disclosure of information unless there is an overriding public interest against disclosure. Council is required or encouraged to release a wider range of information, either free of charge, or at a low reasonable cost. Formal information access applications are envisaged to only be necessary in limited circumstances.

The four ways to access information from Council, depend on the nature of the information sought:

<p>1 Mandatory disclosure of open access information</p> <p>Council must publish 'open access information' on their website free of charge.</p> <p>Open access information includes policy documents, a register of government contracts and information that has not been made publically available because of an overriding public interest against disclosure.</p>	<p>2 Proactive release</p> <p>In addition to 'open access information', Council is authorised to <i>proactively</i> release government information to the greatest extent possible or appropriate, free of charge or at the lowest reasonable cost.</p> <p>Information can be proactively released by publishing on our website or made available for inspection. Council must, at intervals of not more than 12 months, review its program for the release of government information under this section.</p>
<p>3 Informal release</p> <p>Councils are <i>encouraged</i> to release information in response to an <i>informal</i> request from a member of the public unless there are good reasons to require a formal request.</p> <p>Any government information can be informally released in an appropriate form and subject to reasonable conditions.</p>	<p>4 Formal access application</p> <p>In limited circumstances, access to information will require a formal access application. People have a right to access information in this way unless the GIPA Act provides a reason to withhold the information. Only if information cannot be accessed otherwise will a person be <i>required</i> to make a formal access application to access government information, including situations where the information request scope will involve significant Council resources or sensitive information.</p> <p>Formal access applications must be in writing, and processing fees will apply.</p>

New compliance requirements for Councils:

Publication guide

Council must have a publication guide that:

Describes the structure and functions of the Council;

Describes the ways in which the functions (including, in particular, the decision-making functions) of the Council affect members of the public;

Specifies any arrangements that exist to enable members of the public to participate in the formulation of the Council's policy and the exercise of the Council's functions;

Identifies the various kinds of government information held by the Council;

Identifies the kinds of government information held by the Council that the Council makes (or will make) publicly available;

Specifies the manner in which the Council makes (or will make) government information publicly available;

Identifies the kinds of information that are (or will be) made publicly available free of charge and those kinds for which a charge is (or will be) imposed.

Disclosure log

Council must keep a disclosure log that records information about access applications made to the Council where the Council decides to provide access (to some or all of the information applied for) to information that the Council considers may be of interest to other members of the public.

Government contracts with the private sector

Council is required to keep a register of government contracts that records information about each government contract to which the Council is a party that has (or is likely to have) a value of \$150,000 or more. The requirement to enter contracts into the Government Contracts Register applies to all contacts entered into after the commencement of the GIPA Act on 1 July 2010.

(a) Policy Implications

Nil.

(b) Financial Implications

Nil.

(c) Legal Implications

The Government Information (Public Access) 2009 states:

Section 20 Agencies must have publication guide:

(1) An agency (other than a Minister) must have a guide (its "publication guide") that:

(a) describes the structure and functions of the agency, and

- (b) describes the ways in which the functions (including, in particular, the decision-making functions) of the agency affect members of the public, and
 - (c) specifies any arrangements that exist to enable members of the public to participate in the formulation of the agency's policy and the exercise of the agency's functions, and
 - (d) identifies the various kinds of government information held by the agency, and
 - (e) identifies the kinds of government information held by the agency that the agency makes (or will make) publicly available, and
 - (f) specifies the manner in which the agency makes (or will make) government information publicly available, and
 - (g) identifies the kinds of information that are (or will be) made publicly available free of charge and those kinds for which a charge is (or will be) imposed.
- (2) An agency must make government information publicly available as provided by its publication guide.
- (3) The Director-General of the Department of Local Government may, in consultation with the Information Commissioner, adopt mandatory provisions for inclusion in the publication guide of local authorities. The publication guide of a local authority must include any such mandatory provision unless the Director-General otherwise approves in a particular case.

Section 21 Adoption and review of publication guide

An agency must adopt its first publication guide within 6 months after the commencement of this section and must review its publication guide and adopt a new publication guide at intervals of not more than 12 months. An agency may update and amend its publication guide at any time.

Section 22 Role of Information Commissioner

- (1) An agency must notify the Information Commissioner before adopting or amending a publication guide and must, if requested to do so by the Information Commissioner, consult with the Information Commissioner on the proposed publication guide or amendment.
- (2) The Information Commissioner can issue guidelines and model publication guides for the assistance of agencies in connection with publication guides.

(d) Community Consultation

N/A.

8.2 AUSTRALASIAN PACIFIC AERONAUTICAL COLLEGE (APAC) - FILE NO SF304

DIRECTORATE: DIRECTOR CORPORATE AND GOVERNANCE

AUTHOR: Michael Dubois, Business Manager

ENCLOSURE ENCLOSED

RECOMMENDATION

That the report in relation to the identity of the Australasian Pacific Aeronautical College PTY LTD (APAC) be received and noted.

SUMMARY

The purpose of this report is to advise Council of a change in identity for the Australasian Pacific Aeronautical College (APAC) at Tamworth Regional Airport.

COMMENTARY

The APAC College was established in the year 2000 with the specific objectives of providing training to meet the existing and forecasted shortage of skilled and qualified aircraft maintenance engineering staff. The college received Federal Government Grants of \$4.1 million over four (4) years to acquire facilities, infrastructure and training aids.

The college was established as an Incorporated Association with the Board comprising representatives from Tamworth Regional Council, BAe System Flight Training Australia, TAFE NSW, QantasLink, New England North West Area Consultative Committee, State Regional Development Board and an Independent Chairman.

Over the years under an agreement with the New England Institute of TAFE the facility has trained numerous students for various airlines and aviation maintenance organisations. In February 2009 the Board of APAC approved Ausglyn Consultants to undertake a review of the college including its strategic, business and marketing plans.

A recommendation of the review was that the college should move from an Incorporated Association to a Company Limited by Guarantee registered under the *Corporations Act 2001* and administered by the Australian Securities and Investments Commission.

The Board of the Incorporated Association endorsed this view and a constitution (copy at **ENCLOSURE 8.2**) was adopted and an application was submitted to the NSW Government for a change in status.

The Certificate of Registration of a body corporate as a company Limited by Guarantee was approved on the 13 July 2010.

The Board of the APAC Pty Ltd will comprise the following members;

- Tamworth Regional Council;
- Eastern Australia Airlines (QantasLink);

- BAe Systems Flight Training Australia Pty Ltd;
- NSW Department of Education and Training (TAFE);
- Two persons of the Tamworth community whom the Board in its absolute discretion considers to be representative of the general Tamworth regional community;
- Those who subscribe to the objects of the Company and whom the Board considers would benefit the Company by becoming a member.

The Tamworth Regional Council representative on the Board at this point in time is the Business Manager, Michael Dubois.

(a) Policy Implications

Nil.

(b) Financial Implications

Nil.

(c) Legal Implications

Nil.

(d) Community Consultation

Not required.

8.3 “COLEDALE” ALCOHOL FREE ZONE - FILE NO SF990

DIRECTORATE:

CORPORATE AND GOVERNANCE

AUTHOR:

S M Bartlett, Director Corporate and Governance

CONFIDENTIAL ENCLOSURE ENCLOSED

RECOMMENDATION

- (i) That pursuant to Section 644B of the Local Government Act 1993, an Alcohol Free Zone be established to prohibit the drinking of alcohol on and in the public roads and carparks located within that part of the suburb of West Tamworth locally known as “Coledale” and as indicated on the Map enclosed with this Report for a period of 4 years; and***
- (ii) That pursuant to Section 632 of the Local Government Act 1993, the taking into and consumption of alcohol be prohibited in Centennial Park, Llama Park, Hathway Park, Coledale Community Park and Norman Ingall Park without the express permission in writing of Tamworth Regional Council.***

- (i) cited significantly higher crime rates for Coledale than other locations in Tamworth;
- (ii) advised that the existence of a Coledale AFZ would allow for early intervention measures to prevent the escalation of irresponsible street drinking in relation to incidence involving serious crime;
- (iii) advised disorderly behaviour in the area was caused by the consumption of alcohol; and
- (iv) controls for the prevention of street drinking would improve public safety within the area.

The proposal to establish an AFZ has been publicly advertised in the local print media and by way of a circularised letter to approximately 1200 households within the area proposed to be established as an AFZ. In addition, the New South Wales Anti-Discrimination Board has been informed in writing of the proposal, one licensed premise adjacent to the area and the following community organisations.

Coledale Action Team
Coledale Residents Association Inc
Coledale Community Centre
Yinnar Health and Wellbeing Group.

A second and accompanying part to the Police application for a Coledale AFZ is a request that several parks within the Coledale area be designated AFZs for the same reason as identified for a Coledale AFZ. These parks include:

Centennial Park, Lloma Park, Hathway Park, Coledale Community Park and Norman Ingall Park.

The Police application also requested an upgrading of the signage within Granny Munro Park with is already designated alcohol free.

(a) Policy Implications

Alcohol Free Zone

It is a policy decision of the Council, having regard to compliance with the street drinking provisions (Sections 642 to 644C) of the *Local Government Act 1993*, to establish an AFZ as proposed by the New South Wales Police Oxley Local Area Command and as identified in the Map in this report.

Prohibiting the Consumption of Alcohol in Public Places

It is policy decision of the Council to regulate and control activities with Council public places such parks using the relevant authority contained within sections 632 and 632A of the *Local Government Act 1993*.

(b) Financial Implications

It is estimated that it will cost up to \$10,000 to adequately sign post the existence of an AFZ within Coledale given the number of public roads and footpaths within the area to be designated. A signage plan will be prepared to identify the location and cost of signage advising the public of the existence of an AFZ.

(c) Legal Implications

Alcohol Free Zones

To establish an Alcohol Free Zone, Council must comply with sections 642, 643, 644, 644A, 644B and 644C of the Local Government 1993.

Prohibiting the Consumption of Alcohol in Public Places

To prohibit the consumption of alcohol in public places such as Centennial Park, Lloma Park, Hathway Park, Coledale Community Park and Norman Ingall Park, Council must follow the provisions of section 632 of the Local Government Act 1993.

(d) Community Consultation

Community Response:

A summary of views, comments and opinions expressed by the community and community based organisations in respect of the proposal for the establishment of the Coledale AFZ and a prohibition on the consumption of alcohol within Centennial Park, Lloma Park, Hathway Park, Coledale Community Park and Norman Ingall Park is contained in **Confidential Enclosure 8.3** which records overall support.

Anti Discrimination Response:

In a communication dated 22 July 2010, the NSW Anti Discrimination Board advises as follows:

I refer to your letter of 9 July 2010.

