

# ORDINARY COUNCIL

# MINUTES

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

**TUESDAY 12 OCTOBER 2010 at 6:30pm**

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Minutes

**PRESENT:** Cr Col Murray (Mayor), Cr Phil Betts, Cr Paul Durant, Cr Ray Tait, Cr Helen Tickle, Crs James Treloar, 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.

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## **1 APOLOGIES**

Nil.

## **2 COMMUNITY CONSULTATION**

Nil.

## **3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

### **MOTION**

Moved Cr Phil Betts/Cr Paul Durant

### **366/10 RESOLVED**

That the Minutes of the Ordinary Meeting of the Council held on Tuesday 28 September 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 Warren Woodley declared a Pecuniary Interest in Item 6.2 Tamworth Regional Heritage Assistance Fund for reason that he had business interests in the property located at 165 Peel Street.

## **5 MAYORAL MINUTE**

Nil.

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## OPEN COUNCIL REPORTS

### 6 ENVIRONMENT & PLANNING

#### 6.1 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 Cr Paul Durant/Cr Phil Betts

**367/10 RESOLVED**

That, in relation to the Draft Tamworth Regional Development Control Plan 2010, Council:

- (i) approve the Plan pursuant to cl 21(1)(b) of the Environmental Planning and Assessment Regulations 2000, subject to the corrections, clarifications and amendments identified in this Report;
- (ii) give public notice pursuant to cl. 21(2) of the Environmental Planning and Assessment Regulations 2000, that the Plan will commence upon the date of gazettal of the Tamworth Regional Local Environmental Plan; and
- (iii) inform all those who made a submission in relation to the Draft Tamworth Regional Development Control Plan 2010 of Council's appreciation for their input and advise them of the intention to conduct a review of the Plan after 12 months of operation.

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

#### DIVISION

COUNCILLORS WHO VOTED <b>FOR</b> THE DECISION	COUNCILLORS WHO VOTED <b>AGAINST</b> THE DECISION
<ol style="list-style-type: none"> <li>1. Cr Col Murray, Mayor</li> <li>2. Cr Russell Webb, Deputy Mayor</li> <li>3. Cr Phil Betts</li> <li>4. Cr Paul Durant</li> <li>5. Cr Ray Tait</li> <li>6. Cr Helen Tickle</li> <li>7. Cr James Treloar</li> <li>8. Cr Juanita Wilson</li> <li>9. Cr Warren Woodley</li> </ol>	Nil.

## 6.2 TAMWORTH REGIONAL HERITAGE ASSISTANCE FUND - FILE NO SF 4970

**DIRECTORATE:** ENVIRONMENT, PLANNING AND ECONOMIC DEVELOPMENT  
**AUTHOR:** Megan Purkiss, Strategic Planner

Cr Warren Woodley declared a Pecuniary Interest in this matter for reason that he had business interests in the property located at 165 Peel Street and left the Chambers at 6:41pm.

### MOTION

Moved Cr Paul Durant/Cr Juanita Wilson

### 368/10 RESOLVED

That in relation to the Tamworth Regional Heritage Assistance Fund, the recommendations of Council's Heritage Advisor be supported and that:

(i) offers of financial assistance be made to paint and/or repair, as required, the following properties:

1	67 Namoi Street Manilla	\$1,000
2	153 Carthage Street, Tamworth	\$2,600
3	56 Jenkins Street, Nundle	\$4,264
4	223-227 Marius Street, Tamworth	Nil
5	165 Peel Street, Tamworth	\$7,000
6	156 Carthage Street, Tamworth	\$743
7	98 Belmore Street, Tamworth	\$2,500
8	29 Napier Street, Tamworth	\$2,600
9	152-154 Marius Street, Tamworth	\$7,300
10	135-139 Caroline Street, Bendemeer	\$2,000
11	11 Gipps Street, Tamworth	\$2,500
12	Barraba Showground, Rodney Street, Barraba	\$1,182
13	93-97 Jenkins Street, Nundle	\$7,000
14	39 Oakenville Street, Nundle	\$2,000
15	14 Gipps Street, Tamworth	\$2,500
16	71 Queen Street, Barraba	\$1,811

(ii) should any applicants decline the offer of assistance, the funds be re-allocated to (in order of priority):

- 1 repairs and painting at the Nundle Memorial Hall, 93-97 Jenkins Street, Nundle;
- 2 repair work and painting at the Uniting Church Bendemeer, 135-139 Caroline Street, Bendemeer; and
- 3 repainting of exterior of building at 152-154 Marius Street, Tamworth.