You have indicated that Tamworth Regional Council (the **Council**), proposes to establish alcohol-free zones in a number of streets in the Coledale Area of West Tamworth.

I note that you have published the proposed zones in local media, on the Council's website and have written to relevant interested parties as required by the Ministerial Guidelines on the Establishment of Alcohol-Free Zones (the **Guidelines**).

Providing the Council follows the Guidelines in all respects, particularly in relation to consultation with local Aboriginal or ethnic groups, the Board has no objection to the proposal to re-establish alcohol-free zones in the Tamworth Regional Council Local Government Area.

8.4 COMMUNITY DEVELOPMENT COMMITTEES - MINUTES - FILE NO SF2788, SF1907, SF2586, SF2637, SF2965 & SF 2664

DIRECTORATE: CORPORATE AND GOVERNANCE

AUTHOR: Jodie Archer, Section 355 Coordinator

Tabled Documents

RECOMMENDATION

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

<u>Committee</u>	<u>Date</u>
<i>Hanging Rock Community Development Committee</i>	<i>12 June 2010</i>
<i>Bendemeer Community Development Committee</i>	<i>16 June 2010</i>
<i>Manilla Community Development Committee - AGM</i>	<i>2 July 2010</i>
<i>Manilla Community Development Committee</i>	<i>2 July 2010</i>
<i>Nundle Community Development Committee - AGM</i>	<i>5 July 2010</i>
<i>Nundle Community Development Committee</i>	<i>5 July 2010</i>
<i>Barraba Community Development Committee</i>	<i>5 July 2010</i>
<i>Kootingal Community Development Committee - AGM</i>	<i>12 July 2010</i>
<i>Kootingal Community Development Committee</i>	<i>12 July 2010;</i>

- (ii) That Council adopt the recommendation of the Bendemeer Community Development Committee at its meeting held 16 June, 2010 to appoint Verity Treese as a member of the Bendemeer Community Development Committee;

- (iii) That Council adopt the recommendation of the Manilla Community Development Committee's Annual General Meeting held 2 July, 2010 to appoint the following persons as Office Bearers of the Manilla Community Development Committee:

Chairperson: Julie Orman
Deputy Chairperson: Jim Maxwell

Secretary: Michelle Eggins;

- (iv) That Council adopt the recommendation of the Manilla Community Development Committee meeting at its meeting held 2 July, 2010 to appoint Joanne Demughn and Laurie Price as members of the Manilla Community Development Committee;

- (v) That Council adopt the recommendation of the Nundle Community Development Committee's Annual General Meeting held 5 July, 2010 to appoint the following persons as Officer Bearers of the Nundle Community Development Committee:

Chairperson: Robert Schofield;
Vice Chairperson: Russell Sydenham

Secretary/Treasurer: Jim Aspinall;

- (vi) That Council adopt the recommendation of the Kootingal Community Development Committee's Annual General Meeting held 12 July, 2010 to appoint the following persons as Office Bearers of the Kootingal Community Development Committee:

Chairperson: John Hetherington;
Vice Chairperson: Joe Foley
Secretary/Treasurer: Lynne Hofman

Newsletter/Publicity: Lynne Hofman; and

- (vii) That Council adopt the recommendation of the Kootingal Community Development Committee at its meeting held 12 July, 2010 to appoint Jim Grey as a member of the Kootingal Community Development Committee.**

SUMMARY

The purpose of this report is to table the minutes of the meetings of the Community Development Committees and consider the items for adoption, as recommended by the Committees.

COMMENTARY

- (i) The minutes of the following Community Development Committee meetings are tabled for Council's information. These Committees are:

<u>Committee</u>	<u>Date</u>
Hanging Rock Community Development Committee	12 June 2010
Bendemeer Community Development Committee	16 June 2010
Manilla Community Development Committee - AGM	2 July 2010
Manilla Community Development Committee	2 July 2010
Nundle Community Development Committee - AGM	5 July 2010
Nundle Community Development Committee	5 July 2010
Barraba Community Development Committee	5 July 2010
Kootingal Community Development Committee - AGM	12 July 2010
Kootingal Community Development Committee	12 July 2010

- (ii) The minutes of the Bendemeer Community Development Committee meeting held 16 June, 2010 recommended the following:

New Member

That Council appoint Verity Treese as a member of the Bendemeer Community Development Committee;

- (iii) The minutes of the Manilla Community Development Committee's Annual General Meeting held 2 July, 2010 recommended the following:

Election of Office Bearers

That Council appoint the following persons as Office Bearers of the Manilla Community Development Committee:

Chairperson: Julie Orman

Deputy Chairperson: Jim Maxwell

Secretary: Michelle Eggins;

- (iv) The minutes of the Manilla Community Development Committee meeting held 2 July, 2010 recommended the following:

New Members

That Council appoint Joanne Demughn and Laurie Price as members of the Manilla Community Development Committee;

- (v) The minutes of the Nundle Community Development Committee's Annual General Meeting held 5 July, 2010 recommended the following:

Election of Office Bearers

That Council appoint the following persons as Office Bearers of the Nundle Community Development Committee:

Chairperson: Robert Schofield;

Vice Chairperson: Russell Sydenham

Secretary/Treasurer: Jim Aspinall

- (vi) The minutes of the Kootingal Community Development Committee's Annual General Meeting held 12 July, 2010 recommended the following:

Election of Office Bearers

That Council appoint the following persons as Office Bearers of the Kootingal Community Development Committee:

Chairperson: John Hetherington;
Vice Chairperson: Joe Foley
Secretary/Treasurer: Lynne Hofman
Newsletter/Publicity: Lynne Hofman; and

- (vii) The minutes of the Kootingal Community Development Committee meeting held 12 July, 2010 recommended the following:

New Member

That Council appoint Jim Grey as a member of the Kootingal Community Development Committee.

(a) Policy Implications

It is a policy decision of Council to maintain Community Development Committees and practices having regard to Council's community governance structure and Section 355 of the Local Government Act.

(b) Financial Implications

Community Development Committees are maintained under the Citizen Services Division.

(c) Legal Implications

Section 355 of the Local Government Act 1993 enables the Council to appoint a committee to exercise a function on its behalf by way of a Committee of Council. This is used in conjunction with Section 377 of the Act to formally delegate functions to the appointed committee.

(d) Community Consultation

Community Consultation is not required.

9 REPORTS FROM DELEGATES

Nil.

10 QUESTIONS AND MATTERS OF URGENCY

CLOSED COUNCIL

Confidential Reports

(Section 10A(2) of The Local Government Act 1993)

Where it is proposed to close part of the Meeting, the Chairperson will allow members of the public to make representations to or at the meeting, before any part of the meeting is closed to the public, as to whether or not that part of the meeting should be closed to the public.

The Chairperson will check with the General Manager whether any written public submissions or representations have been received as to whether or not that part of the meeting should be closed to the public.

The grounds on which part of the Council meeting may be closed to public are listed in Section 10A(2) of the Local Government Act 1993 and are as follows:

- (a) personnel matters concerning particular individuals other than Councillors,
- (b) the personal hardship of any resident or ratepayer,
- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business,
- (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret,
- (e) information that would, if disclosed, prejudice the maintenance of law,
- (f) matters affecting the security of the council, councillors, council staff or council property,
- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.
- (h) during the receipt of information or discussion of information concerning the nature and location of a place or an item of Aboriginal significance on community land.

Section 10A(3) of the Act provides that Council, or a Committee of the Council of which all the members are councillors, may also close to the public so much of its meeting as comprises a motion to close another part of the meeting to the public.

Section 10B(3) of the Act provides that if a meeting is closed during discussion of a motion to close another part of the meeting to the public (as referred to in section 10A(3) of the Act), the consideration of the motion must not include any consideration of the matter or information to be discussed in that other part of the meeting (other than consideration of whether the matter concerned is matter referred to in section 10A(2) of the Act).

Section 10B(1) of the Act provides that a meeting is not to remain closed to the public during the receipt of information or the discussion of matters referred to in section 10A(2):

- (a) except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and
- (b) if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret - unless the Council or committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

For the purpose of determining whether the discussion of a matter in an open meeting would be contrary to the public interest section 10B(4) of the Act states it is irrelevant that:

- (a) a person may interpret or misunderstand the discussion, or
- (b) the discussion of the matter may:
 - (i) cause embarrassment to the Council or committee concerned, or to councillors or to employees of the council, or
 - (ii) cause a loss of confidence in the Council or committee.

Resolutions passed in Closed Council

It is a requirement of Clause 253 of the Local Government (General) Regulation 2005 that any resolution passed in Closed Council, or Committee be made public as soon as practicable after the meeting has ended. At the end of Closed Council or Committee meeting, the Chairperson will provide a summary of those resolutions passed in Closed Council or Committee.

Tamworth Regional Council
Waste Management Working Group
Minutes of Meeting

10 August 2010

Meeting held on Tuesday 13th July 2010
Meeting held in the Committee Room, 4th floor RWH at 3.30pm

1. Preliminaries

Attendance

- Councillor - Col Murray (assumed Chair due to absence of Councillor Tait)
- Director Regional Services - Peter Resch
- Manager Waste and Cleaning Services - John Davis
- Senior Waste Officer - Jason Stratford
- Director Environment, Planning & Economic Development - Alison McGaffin
- General Counsel – Peter Thompson

Apologies

2. Matters Arising from Previous Minutes

The previous minutes were reviewed and confirmed as accurate.

Moved; - J. Stratford, Seconded; - J. Davis

Confirmed

The Manager of Waste and Cleaning Services (MW&CS) reported that all matters requiring actions as adopted in the minutes had been progressed.

3. Agenda Items

3.1 Expression of Interest E044/2010 – Buy Back Centre(BBC) Relocation

The group considered the business plan and proposed development layout submitted by Challenge Disability Services (CDS). The group discussed the operational complexities associated with the layout and canvassed the options for effective customer service. The group considered there was insufficient information to make a decision on the merits of the proposal.

The group discussed the CDS land tenure and its intrinsic linkage to the nature of operations at the landfill. It was agreed that it would be in Council's best interest to have any subsequent agreement with CDS include a provision which allowed Council 1st call on the land should CDS abandon recycling or operation of a resource recovery enterprise on the subject land in the future.

The Group also noted the proposal by CDS to acquire the land currently occupied by the CDS recycling facility (being Lot 2 in DP 876543 held under Reserve 200019) from the Crown. The group were supportive of the CDS initiative to acquire the land.

Outcome

The group requests that the Manager of Waste Services undertake a review of the design concept for the BBC enterprise and undertake further consultation with CDS to clearly establish the operational arrangements that cater for Council's expectation for providing high quality customer service and possible expansion of Council's landfill operation.

The group further recommends that any agreement reached with CDS for establishment of the BBC on CDS land include a provision that will allow TRC to acquire the land and

infrastructure should CDS vacate the BBC enterprise or Materials Recovery Facility (MRF) for any reason.

The group endorsed Challenge Disability Services acquiring the land housing the current recycling centre from the Crown.

Moved; - P. Thompson, Seconded; - A. McGaffin

Confirmed

3.2 Closure of Rural Landfills – Kootingal and Attunga

The group discussed the recommended proposal to cease landfilling at the Kootingal and Attunga Landfills and to close the respective sites.

The group canvassed the consequences of removing waste facilities in the respective locations and noted the supporting survey data of current usage patterns at the respective sites as well as the enhanced waste collection service levels that have been provided across the region.

Outcome

That the group recommend;

- Council cease landfilling at the Kootingal and Attunga Landfills and close the sites effective from the 1st February 2011,
- Council develop a communication plan in consultation with the respective Community Development Committees to ensure effective dissemination of appropriate information to the communities affected by the closures of the landfills.

Moved;- J. Davis Seconded;- P. Resch

Confirmed

3.3 Review of Rural Recycling Facilities

The group considered the evaluation of recycling services at rural waste facilities following the first 9 months of the new waste collection contract.

The group noted the cost of providing the service under the new arrangement was significantly less than the previous service cost and the current recovery cost for rural recyclables was comparable to kerbside recycling in the urban areas.

Outcome

The group recommend that Council continue providing recycling service options at its supervised rural waste management facilities.

Moved; - J. Davis, Seconded; - J. Stratford

Confirmed

3.4 Street Litter Bin Review Tamworth CBD

The group viewed a power point presentation and considered a report on a range of options for street litter bins in the Tamworth CBD. It was agreed that the review of options should be presented to a workshop of Council.

Outcome

The MW&CS shall arrange for a presentation to be made to a Councillor workshop.

Moved; - P. Resch, Seconded; - C. Murray

Confirmed

3.5 Change to Waste Collection Days Manilla

The group considered a report on the outcome of changes to waste collection days at Manilla.

The changes have been implemented without any significant concerns being expressed by the community.

Outcome

The group received and noted the report.

Moved; - J. Stratford, Seconded; - J. Davis

Confirmed

3.6 Challenge Recycling Facility Upgrade

The group was informed that Council's Waste Contractor, Transpacific Cleanaway, had provided reports on progress with the upgrade of the CDS MRF. This report was required as part of the concession provided by Council for the waiving of fees for waste disposal fees from the MRF. It was noted that progress with the upgrade of the MRF is much slower than anticipated.

It was noted that Council's concession for disposal of residual waste from the processing of recyclables at the MRF expires on the 30th September 2010 and it was agreed that the contractor will be responsible for meeting disposal fees after this date.

Outcome

The group received and noted the report.

Moved; - J. Davis, Seconded; - P. Resch

Confirmed

3.7 Forest Road Landfill Update

The group were provided with a report on the current activities at the FRL including the new capping design, the new landfill cell and feedback on complaints received about the landfill.

Discussion was held on community awareness and response to the new landfill profile and capping. The MW&CS reported on communication undertaken with neighbours to the landfill.

Outcome

The group received and noted the report.

Moved; - J. Stratford, Seconded; - J. Davis

Confirmed

3.8 Policy for provision of Waste Services to Multiple Unit Developments

The group considered a report from the MW&CS which recommend the development of a policy to provide guidance for staff when determining waste management service levels for multi unit developments.

Outcome

The group received and endorsed the philosophy behind the report.

Moved; - J Davis, Seconded; - J Stratford

Confirmed

4. General Business

Nil

5. Next Meeting

The next meeting will be scheduled following the outcome of negotiations with Challenge Disability Services.

Meeting Closed

5.00pm

**TAMWORTH REGIONAL COUNCIL
CRIME PREVENTION WORKING GROUP**

Minutes of the Tamworth Regional Council Crime Prevention Working Group Meeting held on
Tuesday, 22 June 2010, in the Function Room,
4th Floor Ray Walsh House 437 Peel Street Tamworth, commencing at 10.13am

1. Welcome

Steve Bartlett opened the meeting in the absence of Cr Tait and welcomed all attendees to the meeting.

In attendance: Phil O'Reilly (NSW Police), John Begley (Liquor Accord), Carol Hutton (JCS Big Country Security), Natalie Flemming (Chamber of Commerce) Stephen Bartlett (TRC), Bruce Mercer (TRC) and Kylie Douglas (TRC).

2. Apologies

Cr Ray Tait (TRC), Cr Helen Tickle (TRC), Cr Juanita Wilson (TRC), Pat Varley (Coledale Community Centre), Clint Pheeny (NSW Police), Peter Resch (TRC), Colleen Fuller (Gdah Shire Council).

Moved: Phil O'Reilly, seconded Natalie Flemming.

3. Confirmation of Minutes of Previous Meeting

Minutes 13 April

Moved as read and accurate: First: Steve Bartlett, seconded Phil O'Reilly. **Carried.**

Special meeting 12 May

Moved as read and accurate: First: Natalie Flemming, seconded Phil O'Reilly. **Carried.**

4. Overview from Community Member – Chris Osborne – Student Welfare Consultant.

Chris Osborne absent – **carried over.**

5. Business arising from minutes

13 April meeting.

Item 4 – Overview from Community Member

Action 2: Phil O'Reilly undertook research and advises the Police are not in favour of taking up the parental responsibilities legislation thereby imposing another function on the Police. Other agencies are also not in agreement with the legislation.

Safe Activities for Youth (SAY) – looking at a night patrol bus to take youth home, YAMANAR mens group have expressed interest. Application will be made for funding with a view to leasing a vehicle and using paid staff not volunteers.

Motion: that Council provide a letter of support to seek funding for the project.

Moved by Bruce Mercer, seconded by John Begley. **Carried.**

Annexure to Item 7.4

Ordinary Council

10 August 2010

Action 3: Letter to be forwarded to Dept of Education - Gary Coxhead absent, **carry over.**

Action 4: Brooke Spokes is currently on leave and will present the flow chart regarding a best practice exercise on how to ban people from certain areas, at the next meeting.

Item 8 – CCTV Project

Action 1: letter to Attorney General's Dept would be best sent after 12 months of usage.

Action 2: carried forward – Bruce Mercer to send information to Keith Sammon.

Item 12 – Action – Brooke Spokes is currently on leave and will advise about contact with Penrith Council at next meeting.

Item 15 – Coledale – Action: Phil O'Reilly has arranged a meeting with the site owner and a TRC representative to discuss the stolen cars, bricks and a cleanup of the site.

The southern end of the Green St site is TRC and Dept of Housing property – the police would like to discuss the possibility of restricting vehicular access and a cleanup to address the issues of:

- Dumping stolen cars
- Vermin control
- Fire hazard
- Vehicle access – antisocial behaviour

Motion: that the above points be placed in the Coledale Master Plan.

Moved: Phil O'Reilly, seconded Carol Hutton. **Carried.**

Special Meeting – 12 May re Application for Alcohol Free Zone in Coledale

The proposal has been advertised and is on public display and a letter has been sent to 1200 householders in the affected area seeking feedback.

From comments received to date, most have been favourable.

Exhibition end 5 July and a summary of submissions will go to 13 July Council meeting.

No police procedures will be put in place until after signage has been installed. A signage plan will need to be adopted.

Discussed issues with using the name Coledale in branding.

6. Correspondence in – Nil.

7. CCTV Project

Jenny Ridley to email statistics regarding CCTV trial.

Further information addressed in Agenda Item 5 above.

The system is not fully operational with sequencing and other operational issues being addressed by Council's IT team – Heather Stanford and Gary Scott. There are 4 cameras: 1 on the Northern Daily Leader building, 2 on Adairs building and 1 on the Tamworth Pool building. The system will not be regularly monitored by the police, with recordings being kept at the Council Ray Walsh House building.

Tamworth Police are waiting for the pan/zoom function to be enabled and will be adding additional hardware for special events.

A procedure for the use of CCTV is in place and being administered by IT.

A policy regarding access (including media) to CCTV footage is available on the Council website.

Annexure to Item 7.4 Ordinary Council

10 August 2010



8. Tamworth and District Liquor Accord – Update John Begley

John gave an update, with a focus on the Liquor Accord initiative Secure Cab (**see attachment**) – providing vouchers for each person using a cab. Secure Cab will focus on the Friday to Saturday period, 9pm -3am. There is currently \$11,000 available to fund the scheme.

Concern was raised at a perceived impact on taxi ranks, which will be evaluated and presented to future meetings.

Carol Hutton to invite Brian O’Sullivan (Tamworth Taxis) to the next meeting.

KD – remind Bruce Mercer to add to agenda.

Motion: that the Liquor Accord be commended for this service.

Moved: by Natalie Flemming, seconded by Carol Hutton.

Carol raised issue of alcohol being brought onto the street from Hotels. John Begley will email Licencees through the Liquor Accord and Police will monitor through task lists.

9. Graffiti

Bruce Mercer gave an update on the Draft Graffiti Management Plan. A presentation was held for Council Regional Services Managers and Technical Officers on the Draft Plan. A report will go to the Working Group and Council early in September 2010.

10. Crime Reports



Phil O’Reilly gave an update, with statistical analysis produced today and distributed to attendees (**see attachment**).

Detection dogs did sweeps through Hotels this month, detecting Cannabis. The sweep was considered a success with Publicans in favour. The sweep will affect this month’s statistics.

Green Street, Tamworth – 2 violent events in the area. Police thanked Council for cleaning up the area, removing projectiles such as rocks/bricks. The Dept of Housing will be sealing and improving properties in the area which is hoped will improve the area.

Moved: that the Crime statistics for the month be accepted and noted.

11. Fridge Magnets – Update Garry Coxhead

Garry Coxhead absent – carried over.

12. Coledale

Dept of Housing is planning on 135 new housing properties in Tamworth, disposing of 150-160 properties in the Coledale area with an option for current residents to purchase the properties.

The Housing Minister will be visiting Tamworth 7 July 2010.

Items from the Community Safety Audit will be progressed; such as lighting. Youth Space Forums and Bulky Waste pickups have been held.

Annexure to Item 7.4 Ordinary Council 10 August 2010

Rail Corp will be laying matting over rail ballast to reduce the incidents of rock throwing along Warral Road.

13. General Business

- a. Coledale Action Team has started meeting
- b. RSA refreshers will be held the end of July. John Begley to email Carol Hutton the training dates.
- c. Replacing glass with plastic cups in Hotels – while opinion is this will eventually happen at a higher level (State), attendees discussed starting a dialogue locally.
- d. Alcohol Free Zone – Phil to speak to Peter Resch regarding signage in Bicentennial Park Tamworth.