## **ADDITIONAL ITEM – HERITAGE AWARDS – FILE No SF4970**

Cr Juanita Wilson requested that the Director Environment Planning and Economic Development submit a report to a future meeting of Council on the feasibility and costs associated with the introduction of a Tamworth Regional Council Regional Heritage Awards Program.

At 6:46pm Cr Warren Woodley returned to the meeting.

### **6.3 LAND AND ENVIRONMENT COURT MATTER - KIDMAN GROUP PTY LIMITED ATS TAMWORTH REGIONAL COUNCIL - FILE No DA 0020/2009**

**DIRECTORATE:** ENVIRONMENT, PLANNING AND ECONOMIC DEVELOPMENT  
**AUTHOR:** David Lewis, Manager, Development and Approvals

#### **MOTION**

**Moved Cr Phil Betts/Cr Ray Tait**

**369/10 RESOLVED**

That in relation to the Land and Environment Court Matter – Kidman Group Pty Limited ats Tamworth Regional Council, the report be received and noted.

## **7 INFRASTRUCTURE AND SERVICES**

### **7.1 AIRPORT TERMINAL UPGRADE – SECURITY REQUIREMENTS - FILE No SF4787**

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

#### **MOTION**

**Moved Cr Paul Durant/Cr Ray Tait**

**370/10 RESOLVED**

That the report in relation to the Airport Terminal and Carpark Upgrade to meet the new security requirements be received and noted and Council:

- (i) authorise the Business Manager to call tenders from suitable companies to undertake the detail design and quantity surveys on the approved terminal and carpark designs;
- (ii) request the Business Manager to provide a further report to Council in November on options for the development of paid carparking; and
- (iii) include the loans required for the terminal and carparking upgrading works as part of the 2011/2012 Management Plan.

## **7.2 TAMWORTH REGIONAL COUNCIL WASTE WORKING GROUP MINUTES OF 28 SEPTEMBER 2010 - FILE No SF3101**

**DIRECTORATE: REGIONAL SERVICES**

**AUTHOR: John Davis, Manager Waste and Cleaning Services**

### **MOTION**

**Moved Cr Warren Woodley/Cr Ray Tait**

**371/10 RESOLVED**

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 28 September 2010; and
- (ii) adopt the recommendations of the Working Group in relation to Item 3.2 – Extension of Waste Collection Service - Part Wallamore Road, Gidley Siding Road, Gidley Appleby Road and Part Appleby Lane.

## **7.3 LAND ACQUISITION, LOT 31 DP 1128390 AND LOT 41 DP 719185 – FOREST ROAD TAMWORTH - FILE No SF3694**

**DIRECTORATE: REGIONAL SERVICES**

**AUTHOR: John Davis, Manager Waste and Cleaning Services**

### **MOTION**

**Moved Cr Paul Durant/Cr Warren Woodley**

**372/10 RESOLVED**

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

## **7.4 TENDER T010/2011– SUPPLY & DELIVERY OF ONE MECHANICAL STREET SWEEPER –FILE No T010/2011**

**DIRECTORATE: REGIONAL SERVICES**

**AUTHOR: George Shearman, Manager Plant and Fleet Services**

### **MOTION**

**Moved Cr Warren Woodley/Cr Russell Webb**

**373/10 RESOLVED**

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

## **7.5 RURAL FIRE SERVICE 2011/2012 RURAL FIRE FIGHTING FUND ESTIMATE - FILE NO SF199**

**DIRECTORATE: REGIONAL SERVICES**

**AUTHOR: John Davis, Manager Waste and Cleaning Services**

### **MOTION**

**Moved Cr Juanita Wilson/Cr Warren Woodley**

### **374/10 RESOLVED**

That in relation to the report Rural Fire Service (RFS) 2011/2012 Rural Fire Fighting Fund Estimate, Council:

(i) endorse the lodgement of an amended Rural Fire Fighting Fund 2011/2012 Estimate for \$4,652,133 being:

- estimated budget bid (including capital items) \$2,347,996
- District Staff Estimates (including wages) \$922,490
- Estimated program charges & Insurances \$1,381,547

amounting to a provision for Council's contribution to the Rural Fire Fighting Fund in the amount of \$409,300 (after reimbursements) be included in the 2010/11 Management Plan and budget; and

(ii) authorise the General Manager to sign and lodge the endorsed bid to the State Government.

## **7.6 TAMWORTH REGIONAL LOCAL TRAFFIC COMMITTEE MEETING - SEPTEMBER 2010 - FILE NO SF1387**

**DIRECTORATE: REGIONAL SERVICES**

**AUTHOR: Murray Russell, Manager Civil Construction and Engineering Services**

### **MOTION**

**Moved Cr Ray Tait/Cr Russell Webb**

### **375/10 RESOLVED**

That Council endorse the following recommendations of the Tamworth Regional Local Traffic Committee meeting held on 8 September 2010:

44/2010 That Give Way controls be imposed in Boulevard Place at the intersection with The Patio in Tamworth.

45/2010 That 2P restrictions, from 8.30am to 6.00pm Monday to Friday and 8.30am to 12.30pm Saturdays, be imposed along the 25 metre frontage to the men's hairdressers in Denison Street, West Tamworth.

46/2010 That the proposed Event Approvals for September 2010 to March 2011, subject to further conditions placed upon the events by local Police as required, be approved accordingly.

## 7.7 TAMWORTH REGIONAL LOCAL TRAFFIC COMMITTEE EXTRA ORDINARY MEETING - SEPTEMBER 2010 FILE NO SF1387

**DIRECTORATE: REGIONAL SERVICES**

**AUTHOR: Murray Russell, Civil Construction and Engineering Services  
Manager**

### **MOTION**

**Moved Cr Russell Webb/Cr Warren Woodley**

### **376/10 RESOLVED**

That Council endorse the following recommendations of the Tamworth Regional Local Traffic Committee meeting held on 28 September 2010:

48/2010 With respect to the proposed relocation of the 2011 Tamworth Country Music Festival taxi rank from its current location in Brisbane Street between Dowe Street and Cooper Lane, that Council:

(i) Endorses the rank being relocated to the northern side of Brisbane Street immediately west of Treloar Lane, subject to the RTA being able to alter the traffic signal phasing to accommodate the proposal; and

(ii) Include the new location in the draft Festival Traffic Management Plan to be advertised during October 2010.

49/2010 With respect to the closure of the western leg of Brisbane Street at the intersection with Marius Street, as part of the 2011 Tamworth Country Music Festival draft Traffic Management Plan (TMP), the following be endorsed:

(i) that the kerbside lane of the west bound leg of Brisbane Street (Oxley Highway) be open and signposted as "No Entry - Shopping Centre Access Excepted" between 6am and 6pm for the duration of the Festival;

(ii) that appropriate No Stopping restrictions be imposed on the southern side of Brisbane Street between Marius Street and Cooper Lane at all times;

(iii) that Cooper Lane be closed to Centrepoint car park vehicular egress;

(iv) that No Right Turn be permitted from Marius Street (MR 63) into Brisbane Street;

(v) that No vehicular access be permitted from Dowe Street right into Brisbane Street;

(vi) that the traffic flow at this location be monitored closely by Police, RTA and appropriate Council staff. Should traffic flow be considered to be prejudicial to the safety of motorists or pedestrians, the access be terminated immediately;

(vii) ) the Centrepont shopping complex owner be advised that Police and the RTA will monitor the traffic flow in this area to ensure the safety of motorists and pedestrians and, if required, will terminate the access immediately;

(viii) the Centrepont shopping complex owner be advised that the additional costs associated with this access, including the installation of Variable Message Signage (VMS), barriers and Council staff labour, will be borne by Centrepont;

(ix) that Council note the Police Representative's comments and reservations regarding the shopping centre traffic being permitted to use Brisbane Street at this location. However the Police would accept that the proposal may be trialled, if Council chooses to do so, provided that it was terminated if it was considered to be unsafe to other motorists and pedestrians.

(x) that Council note the RTA Representative's comments and reservations regarding the shopping centre traffic being permitted to use Brisbane Street at this location. However, the RTA would also accept that the proposal may be trialled if Council chooses to do so, provided that it was terminated if it was considered to be unsafe to other motorists or pedestrians; and

(xi) this recommendation be listed as part of the draft Traffic Management Plan (TMP) advertised for public comment during October 2010.