Closed: 12.15pm

Next Meeting: 23 August 2010



DRAFT PUBLICATION GUIDE

Date of Adoption:

Prepared in accordance with the provisions of Section 20 of the Government Information (Public Access) Act 2009

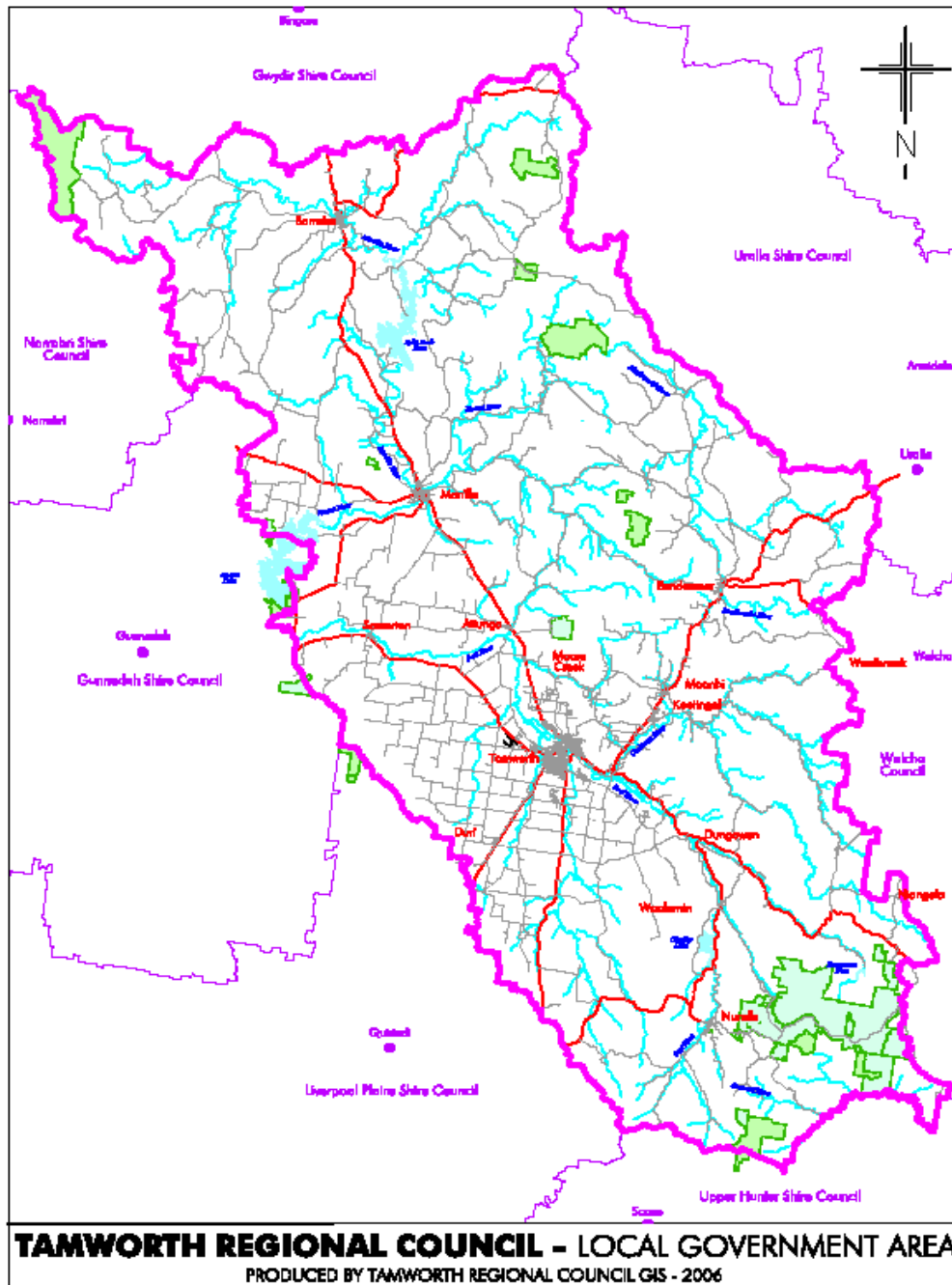
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1 Structure and Functions of Council

1.1 Description

Tamworth Regional Council was proclaimed on 17 March 2004 following the amalgamations of five former councils of Tamworth City, Barraba Shire, Manilla Shire, Parry Shire and Nundle Shire and nine (9) councillors were elected to the new Council. The Region covers an area of 9,653.25 square kilometres and shares its boundary with Gwydir Shire, Uralla Shire, Walcha Shire, Upper Hunter Shire, Liverpool Plains Shire, Gunnedah Shire and Narrabri Shire.



1.2 Basis of Constitution

The Council is constituted under the Local Government Act 1993

1.3 Organisational Structure and Resources

The Tamworth Regional Council is not divided into wards and is an electorate at large governed by the body of Councillors elected by the residents and ratepayers of the Region.

The Mayor is elected each year by the councillors from among their numbers.

The role of the Councillors, as members of the body politic, are:

- to direct and control the affairs of the Council in accordance with the Local Government Act and other applicable legislation;
- to participate in the optimum allocation of the Council's resources for the benefit of the area;
- to play a key role in the creation and review of the Council's policies, objectives and criteria relating to the exercise of the Council's regulatory functions;
- to review the performance of the Council and its delivery of services, management plans and revenue policies of the Council.

The role of a Councillor is, as an elected person:

- to represent the interests of the residents and ratepayers;
- to provide leadership and guidance to the community;
- to facilitate communication between the community and the Council.

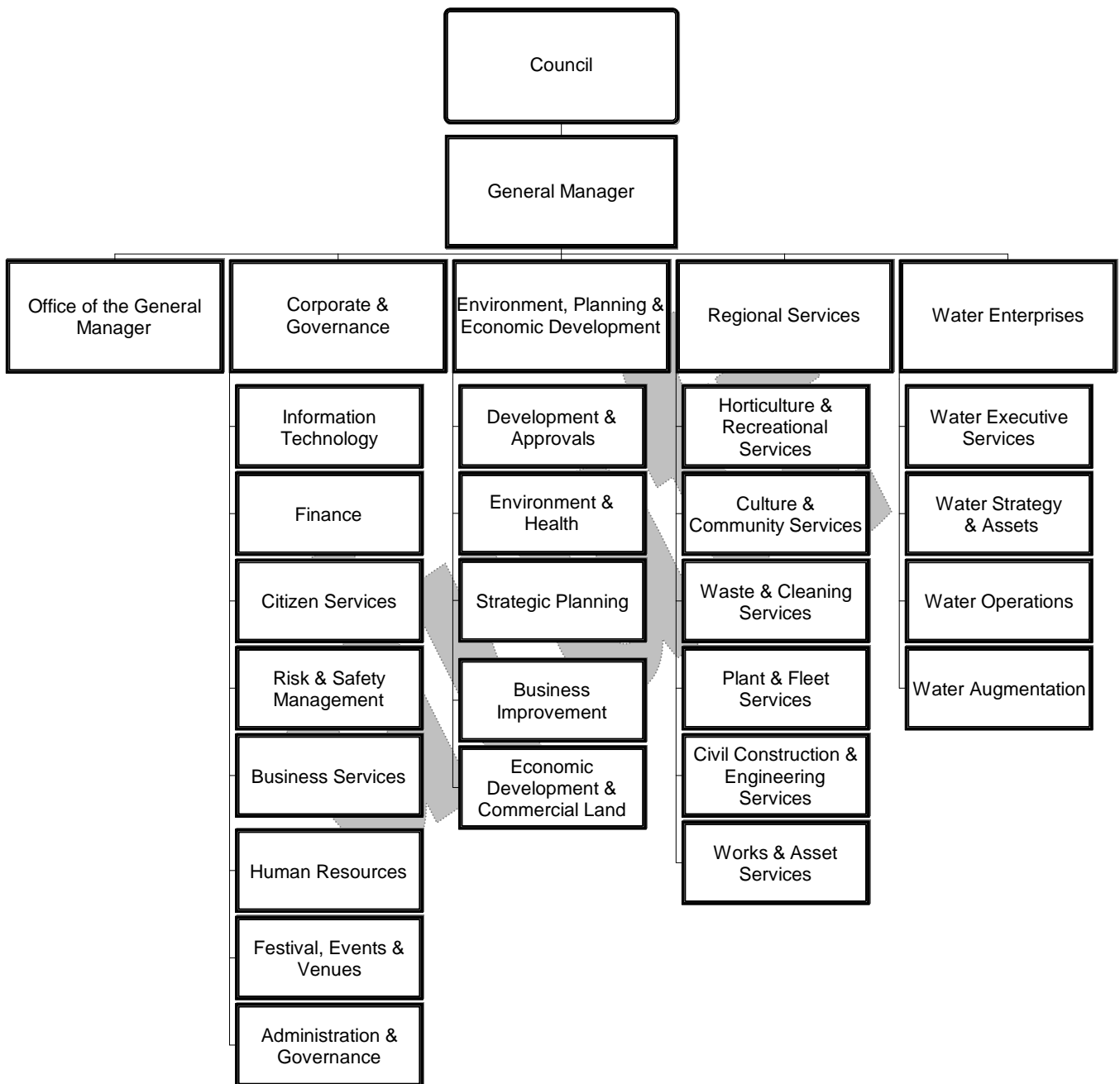
The Mayor presides at meetings of the Council, carries out the civic and ceremonial functions of the office, exercises, in cases of necessity, the decision making functions of the body politic, between its meetings and performs any other functions that the Council determines.

The Principal Officer of the Council is the General Manager.

The General Manager is responsible for the efficient operation of the Council's organisation and for ensuring the implementation of Council decisions. The General Manager is also responsible for the day to day management of the Council, the exercise of any functions delegated by the Council, the appointment, direction and where necessary, the dismissal of staff, as well as the implementation of Council's Equal Employment Opportunity Management Plan.

To assist the General Manager in the exercise of these functions, there are four (4) Directorates of Council. These Directorates are Corporate and Governance, Environment, Planning and Economic Development, Regional Services and Water Enterprises. Each of these Departments is headed by a Director.