## **7.8 COLEDALE YOUTH SPACE REPORT OF FIRST PHASE CONSULTATION - FILE No SF4125**

**DIRECTORATE: REGIONAL SERVICES**

**AUTHOR: Bruce Mercer, Manager Cultural and Community Services**

### **MOTION**

**Moved Cr Paul Durant/Cr Juanita Wilson**

### **377/10 RESOLVED**

- (i) That Council approve the release of the Coledale Youth Space Report of First Stage Consultation for distribution to the Coledale youth, broader community and relevant government and non government organisations; and
- (ii) That Council support the recommendations in the Coledale Youth Space Report of First Stage Consultation and request a further report on the outcomes of the initiatives proposed.

## **7.9 DISABILITY ACTION PLAN UPDATE - FILE NO SF3482**

**DIRECTORATE: REGIONAL SERVICES**

**AUTHOR: Bruce Mercer, Manager Cultural and Community Services**

### **MOTION**

**Moved Cr Warren Woodley/Cr Paul Durant**

### **378/10 RESOLVED**

That the Disability Action Plan update report be received and noted.

## **7.10 CARGILL BEEF AUSTRALIA – WATER CHARGES - FILE NO LF5249**

**DIRECTORATE: WATER ENTERPRISES**

**AUTHOR: Bruce Logan – Director Water Enterprises**

### **MOTION**

**Moved Cr Phil Betts/Cr Juanita Wilson**

### **379/10 RESOLVED**

That in relation to that report Cargill Beef Australia – Water Charges 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 contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

## **7.11 TENDER T014/2011 DRILLING AND TESTING OF WATER SUPPLY INVESTIGATION BORES FOR BARRABA, NSW - FILE NO T014/2011**

**DIRECTORATE: WATER ENTERPRISES**

**AUTHOR: Ian Cross, Technical Officer – Augmentation**

### **MOTION**

**Moved Cr Ray Tait/Cr Warren Woodley**

### **380/10 RESOLVED**

That Council determine this matter in part of the meeting closed to the public pursuant to Section 10A(2) (c) and (d) of the Local Government Act 1993 on the grounds that the matter and information is information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business, and/ or commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

## **7.12 TENDER T055/2010 – PERIOD CONTRACT FOR THE SUPPLY AND DELIVERY OF PRESSURE SEWERAGE SYSTEM PROPRIETARY EQUIPMENT - FILE NO T055/2010**

**DIRECTORATE:** WATER ENTERPRISES  
**AUTHOR:** Mick McGufficke, Manager – Water Operations'

### **MOTION**

**Moved Cr Phil Betts/Cr Paul Durant**

### **381/10 RESOLVED**

That Council determine this matter in part of the meeting closed to the public pursuant to Section 10A(2)(c,d) of the Local Government Act 1993 on the grounds that the matter and information is, information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business, and/or is commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

## **7.13 WATER SUSTAINABILITY STRATEGY 2011-2014 - FILE NO SF2733**

**DIRECTORATE:** WATER ENTERPRISES  
**AUTHOR:** Ian Lobban, Water Sustainability Officer

### **MOTION**

**Moved Cr Ray Tait/Cr Phil Betts**

### **382/10 RESOLVED**

That Council adopt the Water Sustainability Strategy 2011-2014.

## **8 GOVERNANCE, STRATEGY AND FINANCE**

### **8.1 2009/2010 GENERAL PURPOSE AND SPECIAL PURPOSE FINANCIAL REPORTS - FILE NO SF4433**

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

### **MOTION**

**Moved Cr James Treloar /Cr Juanita Wilson**

### **383/10 RESOLVED**

That in relation to the General Purpose and Special Purpose Financial Reports for the period ending 30 June, 2010 for Tamworth Regional Council:

- (i) present the Audited General Purpose and Special Purpose Financial Reports, together with the Auditors Reports at a Public Meeting to be held as part of Council's Meeting on 9 November, 2010, in accordance with Section 419 (1) of the Local Government Act, 1993;
- (ii) record it is the opinion of the Council that the General Purpose Financial Reports for Tamworth Regional Council for the period ending 30 June, 2010:
- (a) has been prepared in accordance with -
    - The Local Government Act 1993 (as amended) and Regulations made thereafter;
    - The Australian Accounting Standards and professional pronouncements; and
    - The Local Government Code of Accounting Practice and Financial Reporting.
  - (b) the General Purpose Financial Report presents fairly the Council's operating result and financial position for the year;
  - (c) the General Purpose Financial Report accords with the Council's accounting and other records; and
  - (d) the signatories do not know of anything that would make the General Purpose Financial Report false and misleading in any way.
- (iii) record it is the opinion of the Council that the Special Purpose Financial Reports for Tamworth Regional Council for the period ending 30 June, 2010:
- (a) have been prepared in accordance with -
    - NSW Government Policy Statement "Application of National Competition Policy to Local Government";
    - Department of Local Government Guidelines "Pricing & Costing for Council Businesses: A Guide to Competitive Neutrality";
    - The Local Government Code of Accounting Practice and Financial Reporting; and
    - The Department of Energy, Utilities and Sustainability Best Practice Management of Water Supply and Sewerage Guidelines.
  - (b) the Special Purpose Financial Reports present fairly the operating result and financial position for each of the Council's declared Business Activities for the year;
  - (c) the Special Purpose Financial Reports accord with the Council's accounting and other records; and
  - (d) the signatories do not know of anything that would make the Special Purpose Financial Reports false and misleading in any way.

## 8.2 CHAOYANG SISTER CITY PROGRAM - FILE No SF1000

**DIRECTORATE:** CORPORATE AND GOVERNANCE

**AUTHOR:** Karen Litchfield, Citizen Services Manager

### **MOTION**

#### **Moved Cr James Treloar /Cr Phil Betts**

That Council express appreciation to Mr Cheng Lianyuan, Governor of the People's Government of Chaoyang District, for the official invitation for a Council Delegation to attend the 2010 Beijing CBD International Business Festival and advise that unfortunately on this occasion Council is unable to send a full delegation, however, Mr John Green, Chairperson of the Tamworth Sister City, is nominated to attend on behalf of Council at his own expense.

### **MOTION WITHDRAWN**

### **FURTHER MOTION**

#### **Moved Cr James Treloar/Cr Warren Woodley**

**384/10**

### **RESOLVED**

That Council express appreciation to Mr Cheng Lianyuan, Governor of the People's Government of Chaoyang District, for the official invitation for a Council Delegation to attend the 2010 Beijing CBD International Business Festival and advise that unfortunately on this occasion Council is unable to send a full delegation due to the short notice involved. Further, that the Director Corporate and Governance be requested to investigate and facilitate the participation of a Tamworth Business Delegation to the 2011 Beijing International Business Festival.

## 8.3 COUNCIL INVESTMENTS SEPTEMBER 2010 - FILE No SF3455

**DIRECTORATE:** CORPORATE AND GOVERNANCE

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

### **MOTION**

#### **Moved Cr Warren Woodley/Cr Russell Webb**

**385/10**

### **RESOLVED**

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

## 8.4 COMMUNITY DEVELOPMENT COMMITTEE - MINUTES - FILE No SF2788, SF2586 & SF2664

**DIRECTORATE:** CORPORATE AND GOVERNANCE

**AUTHOR:** Jodie Archer, Section 355 Coordinator

### MOTION

Moved Cr Ray Tait/Cr Russell Webb

### 386/10 RESOLVED

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

<u>Committee</u>	<u>Date</u>
Hanging Rock Community Development Committee - AGM	12 June 2010
Manilla Community Development Committee	1 September 2010
Hanging Rock Community Development Committee	11 September 2010
Kootingal Community Development Committee	13 September 2010

- (ii) That Council adopt the recommendation of the Hanging Rock Community Development Committee at its Annual General Meeting held 12 June, 2010 to appoint the following persons as Office Bearers of the Hanging Rock Community Development Committee:

President:	Gerry Chan;
Vice President:	Howard Wrightson;
Secretary:	Marcia Ajani;
Joint Treasurers:	Ellie Jones and Vera Parfoot;

- (iii) That Council adopt the recommendation of the Manilla Community Development Committee at its meeting held 1 September, 2010 to accept Jennifer Cochrane, Barry Cochrane and Brad Laws as members of the Manilla Matters Sub-Committee of the Manilla Community Development Committee;
- (iv) That Council adopt the recommendation of the Kootingal Community Development Committee at its meeting held 13 September, 2010 to accept the formation of the Kootingal Australia Day Awards Sub-Committee to plan, organise and conduct the Australia Day Awards for Kootingal to run in conjunction with the existing Lions Club Australia Day Breakfast; and
- (v) That Council adopt the recommendation of the Kootingal Community Development Committee at its meeting held 13 September, 2010 to accept Kevin Morrison and Peter Summers as members of the Kootingal Community Development Committee.