Tamworth Regional Council Structure



1.4 Functions of Tamworth Regional Council

Under the Local Government Act 1993, Council's functions can be grouped into the following categories:

A COUNCIL EXERCISES FUNCTIONS UNDER THE LOCAL GOVERNMENT ACT 1993

SERVICE FUNCTIONS	REGULATORY FUNCTIONS	ANCILLARY FUNCTIONS	REVENUE FUNCTIONS	ADMIN FUNCTIONS	ENFORCEMENT FUNCTIONS
Including:	Including:	Including:	Including:	Including:	Including:
<ul style="list-style-type: none"> * Provision of community health, recreation, education & information services * Environmental protection * Waste removal & disposal * Land & property, industry & tourism development & assistance * Civil Infrastructure Planning * Civil Infrastructure Maintenance & Construction 	<ul style="list-style-type: none"> * Approvals * Orders * Building Certificates 	<ul style="list-style-type: none"> * Resumption of land. * Powers of entry and inspection 	<ul style="list-style-type: none"> * Rates * Charges * Fees * Borrowings * Investments 	<ul style="list-style-type: none"> * Employment of staff * Management plans * Financial reporting * Annual reports 	<ul style="list-style-type: none"> * Proceedings for breaches of the Local Government Act & Regulations and other Acts & Regulations. * Prosecution of offences * Recovery of rates and charges.

As well as the Local Government Act, Council has powers under a number of other Acts including:

Coastal Protection Act 1979
Community Land Development Act 1989
Companion Animals Act 1998
Contaminated Land Management Act 1997
Conveyancing Act 1919
Environmental Planning and Assessment Act 1979
Fire Brigades Act 1989
Fluoridation of Public Water Supplies Act 1957
Food Act 1989
Government Information (Public Access) Act 2010
Heritage Act 1977
Impounding Act 1993
Library Act 1939

Noxious Weeds Act 1993
Privacy & Personal Information Protection Act 1998
Protection of the Environment Operations Act 1997
Public Health Act 1991
Recreation Vehicles Act 1983
Roads Act 1993
State Emergency & Rescue Management Act 1989
State Emergency Service Act 1989
Strata Schemes (Freehold Development) Act 1973
Strata Schemes (Leasehold Development) Act 1986
Strata Schemes Management Act 1996
Swimming Pools Act 1992
Unclaimed Money Act 1995

2 How Council Functions Affect Members of the Public

As a service organisation, the majority of the activities of Tamworth Regional Council have an impact on the public. The following is an outline of how the broad functions of Council affect the public.

Service functions affect the public as Council provides services and facilities to the public. These include provision of human services such as Aged Care Facilities, child care services and libraries, halls and community centres, recreation facilities, infrastructure and the removal of garbage.

Regulatory functions place restrictions on developments and buildings to ensure that they meet certain requirements affecting the amenity of the community and not endanger the lives and safety of any person. Members of the public must be aware of, and comply with, such regulations.

Ancillary functions affect only some members of the public. These functions include, for example, the resumption of land or the power for Council to enter onto a person's land. In these circumstances, only the owner of the property would be affected.

Revenue functions affect the public directly in that revenue from rates and other charges paid by the public is used to fund services and facilities provided to the community.

Administrative functions do not necessarily affect the public directly but have an indirect impact on the community through the efficiency and effectiveness of the service provided.

Enforcement functions only affect those members of the public who are in breach of certain legislation. This includes matters such as the non payment of rates and charges, unregistered dogs and parking offences.

Community planning and development functions affect areas such as cultural development, social planning and community profile and involves:

- Advocating and planning for the needs of our community. This includes initiating partnerships; participating on regional, State or Commonwealth working parties; and preparation and implementation of the Community Plan.
- Providing support to community and sporting organisations through provision of grants, training and information.
- Facilitating opportunities for people to participate in the life of the community through the conduct of a range of community events such as NAIDOC Week, Youth Week, Children's Week, as well as promoting events of others.

3 How the Public can Participate in Council's Policy Development and the Exercising of Functions

There are two broad ways in which the public may participate in the policy development and, indeed, the general activities of the Council. These are through representation and personal participation.

3.1 3.1 Representation

Local Government in Australia is based on the principle of representative democracy. This means that the people elect representatives to their local Council to make decisions on their behalf. In New South Wales, local government elections are held every four years. The next elections are to be held in September, 2012.

At each election, voters elect nine Councillors for a four year term. All residents of the area who are on the electoral roll are eligible to vote. Property owners who live outside of the area and rate paying lessees can also vote, but must register their intention to vote on the non residential roll. Voting is compulsory.

Residents are able to raise issues with, and make representations to, the elected Councillors. The Councillors, if they agree with the issue or representation, may pursue the matter on the resident's behalf thus allowing members of the public to influence the development of policy. Council's Community Consultation Policy also allows the public to address the Open Council meetings (held 2nd and 4th Tuesdays of the month) for the first 30 minutes or submit questions either verbally or in writing on matters included in the business paper for the meeting. Members of the public are permitted a maximum of three minutes to address the Council meeting.

3.2 3.2 Personal Participation

There are also avenues for members of the public to personally participate in the policy development and the functions of the Council. Several Council Committees comprise or include members of the public. Some of these special committees or bodies are:

Section 355 Community Committees

Attunga Sports Club	Kootingal War Memorial Hall Committee	Nundle Retirement Village Committee
Barraba Festival Committee	Limbri Commons Association	Somerton Public Hall & Recreation Reserve Local Committee
Barraba Showground Committee	Limbri Public Hall & Recreation Reserve Local Committee	Tamworth Australia Day Committee
Barraba Australia Day Committee	Loomberah Hall Committee	Tamworth Sister City Committee
Barraba Band	Manilla Showground Committee	Tamworth Regional Tidy Towns Committee
Barraba Sports Ground Committee	Moonbi Hall & Reserve Local Committee	Victoria Park Committee
Central Northern Regional Library	Moore Creek Hall & Reserve Committee	Watson's Creek Hall Committee
Dungowan Hall Trust	Nemingha Hall & Reserve Committee	Weabonga Hall & Recreation Reserve Local Committee
Dungowan Recreation Grounds	Niangala Recreation Reserve Local Committee	Woolomin Recreation Reserve Committee
Duri Progress Association	Niangala Tennis Club	
Duri War Memorial Tennis Club	Nundle Arts Council	
Gowrie Progress Association	Nundle Australia Day Committee	
Kootingal Recreational Reserve Committee		

Community Development Committees

Attunga Community Development Committee	Kootingal Community Development Committee
Barraba Community Development Committee	Manilla Community Development Committee
Bendemeer Community Development Committee	Moonbi Community Development Committee
Calala Community Development Committee	Nundle Community Development Committee
Hanging Rock Community Development Committee	Woolbrook Community Development Committee

Special Purpose Committees

Donations Assessment Panel	Tamworth Regional Local Traffic Committee
Murrami Poultry Broiler Farm Development Community Liaison Committee	Tamworth Regional Rural Fire Service Liaison Committee
Public Art Advisory Committee	Tamworth Sister City Committee
Reuse Farm – Community Liaison Committee	
Tamworth Regional Floodplain Management Committee	

Working Groups

Australian Equine and Livestock Events Centre Interim Management Group
 Major Plant Selection Working Group
 Tamworth City Centre Working Group
 Sports Working Group
 Tamworth Regional Aviation Industry Steering Group
 Tamworth Regional Council Code of Conduct Review Committee
 Tamworth Regional Council Liquor Licensing Panel

Tamworth Regional Crime Prevention Working Group
 Tamworth Regional Livestock Marketing Centre Strategic Development Working Group
 Tamworth Regional Racing Precinct Working Group
 Taminda Revitalisation Working Group
 Tamworth Waste Management Working Group

External Boards, Committees, Working Groups And Organisations

Arts North West
 Bowling Alley Point Recreation Reserve Trust
 Bush Fire Management Committee
 Cancer Council - Tamworth and District Relay For Life Committee
 Central Northern Regional Library
 Chaffey Dam Upgrade Community Reference Panel
 Community Development Support Expenditure Committee
 Country Mayors' Association
 Country Towns Water Supply and Sewerage Scheme (CTWSS) Steering Committee Program Evocities Steering Committee
 Inter-Regional Road Link From Tamworth/Walcha/Nowendoc/Gloucester/ Taree Special Task Force
 Keepit Dam Community Construction Liaison Group
 Local Health Advisory Committee
 Namoi Local Government Group

NamoiRoc
 Northern Inland Regional Waste Group
 Northern Region Joint Regional Planning Panel
 NSW Inland Forum
 Peel Cluster Community Forum on Health
 Police Accountability Community Team (PACT)
 Tamworth And District Liquor Accord
 Tamworth Community Safety Precinct Committee
 Tamworth Correctional Centre Consultative Committee
 Tamworth Regional Conservatorium Of Music
 Tamworth Regional Development Corporation Board
 Tamworth Regional Local Emergency Management Committee (LEMC)
 Tamworth Regional State Emergency Service Administrative Committee
 Tourism Tamworth Board Of Management
 Woodsreef Reserve Trust

4 Documents - Open Access Information

4.1 Documents Held by Council

Council holds documents (hard copy and/or electronic form) that relate to a number of different issues concerning Tamworth Regional Council. Prior to November 2003 Council had a paper filing system with material being held in physical files. Since then Council's files have been maintained in electronic format, physical files being dispensed with except for development/building/construction applications. These documents are grouped into four categories:

1. Electronic Documents.
2. "Physical Files".
3. Policy Documents.
4. General Documents.

Council's Electronic Documents and Physical Files are not available on the website, however this information may be made available either by informal release or via an Access Application, (GIPA Act Section 7 – 9) unless there is an overriding public interest against disclosure of the information, in accordance with the provisions of the GIPA Act Section 14.

4.2 Policy Documents

Council has a register of policy documents which is maintained by Council's Right to Information Officer and is available on Council's website.

4.3 General Documents

The following list of general documents held by Council has been divided into four sections as outlined in the Government Information (Public Access) Act:

1. Information about Council;
2. Plans and Policies;
3. Information about Development Applications;
4. Approvals, Orders and other Documents.

The Government Information (Public Access) Act requires that these documents held by Council, are to be made publicly available for inspection, free of charge. The public is entitled to inspect these documents either on Council's website (unless there is an unreasonable additional cost to Council to publish these documents on the website) or at the offices of the Council during ordinary office hours or at any other place as determined by the Council. Any current and previous documents of this type may be inspected by the public free of charge. Copies can be supplied for reasonable copying charges.

These documents are:

1. Information about Council
 - The model code prescribed under section 440 (1) of the LGA.
 - Councils adopted Code of Conduct.
 - Code of Meeting Practice.
 - Annual Report.
 - Annual Financial Reports.
 - Auditor's Report.
 - Management Plan.
 - EEO Management Plan.
 - Policy concerning the Payment of Expenses Incurred by, and the Provision of Facilities to, Councillors.
 - Annual Reports of Bodies Exercising Functions Delegated by Council.
 - Any Codes referred to in the LGA.
 - Returns of the Interests of Councillors, Designated Persons and Delegates.
 - Agendas and Business Papers for any meeting of Council or any Committee of Council.
 - Minutes of any meeting of Council or any Committee of Council.
 - Departmental Representative Reports presented at a meeting of Council.
 - Land Register.

- Register of Investments.
- Register of Delegations.
- Register of Graffiti removal works.
- Register of current Declarations of Disclosures of Political donations.
- Register of Voting on Planning Matters.

2. Plans and Policies

- Local Policies adopted by Council concerning approvals and orders.
- Plans of Management for Community Land.
- Environmental Planning Instruments, Development Control Plans and Contribution Plans.

3. Information about Development Applications

Development Applications and any associated documents received in relations to a proposed development:

- Home Warranty Insurance documents.
- Construction Certificates.
- Occupation Certificates.
- Structural Certification Documents.
- Town Planner Reports.
- Submissions received on Development Applications.
- Heritage Consultant Reports.
- Tree Inspections Consultant Reports.
- Acoustic Consultant Reports.
- Land Contamination Consultant Reports.
- Records of decisions on Development Applications including decisions on appeals.
- Records describing general nature of documents that Council decides to exclude from public view including internal specifications and configurations, and commercially sensitive information.

4. Approvals, Orders and Other Documents

- Applications for approvals under part 7 of the LGA.
- Applications for approvals under any other Act and any associated documents received.
- Records of approvals granted or refused, any variation from Council Policies with reasons for the variation, and decisions made on appeals concerning approvals.
- Orders given under Part 2 of Chapter 7 of the LGA, and any reasons given under section 136 of the LGA.
- Orders given under the Authority of any other Act.
- Records of Building Certificates under the Environmental Planning and Assessment Act 1979.
- Plans of land proposed to be compulsorily acquired by Council.
- Compulsory Acquisition Notices.
- Leases and Licenses for use of Public Land classified as Community Land.

5 How Members of the Public may Access and Amend Council Documents Concerning their Personal Affairs

As mentioned previously, Council has a vast range of documents that can be accessed in varying ways. Most documents can be inspected at and obtained from Council's Administration office between the hours of 8.30 am and 4.30 pm, Monday to Friday (except public holidays). For further enquiries about any document, a Customer Services Officer should be contacted. If you experience any difficulty in obtaining documents or information, you should contact the Public Officer.

5.1 Public Officer - Right of Information Officer

It should be noted that the Director Corporate and Governance has been appointed as the Public Officer. Amongst other duties, the Public Officer may deal with requests from the public concerning the Council's affairs and has the responsibility of assisting people to gain access to public documents of the Council. The Public Officer is also Council's Right to Information Officer and, as such, is responsible for determining applications for access to documents or for the amendment of records. If you have any difficulty in obtaining access to Council documents, you may wish to refer your enquiry to the Public Officer (Right to Information Officer). Also, if you would like to amend a document of Council which you feel is incorrect it is necessary for you to make written application to the Public Officer (Right to Information Officer) in the first instance. Enquiries should be addressed as follows:

General Manager

Tamworth Regional Council

PO Box 555

TAMWORTH NSW 2340

Email: trc@tamworth.nsw.gov.au

Tel (02) 67675555 Fax (02) 67675549 www.tamworth.nsw.gov.au

Office of the Information Commissioner

If you require any other advice or assistance about access to information you may contact the Office of the Information Commissioner by telephone on 1800194210 (free call) or by email at ocenquiry@informationcommissioner.nsw.gov.au

ORDINARY COUNCIL



MINUTES

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

TUESDAY 27 JULY 2010 at 6:30pm

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Minutes

PRESENT: Crs James Treloar (Mayor), Cr Phil Betts, Cr Paul Durant, Cr Col Murray, 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

Nil

2 COMMUNITY CONSULTATION

Nil

3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

MOTION

Moved Cr Ray Tait/Cr J Wilson

234/10 RESOLVED

That the Minutes of the Ordinary Meeting of the Council held on Tuesday 13 July 2010, copies of which were circulated be taken as read and confirmed as a correct record of the proceedings of the Meeting.

MOTION

Moved Cr Warren Woodley/Cr Phil Betts

235/10 RESOLVED

That the Minutes of the Extraordinary Meeting of the Council held on Saturday 10 July 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 Paul Durant declared a Non Pecuniary Interest in Item 6.2 Acquisition of Land for Road Widening Florence Lane Tamworth - File No LF1196 & LF7488 for reason that he is the owner of a competing business and indicated that he would leave the Chambers during consideration of this item.

5 MAYORAL MINUTE

Nil

OPEN COUNCIL REPORTS

6 ENVIRONMENT & PLANNING

6.1 DRAFT TAMWORTH REGIONAL DEVELOPMENT CONTROL PLAN 2010 - FILE No SF 4939

DIRECTORATE: ENVIRONMENT, PLANNING AND ECONOMIC DEVELOPMENT
AUTHOR: Catherine Pyne, Team Leader Development Assessment

MOTION

Moved Phil Betts /Cr Col Murray

236/10 RESOLVED

That, in relation to the Draft Tamworth Regional Development Control Plan (TRDCP) 2010:

- (i) the draft TRDCP be placed on public exhibition for public comment for twenty-eight (28) days including changes to the East Tamworth Precinct Option 1 so that the boundaries comprise:
 - North to include both sides of Darling Street, extended to intersect with North Street and then join to Raglan Street,
 - East to continue along Levien Avenue until the intersection with Roderick Street,
 - South to include both sides of Roderick Street,
 - West to extend from the property on the southern side of Roderick Street, along the Railway Line until it joins the Option 1 boundary ; and
- (ii) a further report be submitted to Council following conclusion of the exhibition period to consider any submissions received.

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
(i) Cr Col Murray, Deputy Mayor	(i) Cr James Treloar, Mayor
(ii) Cr Phil Betts	(ii) Cr Russell Webb
(iii) Cr Paul Durant	
(iv) Cr Ray Tait	
(v) Cr Helen Tickle	
(vi) Cr Juanita Wilson	
(vii) Cr Warren Woodley	

6.2 ACQUISITION OF LAND FOR ROAD WIDENING FLORENCE LANE TAMWORTH - FILE NO LF1196 & LF7488

Cr Paul Durant declared a Non Pecuniary Interest in this matter for reason that he is the owner of a competing business and left the Chambers at 7:08pm.

DIRECTORATE: ENVIRONMENT, PLANNING AND ECONOMIC DEVELOPMENT

AUTHOR: Chris Johnston, Manager, Economic Development and Commercial Lands

MOTION

Moved Phil Betts/Cr Col Murray

237/10 RESOLVED

That in relation to the acquisition of part Lot 9 in DP 15714 and part Lot 4 in DP 15714 for road widening associated with the upgrade of Florence Lane, Council:

- (i) authorise the Mayor and General Manager to negotiate the acquisition of the land by private treaty negotiations under terms and conditions as detailed in the report;
- (ii) in the event that private treaty negotiations in (i) above are unsuccessful for both or either of the properties, authorise the commencement of the process to acquire land pursuant to the provisions of the Land Acquisition (Just Terms Compensation) Act 1991; and
- (iii) authorise the affixing of the Seal of Council to the contracts for the sale/purchase of the land, the plan of subdivision creating the road widening and associated land acquisition documents.

At 7.09pm Cr Durant returned to the Meeting.

6.3 REGIONAL ECONOMIC DEVELOPMENT STRATEGY - STAGE II FINAL REPORT – SF 3628

DIRECTORATE: ENVIRONMENT PLANNING AND ECONOMIC DEVELOPMENT

AUTHOR: Sonya Vickery, Economic Development Planner

MOTION

Moved Cr Paul Durant/Cr Russell Webb

238/10 RESOLVED

That, in relation to the Regional Economic Development Strategy (REDS) – Stage II, Council adopt the Final Report (ENCLOSURE 6.3), and endorse the Priority Actions as detailed in this report for implementation.

6.4 COMMUNITY PARTNERSHIPS PROGRAM - FILE No SF2876

DIRECTORATE: ENVIRONMENT PLANNING AND ECONOMIC DEVELOPMENT

AUTHOR: Sonya Vickery, Economic Development Planner

MOTION

Moved Cr Juanita Wilson/Cr Ray Tait

239/10 RESOLVED

That Council adopt the Community Partnerships Priority Lists for Hanging Rock, Nundle, Kootingal/Moonbi, Manilla and Barraba and endorse the identified Priority Actions.

6.5 DEVELOPMENT CONTRIBUTIONS PLANNING REFORM UPDATE – FILE NOS SF 3714 AND SF53

DIRECTORATE: ENVIRONMENT, PLANNING AND ECONOMIC DEVELOPMENT

AUTHOR: Andrew Spicer, Strategic Planner (Section 94)

MOTION

Moved Cr Russell Webb/Cr Col Murray

240/10 RESOLVED

That in relation to the report Development Contributions Planning Reform Update, Council receive and note the implications for the performance of Council's future development contributions schemes.

6.6 PROPOSED NEW ROAD NAME – LONGYARD LOCALITY - FILE No SF2771

DIRECTORATE: OFFICE OF THE GENERAL MANAGER

AUTHOR: General Manager – Glenn Inglis

MOTION

Moved Cr Warren Woodley/Cr Ray Tait

241/10 RESOLVED

That in relation to naming the road as described within this report, Council:

- (i) approve in principle the Street name "Jack Smyth Drive", between the New England Highway and western boundary of Lot 3, DP 1092556;
- (ii) advertise the proposed name as required by the Roads Act 1993 Section 162 and the Roads (General) Regulation 2008, Part 2, Division 2;
- (iii) service notice of the proposed name on Australia Post, Property and Land Management Authority, Chief Executive of the Ambulance Service of NSW, NSW Fire Brigades, the NSW Rural Fire Service, NSW Police and State Emergency Service; and

- (iv) following consideration of any submissions made, proceed to publish the adopted name in the Government Gazette and notify Australia Post, Property and Land Management Authority, Chief Executive of the Ambulance Services 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.

7 INFRASTRUCTURE AND SERVICES

7.1 2010 LOCAL GOVERNMENT WATER MANAGEMENT CONFERENCE – ORANGE - FILE NO SF707

DIRECTORATE: WATER ENTERPRISES
AUTHOR: Bruce Logan – Director Water Enterprise

MOTION

Moved Cr Juanita Wilson/Cr Col Murray

242/10 RESOLVED

That in relation to the report 2010 Local Government Water Management Conference, no Councillor representatives be authorised to attend the Conference at this time.

7.2 CRAIGENDS LANE SEWER MAINS UPGRADE ACQUISITION OF 3 METRE WIDE SEWER EASEMENT - FILE NO LF230

DIRECTORATE: WATER ENTERPRISES
AUTHOR: Bruce Logan - Director Water Enterprises

MOTION

Moved Cr Paul Durant/Cr Warren Woodley

243/10 RESOLVED

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 that would, if disclosed, confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business.