## **8.5 SALE TO BUNNINGS LOCKHEED STREET TAMINDA – CONSTRUCTION ACCESS LICENCE AND PROVISIONAL GROUND LEASE - FILE NO SF4286**

**DIRECTORATE:** OFFICE OF THE GENERAL MANAGER  
**AUTHOR:** Chris Johnston, Manager Economic Development and  
Commercial Lands

### **MOTION**

**Moved Cr Paul Durant/Cr Ray Tait**

### **387/10 RESOLVED**

That in relation to the request from Bunnings Properties Pty Limited for a Construction Access Licence and a provisional Ground Lease over that part of Minor League Park under Contract for sale to Bunnings, being part Lot 3 in DP 217032, Council:

- (i) authorise the Mayor and General Manager to negotiate a Construction Access Licence and a provisional Ground Lease over the subject land with Bunnings Properties Pty Limited under terms and conditions as detailed in the report; and
- (ii) authorise the affixing of the Seal of Council to the Construction Access Licence, the provisional Ground Lease and associated documents.

## **9 REPORTS FROM DELEGATES**

Nil.

## **10 QUESTIONS FOR NEXT MEETING**

### **10.1 LOCAL HEALTH ADVISORY COMMITTEE – FILE NO SF1636**

Cr Helen Tickle advised that she and Cr Juanita Wilson had attended a meeting of the Local Health Advisory Committee and reported that Hunter New England Area Health Service had received funding from both Federal and State Governments for the construction of a Regional Cancer Centre at Tamworth Base Hospital with completion due in April 2012. Cr Tickle also advised that Tamworth had received \$10.5m for redevelopment of the Maternity Paediatric Section of the Hospital and planning was underway; and that the Hunter New England Area Health Service will maintain the same geographic area of service following a restructure of NSW Regional Health Service areas.

## ADDITIONAL ITEM – EFFLUENT REUSE FARM – FILE No SF3217

### MOTION

Moved Cr Russell Webb/Cr Warren Woodley

#### 388/10 RESOLVED

That Council consider a matter in Closed Council Meeting in relation to management of Council's Effluent Reuse Farm and the public be excluded during the receipt of information or the discussion of matters that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business, in accordance with Section 10A(2)(c) of the Local Government Act 1993.

At 7:24pm, 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 CARGILL BEEF AUSTRALIA – WATER CHARGES - FILE No LF5249

DIRECTORATE: WATER ENTERPRISES

AUTHOR: Bruce Logan – Director Water Enterprises

### MOTION

Moved Cr Phil Betts/Cr Paul Durant

#### 389/10 RESOLVED

In relation to the report Cargill Beef Australia – Water Charges Council:

- (i) place on public exhibition for a period of not less than 28 days inviting public comment a proposal to charge Cargill Beef Australia an amount of 66 cents per kilolitre for water consumed at it's Phoenix Street Tamworth abattoir;
  - from 1 November 2010 for the remainder of the 2010-2011 financial year;
  - for the financial years 2011-2012 and 2012-2013; and
  - up to and including October 2013 in the 2013-2014 financial year.
- (ii) request the Director – Water Enterprises prepare a further report for Council's consideration in the event any submissions objecting to the proposal are received;

- (iii) implement the new charge if no objections are received; and
- (iv) review the charge for water consumed by Cargill Beef Australia at its Phoenix Street Abattoir in October 2013 in accordance with the provisions of the original Heads of Agreement.