7.3 BARRABA WATER SUPPLY – WATER SOFTENING OPTIONS – EXTENSION OF CALCLEAR TRIAL - FILE NO SF4847

DIRECTORATE: WATER ENTERPRISES
AUTHOR: Ian Regan, Project Officer

MOTION

Moved Cr Warren Woodley/Cr Russell Webb

244/10 RESOLVED

In relation to the report Barraba Water Supply – Water Softening Options - Extension of CalcLEAR Trial, Council:

- (i) extend the previously approved three month water conditioning trial for another three months; and
- (ii) advise residents that the trial is to continue and encourage residents to provide feedback on the quality of treated water before, during and after the trial.

7.4 NEMINGHA WATER MAIN AUGMENTATION – ACQUISITION OF 6M WIDE AND VARIABLE WATER MAIN EASEMENTS - FILE NO LF9052

DIRECTORATE: WATER ENTERPRISES
AUTHOR: Bruce Logan – Director Water Enterprises

MOTION

Moved Cr Warren Woodley/Cr Ray Tait

245/10 RESOLVED

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 would, if disclosed, confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business.

7.5 WATER SUPPLY AND SEWERAGE PERFORMANCE MONITORING RESULTS 2008/2009 - FILE NO SF735

DIRECTORATE: WATER ENTERPRISES
AUTHOR: Michael Bryant, Water Executive Services Manager

MOTION

Moved Cr Paul Durant/Cr Col Murray

246/10 RESOLVED

That the report in relation to Water Supply and Sewerage Performance Monitoring Results 2008/2009 be received and noted.

7.6 PROPOSED BOURNES LANE HIGH LEVEL WATER RESERVOIR - FILE NO LF23243

DIRECTORATE: WATER ENTERPRISES
AUTHOR: Bruce Logan, Director, Water Enterprises

MOTION

Moved Cr Col Murray/Cr Juanita Wilson

247/10 RESOLVED

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 would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

7.7 TAMWORTH REGIONAL LOCAL TRAFFIC COMMITTEE MEETING – JULY 2010- FILE NO SF1387

DIRECTORATE: REGIONAL SERVICES
AUTHOR: Craig Orvad, Technical Officer, Traffic

MOTION

Moved Cr Russell Webb/Cr Col Murray

248/10 RESOLVED

That in relation to the report from the Tamworth Regional Local Traffic Committee –July 2010 meeting Council endorse the following recommendations of the Tamworth Regional Local Traffic Committee held on 14 July 2010:

- 32/2010 That Give Way control be imposed in Casuarina Drive and Benarkin Drive at the intersection of Browns Lane in Tamworth.
- 33/2010 That the existing 25 metre section of 1/4P restriction from 8.30am to 6.00pm Monday to Friday and 8.30am to 12.30pm Saturday in Dowe Street Tamworth be removed and reverted back to 2P in line with the street's existing parking restrictions.
- 34/2010 That with regard to the amendments to the existing linemarking and signage in the Moonbi School carpark in Charles street Moonbi:
- (i) The 45° rear to be kerb parking adjacent to the garden beds be changed to parallel parking and an area of No Stopping be imposed in front of the part time children's crossing; and
 - (ii) An area of 60° rear to kerb parking – vehicles under 6 metres be imposed on the western side of Charles Street south of the part time children's crossing.
- 35/2010 That two (2) parking bays for persons with a disability be installed on the western side of the new Plain Street carpark nearest to the amenities block in Plain Street Tamworth.
- 36/2010 That with regard to the proposed Event Approvals for July and September 2010, approval be granted subject to further conditions placed upon the event by Police or Council.

8 GOVERNANCE, STRATEGY AND FINANCE

8.1 TAMWORTH REGIONAL DEVELOPMENT CORPORATION - FILE No SF3006

DIRECTORATE: OFFICE OF THE GENERAL MANAGER

AUTHOR: General Manager – Glenn Inglis

MOTION

Moved Cr Warren Woodley/Cr Russell Webb

249/10 RESOLVED

That the General Manager’s Report be received and noted and further that the Deed of Agreement between Tamworth Regional Council and Tamworth Regional Development Corporation Ltd be extended for a further four (4) year period ending on 30 June 2014.

8.2 REGIONAL AND LOCAL COMMUNITY INFRASTRUCTURE PROGRAM (RLCIP): ROUND 3 - FILE No SF4908

DIRECTORATE: OFFICE OF THE GENERAL MANAGER

AUTHOR: Tony McCann, Executive Officer

MOTION

Moved Cr Warren Woodley/Cr Russell Webb

250/10 RESOLVED

That in relation to the Regional and Local Community Infrastructure Program (RLCIP), Round 3 allocation to the Tamworth Regional Council of \$551,000:

- (i) Council approve the following list of projects for submission to the Department of Infrastructure, Transport, Regional Development and Local Government.

Project Name	Project Description	Funding Allocation \$
Tamworth Riverbank Precinct	Stage 1 Works including: <ul style="list-style-type: none"> • locate bollards along Solander Drive, adjacent to the walking/cycling path for pedestrian safety accompanied by the planting of native grasses either side of bollards; • the planting of advanced trees to provide a natural barrier to water edge and entrance to the Gipps Street carpark; • construction of a pedestrian pathway down the river bank to connect with buried gabion baskets to access the waters edge; • extension of the walking/cycle path through the passive recreation area under the footbridge; and • construction of a children’s bicycle park to create an active play area. 	\$106,500

Project Name	Project Description	Funding Allocation \$
Oxley Lookout, Tamworth	Continue facilities upgrade including furniture, safety rails, interpretive signage and paving of platform viewing area.	\$50,000
Woolomin Recreation Reserve, Woolomin	Construct a shower block onto existing toilet block which will include a disabled shower & toilet. This will enable the ground to be more extensively used for events.	\$45,000
Street Tree Planting, various locations in Tamworth	Plant avenues of semi advanced trees in selected streets of Tamworth.	\$40,000
Barraba Sportsground, Barraba	Upgrade power supply so that the capacity is sufficient to operate lights and onsite outlets.	\$40,000
Anzac Park, Tamworth	External refurbishment and renovations to the heritage building in the Tamworth Regional Council's premier public park. The principal building is the Anzac Park Band Hall presently occupied by the Tamworth and District Highland Society Inc. (a not for profit community organisation). The secondary buildings are the Band Rotunda and the covered public general amenities area.	\$27,500
Main Street Beautification, Denman Avenue, Kootingal	This project involves improvements from Stage 1 of the Masterplan which includes:- <ul style="list-style-type: none"> • Construction of 1 Median Module (incl. plans/survey etc) - pedestrian refuge, full width excavation, layback kerb, filling the drainage and plant growing material, ground cover planting, turfing, advanced tree planting, concrete paving at pedestrian refuge and irrigation. • Installation of three seats and two litterbins. 	\$25,000
Main Street Beatification, Caroline Street, Bendemeer	This project involves improvements from Stage 1 of the Masterplan which includes:- <ul style="list-style-type: none"> • Demonstration Median Module 30m in length (incl. plans/survey etc) - full width excavation, and removal of road material, layback kerb, filling with drainage and plant growing material, advanced tree planting, mulch and weed mat. • Supplementary tree planting • Street tree planting 	\$25,000
Marsupial Park, Tamworth	Replacement of the free flight bird aviary net in Marsupial Park.	\$25,000
Gunnedah Road Rest Area, Tamworth	Refurbishment and fit-out of an existing public amenities block, install seating and tables and new fencing, situated on the outskirts of Tamworth. Upgrade and make safe off-road access and egress to this rest area which is located adjacent to the Gunnedah Road (Oxley Highway).	\$25,000

Project Name	Project Description	Funding Allocation \$
Manilla Showground, Manilla	Refurbishment and renovation of the Manilla Showground infrastructure including painting and restoration works. Identified by the community as a significant historical attraction and a facility which supports a large proportion of community activities. The Showground refurbishment has been identified by the Manilla community as their highest current priority.	\$20,000
Street Tree Planting in Manilla	Plant avenues of semi advanced trees in selected streets of Manilla.	\$20,000
Main Street Beautification, Manilla Street, Manilla	Manilla Street, Manilla, Masterplan: This involves improvements from Stage 1 of the Masterplan including removal and disposal of small trees; grass; timber logs etc; pruning of Chinese Elms; creation of garden beds; install topsoil and mulch under Chinese Elms; planting of 4 x Chinese Elms (advanced) and installation of a irrigation system.	\$15,000
Barraba Showground, Barraba	Stage 2 refurbishment of amenities building at Barraba Showground (male amenity block). This Round 3 Project will complete the facility upgrade which was commenced with Round 2 Funding.	\$15,000
Street Tree Planting in Barraba	Plant avenues of semi advanced trees in selected streets of Barraba.	\$12,000
Riverside Sports Complex, Tamworth	This project involves the enhancement of the Riverside Sports Complex in Tamworth and includes the provision of bollards and security gates. These features will protect the community assets for the significant numbers of sporting groups utilising this Complex namely, cricket, netball, baseball, softball, rugby league and oztag.	\$12,000
Main Street Beautification, Jenkins Street Nundle	This project involves improvements from Stage 1 of the Masterplan which includes:- <ul style="list-style-type: none"> · Installation of new Litterbins · Installation of interpretive signage · Removal of fatigued trees and the installation of semi advanced replacement trees · Pathways 	\$10,000
Hanging Rock Lookout, via Nundle	Refurbishment of a popular tourist attraction on the outskirts of the village of Nundle. This project entails the levelling and reshaping of the off-road car park area; the provision of hand rails and safety barriers and the provision of public seating.	\$10,000
Kootingal Park, Kootingal	Cycleway and walkway in Kootingal Park; The Kootingal community identified the provision of a cycleway and walkway in the grounds of the Kootingal Park. The community feels they lack safe exercise and leisure amenities and this particular initiative has been identified by the Kootingal community as their highest current community project.	\$10,000

Project Name	Project Description	Funding Allocation \$
Barraba Sportsground, Barraba	In Round 1 of the RLCIP, Council received funding in the sum of \$150,000 for the refurbishment of the amenities building at the Barraba Sportsground. This Round 3 project bid allows for the completion of the whole project, and entails pathways and a verandah.	\$10,000
Street Tree Planting in Nundle	Plant avenues of semi advanced trees in selected streets of Nundle.	\$8,000
TOTAL		\$551,000

(ii) That Council approve the following projects as alternates if any of the projects in Item (i) above, do not satisfy the Guidelines under the Regional and Local Community Infrastructure Program:-

(a) Hyman Park, Tamworth

Enhancement (tables, seating and solar lighting) to the children's Road Safety Park within Hyman Park \$15,000; and

(b) Belmore Park, Tamworth Construction of a public bar-b-que and shelter \$10,000

(iii) That Council record and acknowledge its appreciation of the following community partners who will assist Council in the respective projects submitted as detailed in Item (i) above, namely:-

- The Woolomin Recreation Ground Committee: Contribution of \$10,000 in addition to the project bid of \$45,000.
- The Tamworth and District Highland Society Inc: Contribution in-kind work in addition to the project bid of \$27,500
- The Barraba Sportsground Committee: Contribution of \$6,000 in addition to the project bid of \$10,000.