## **11.2 TENDER T014/2011 DRILLING & TESTING OF WATER SUPPLY INVESTIGATION BORES FOR BARRABA, NSW - FILE No T014/2011**

**DIRECTORATE:** WATER ENTERPRISES  
**AUTHOR:** Ian Cross, Technical Officer – Augmentation

### **MOTION**

**Moved Cr Phil Betts/Cr Ray Tait**

### **390/10 RESOLVED**

That, in relation to the report Tender T014/2011 Drilling & Testing of Water Supply Investigation Bores for Barraba, Council:

- (i) decline to accept any Tender;
- (ii) request the Mayor and General Manager to urgently seek a meeting with the Minister for Water, the Hon Phillip Costa, MP to explore options for the immediate cessation of drilling and testing of water supply investigation bores at Barraba;
- (iii) if the outcome of the meeting with the Minister for Water is that further drilling and testing is required, the General Manager be authorized to enter into negotiations with Mannion Drilling Pty Ltd for a contract with Council to undertake the drilling and testing of water supply investigations bores for Barraba, subject to Council reserving the right to remove activities associated with pump testing from any contract awarded and entered into if appropriate disposal options cannot be identified before bore testing is required;
- (iv) confirm for the purpose of clause 178(4) (a) and (b) of the Local Government (General) Regulation 2005 that the reason for the resolution to pursue direct negotiations with Mannion Drilling Pty Ltd is that it submitted the preferred tender as assessed in the tender process and if the work described in the tender is still required after meeting the Minister it is fair and appropriate that the preferred tenderer have the opportunity to be awarded the contract for the work; and
- (iv) authorize the Seal of the Council to be affixed to any contract awarded and entered into with Mannion Drilling Pty Ltd for Drilling and Testing of Water Supply Investigation Bores for Barraba.

### **11.3 TENDER T055/2010 – PERIOD CONTRACT FOR THE SUPPLY AND DELIVERY OF PRESSURE SEWERAGE SYSTEM PROPRIETARY EQUIPMENT - FILE NO T055/2010**

**DIRECTORATE:** WATER ENTERPRISES  
**AUTHOR:** Mick McGufficke, Manager – Water Operations

#### **MOTION**

**Moved Cr Ray Tait/Cr Warren Woodley**

#### **391/10 RESOLVED**

That in relation to Report, Tender TO55/2010 – Period Contract for the Supply and Delivery of Pressure Sewerage System Proprietary Equipment Council:

- (i) give approval for the General Manager to commence negotiations with Environmental One Corp as the preferred tenderer to resolve any specific matters in relation to their offer prior to entering into a contract;
- (ii) accept the tender of Environmental One Corp on the condition that any issues with the offer from the preferred tenderer are first resolved to the satisfaction of the General Manager; and
- (iii) authorise the Seal of the Council be affixed to the “TO55/2010 – Period Contract for the Supply and Delivery of Pressure Sewerage Proprietary Equipment” contract documents.

### **11.4 TENDER T010/2011 – SUPPLY & DELIVERY OF ONE MECHANICAL STREET SWEEPER FILE NO T010/2011**

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

#### **MOTION**

**Moved Cr Warren Woodley/Cr Russell Webb**

#### **392/10 RESOLVED**

That in relation to the report T010/2011 – Supply & Delivery of One Mechanical Street Sweeper, Council accept the tender of Rosmech, for the supply and delivery of One (1) Scarab Merlin, mechanical street sweeper for a changeover amount of \$129,579.60 (GST exclusive).

## 11.5 LAND ACQUISITION, LOT 31 DP 1128390 AND LOT 41 DP 719185 – FOREST ROAD TAMWORTH - FILE No SF3659

**DIRECTORATE:** REGIONAL SERVICES

**AUTHOR:** John Davis, Manager Waste and Cleaning Services

### MOTION

Moved Cr Phil Betts/Cr Paul Durant

### 393/10 RESOLVED

That in relation to the Report “Land Acquisition, Lot 31 DP 1128390 and Lot 41 DP 719185 – Forest Road Tamworth”, Council:

- (i) authorise the commissioning of a land valuation over the subject land for the purpose of land acquisition negotiations with the landowner;
- (ii) authorise the Mayor and General Manager to enter into negotiations with the landowners for acquisition of the land under terms and conditions as detailed in the report; and
- (iii) require a further report be submitted to Council on the outcome of negotiations and providing a recommendation for acquisition of the land or otherwise.

### ADDITIONAL ITEM – EFFLUENT REUSE FARM SF3217

Cr Russell Webb requested that the Director Water Enterprises submit a report to Council on the current and future proposed management of Council’s Effluent Reuse Farm.

## 12 RESOLUTIONS PASSED IN CLOSED COUNCIL

At 7:47pm 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 7:48pm.

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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