8.3 SANNOHE SISTER CITY PROGRAM - FILE NO SF995

DIRECTORATE: CORPORATE AND GOVERNANCE

AUTHOR: Karen Litchfield, Citizen Services Manager

MOTION

Moved Cr Col Murray/Cr Phil Betts

251/10 RESOLVED

That Council accept the official invitation from the Mayor of the Sannohe Town Council, Japan for a Tamworth Regional Council Delegation to visit Sannohe in September and the Mayor (or nominee); the General Manager (or nominee); and the Chairperson of the Tamworth Sister City Committee be authorised as Council's delegates to attend the Sannohe Autumn Festival from Saturday 11 September 2010 to Tuesday 14 September, 2010, in accordance with the current Protocol Agreement between the two Councils

8.4 COUNCIL INVESTMENTS MAY 2010 - FILE No SF3455

DIRECTORATE: CORPORATE AND GOVERNANCE

AUTHOR: Mark Crompton, Finance & Information Technology Manager

MOTION

Moved Cr Ray tait/Cr Paul Durant

252/10 RESOLVED

That the report on Council Investments for the month of June 2010 be received and noted.

8.5 PAYMENT OF EXPENSES AND PROVISION OF FACILITIES TO COUNCILLORS - FILE No SF828

DIRECTORATE: CORPORATE AND GOVERNANCE

AUTHOR: Stephen Bartlett, Director Corporate and Governance

MOTION

Moved Cr Col Murray/Cr Phil Betts

253/10 RESOLVED

- (i) That in accordance with Section 252 of the Local Government Act 1993, Council adopt the "Payment of Expenses and Provision of Facilities to Councillors" Policy as Annexed;
- (ii) That in accordance with section 253 of the Local Government Act 1993, Council give public notice of the Policy identified in the Annexed Policy for the ensuing 12 months and allow at least 28 days for the making of public submissions; and
- (iii) That Council confirm adoption of the Policy identified in the Annexure at the September 2010 Ordinary Meeting of the Council having regard to any public submissions received.

8.6 CODE OF MEETING PRACTICE – MEETING PRACTICE NOTE No - FILE No SF802

DIRECTORATE: CORPORATE AND GOVERNANCE

AUTHOR: Robert Charlesworth, Administration and Governance Manager

MOTION

Moved Cr Warren Woodley/Cr Col Murray

254/10 RESOLVED

- (i) That the report in relation to Council's compliance with Revised Practice Note 16 be received and noted and Council approve and implement the following Council Meeting Practices:

- (a) allow councillors prior to the end of the Council Meeting the opportunity to raise questions on the understanding the answers will be provided at the following meeting;
 - (b) minute the reason(s) when Council makes a decision against the staff recommendation in the report in relation to determining development applications; and
- (ii) That the Tamworth Regional Council Code of Meeting Practice be amended to include clauses 1.4.11 and 11.1.5 of revised Practice Note 16 as identified in (a) and (b) above and be placed on public exhibition for a period of 28 days prior to adoption by Council.

Cr Phil Betts left the Chambers at 7.43pm and returned at 7.45pm.

8.7 BUILDING BETTER REGIONAL CITIES - FILE NO SF 4961

DIRECTORATE: OFFICE OF THE GENERAL MANAGER

AUTHOR: General Manager – Glenn Inglis

MOTION

Moved Cr Col Murray/Cr Russell Webb

255/10 RESOLVED

That the General Manager's Report Building Better Regional Cities be received and noted and further that Council immediately begin preparation of an application for \$15Million to fund investment into local infrastructure projects that directly support creation of new affordable housing stocks.

8.8 TENDER T049/2010 – AUDIT SERVICES - FILE NO T049/2010

DIRECTORATE: CORPORATE & GOVERNANCE

**AUTHOR: Mark Crompton – Finance & Information Technology
Manager**

MOTION

Moved Cr Paul Durant/Cr Col Murray

256/10 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.

8.9 ANNUAL COUNCILLOR LOCAL GOVERNMENT SECTOR CONFERENCES AND WORKSHOP VOTE - FILE No SF809

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

MOTION

Moved Cr Russell Webb/Cr Juanita Wilson

257/10 RESOLVED

That the Councillors determine the distribution of unexpended Councillor Local Government Sector Conferences and Workshop Vote amounting to the sum of \$25,148 to bona fide Council functions and activities and advise the Administration and Governance Manager for a further report to Council:

Councillor	Allocated Expenditure \$	Expenditure \$	Funds to be Distributed \$	Bona Fide Activity
Cr Phil Betts	4,000.00	900.00	3,100.00	
Cr Paul Durant	4,000.00	60.00	3,940.00	
Cr Col Murray	4,000.00	1,216.00	2,784.00	
Cr Ray Tait	4,000.00	1,477.00	2,523.00	
Cr Helen Tickle	4,000.00	2,107.00	1,893.00	
Cr James Treloar	4,000.00	1,321.00	2,679.00	
Cr Russell Webb	4,000.00	2,477.00	1,523.00	
Cr Juanita Wilson	4,000.00	1,084.00	2,916.00	
Cr Warren Woodley OAM	4,000.00	210.00	3,790.00	
Total	\$36,000.00	\$10,852.00	\$25,148.00	

8.10 LOCAL GOVERNMENT OF NSW ANNUAL CONFERENCE 2010 ALBURY- FILE No SF3903

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

MOTION

Moved Cr Warren Woodley/Cr Russell Webb

258/10 RESOLVED

- (i) That the Mayor, Deputy Mayor and Crs Russell Webb and Paul Durant be authorised to attend the 2010 Local Government Association of NSW Annual Conference as voting delegates together with the General Manager; and
- (ii) That councillors advise the General Manager of any submissions or motions to be included in the agenda for the Local Government Association of NSW Annual Conference.

9 REPORTS FROM DELEGATES

9.1 MOONBI MUSEUM OFFICIAL OPENING – SF3808

Cr Col Murray presented the Mayor with a plaque from the Moonbi Community Development Committee recognising Council's contribution to the Moonbi Museum. The Museum was officially opened Saturday 24 July 2010 by the Moonbi Community Development Committee president Mr Max Newcombe.

10 QUESTIONS AND MATTERS OF URGENCY

10.1 ROADSIDE ADVERTISING ON TRAILERS – FILE No SF4855

Cr Juanita Wilson referred to a previous request for action in relation to the sale of motor vehicles and roadside advertising and requested an update on progress to date. The Director Environment, Planning and Economic Development advised that all roadside advertising vendors had been contacted and given final notice. The owners had been advised that non compliance with Council's instruction would result in legal action.

10.2 TAMWORTH BASE HOSPITAL – RF154

Cr Juanita Wilson requested advice from the General Manager as to whether any response had been received to Council's communiqué with Hunter New England Health Service in relation to the poor state of repair of the access road to Tamworth Base Hospital. The Mayor, Cr James Treloar advised Council that he had previously written to the Health Service and would again contact them in an attempt to have the access road repaired and upgraded.

10.3 B-PAY CODE RATES NOTICES – SF4467

Cr Ray Tait asked the General Manager why the B-Pay Code for Council Rates Notices repeatedly changed and could this facility remain constant. The Finance and

Information Technology Manager advised that the current software version did not allow for this identifier to remain constant; however the new version to be installed had this facility.

At 8.18pm, 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.

11 CLOSED COUNCIL REPORTS

11.1 NEMINGHA WATER MAIN AUGMENTATION – ACQUISITION OF 6M WIDE AND VARIED WATER EASEMENTS - FILE NO LF9052

DIRECTORATE: WATER ENTERPRISES
AUTHOR: Bruce Logan – Director Water Enterprises

MOTION

Moved Cr Col Murray/Cr Paul Durant

259/10 RESOLVED

That in relation to the report Nemingha Water Main Augmentation – Acquisition of 6 Metre Wide and Variable Water Easement Council:

- (i) authorise the acquisition of a 6 metre wide and variable easement through property Lot 2 DP 360993 under the terms and conditions detailed in this confidential report; and
- (ii) authorise the affixing of the Council seal for the creation of an easement over the land and associated documents.

11.2 CRAIGENDS LANE SEWER MAINS UPGRADE - ACQUISITION OF 3 METRE WIDE SEWER EASEMENT - FILE NO LF230

DIRECTORATE: WATER ENTERPRISES
AUTHOR: Bruce Logan - Director Water Enterprises

MOTION

Moved Cr Paul Durant/Cr Warren Woodley

260/10 RESOLVED

That in relation to the report Craigends Lane Sewer Mains Upgrade - Acquisition of a 3 Metre Wide Easement Council:

- (ii) authorise the acquisition of a 3 metre wide sewer easement through property Lot 13 DP38091 under the terms and conditions detailed in this confidential report; and
- (iii) authorise the affixing of the Council seal for the creation of an easement over the land and associated documents.

11.3 PROPOSED BOURNES LANE HIGH LEVEL WATER RESERVOIR - FILE NO LF23243

DIRECTORATE: WATER ENTERPRISES
AUTHOR: Bruce Logan – Director Water Enterprises

MOTION

Moved Cr Russell Webb/Cr Warren Woodley

261/10 RESOLVED

That in relation to the acquisition of the Bournes Lane High Level Reservoir Site Council:

- (i) agree to the acquisition of 1 hectare of land from Lot 154 DP 753851 under the terms and conditions detailed in this report; and
- (ii) authorise the affixing of the Council seal to documents associated with the acquisition of 1 hectare of land from Lot 154 DP 753851.

11.4 TENDER T049/2010 – AUDIT SERVICES FOR THE PERIOD 1 JULY 2010 TO 30 JUNE 2016 - FILE NO T049/2010

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

MOTION

Moved Cr Russell Webb/Cr Phil Betts

262/10 RESOLVED

That in relation to the report Tender T049/2010 – Audit Services for the period 1 July 2010 to 30 June 2016 Council accept the tender from Prosperity Advisors of Newcastle as detailed in the report.

12 RESOLUTIONS PASSED IN CLOSED COUNCIL

At 8.33pm 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 8.35pm.

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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