

ORDINARY COUNCIL



MINUTES

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

TUESDAY 14 SEPTEMBER 2010 at 6:30pm

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Minutes

- CHAIRPERSON:** In the absence of the Chairperson, Cr James Treloar, the Deputy Chairperson Cr Col Murray chaired the Meeting.
- PRESENT:** Cr Col Murray (Chairperson), Cr Phil Betts, Cr Paul Durant, Cr Ray Tait, Cr Helen Tickle and Cr Juanita Wilson.
- IN ATTENDANCE:** The General Manager, Director Corporate and Governance, Acting Director Environmental & Planning and Economic Development, Director Regional Services, Director Water Enterprises and Finance and Information Technology Manager.
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1 APOLOGIES

Apologies were announced as having been received from:

Cr James Treloar, who was unable to attend the meeting as he is representing Council at Tamworth's Sister City in Sannohe, Japan as a guest of the Sannohe Town Council.

Cr Russell Webb, who was unable to attend the meeting due to personal business.

Cr Warren Woodley, who was unable to attend the meeting due to personal business

MOTION

Moved Cr Paul Durant/Cr Phil Betts

313/10 RESOLVED

That the apologies be accepted and Crs Treloar, Webb and Woodley be granted leave of absence from the Meeting.

2 COMMUNITY CONSULTATION

2.1 REFER ITEM 6.2 - MODIFICATION TO DEVELOPMENT CONSENT NO. DA 0541/2009 (MOD 0082/2010) FOR THE ADDITION OF A REAR AWNING TO THE DWELLING AND INTERNAL ALTERATIONS TO THE GARAGE, AT LOT 140, DP 1100572, 3 HIBISCUS WAY CALALA - FILE No DA 0541/2009

Mr John Lesslie addressed the Council and advised that he had not made any donation or gift to any councillor or Council employee. Mr Lesslie requested Council defer approval of this modification to allow councillors the opportunity to visit the site and view the construction as he believed that the submitted plans do not reflect what has been built. He stated that the modification is seeking approval for an already built roof which is significantly higher than the original proposal and this directly causes additional view loss and a negative impact on the amenity of the area.

2.2 REFER ITEM 6.1 - DEVELOPMENT APPLICATION FOR A TEMPORARY CARAVAN PARK - COUNTRY MUSIC FESTIVAL 2011 AT KOOTINGAL BOWLING CLUB – 22-32 STATION STREET, KOOTINGAL FILE No. DA 0002/2011

Maree Prentice addressed Council and advised that she had not made any donation or gift to any councillor or Council employee. Mrs Prentice stated that she objected to the proposal because the premises are a licensed bowling club not a temporary camping facility. She further stated that the temporary camping during the Country Music Festival directly affects the enjoyment of her property and lifestyle in relation to noise, traffic and behaviour. She requested that Council reject the application.

3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

MOTION

Moved Cr Juanita Wilson/Cr Ray Tait

314/10 RESOLVED

That the Minutes of the Ordinary Meeting of the Council held on Tuesday 24 August 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

Nil.

5 MAYORAL MINUTE

Nil.

6 OPEN COUNCIL REPORTS

6.1 DEVELOPMENT APPLICATION FOR A TEMPORARY CARAVAN PARK - COUNTRY MUSIC FESTIVAL 2011 AT KOOTINGAL BOWLING CLUB – 22-32 STATION STREET, KOOTINGAL FILE No. DA 0002/2011

DIRECTORATE: ENVIRONMENT, PLANNING AND ECONOMIC DEVELOPMENT

AUTHOR: David Koppers, Senior Development Assessment Planner

MOTION

Moved Cr Paul Durant/Cr Phil Betts

That in relation to Development Application No. 0002/2011 for a Temporary Caravan Park at the Kootingal Bowling Club, 22-32 Station Street, Kootingal, consent be granted subject to the following conditions:

- 1) The development must be carried out in accordance with the Development Application, other documents as amended by conditions of this consent. Any further amendment to the development or to these conditions will require the prior consent of the Council.
- 2) To confirm and clarify the terms of Council's approval and as provided for by Section 95 of the Environmental Planning and Assessment Act 1979, the Temporary Caravan Park may only commence operations from 12 January 2011, and must cease all operations before 25 January 2011.

NOTE: A separate Section 68 Approval under the Local Government Act 1993 must be obtained from Council prior to the commencement of operations.

- 3) No tents or primitive camping is permitted anywhere within the site. Camper trailers are also not permitted.
- 4) Vehicle access within the camping area of the site is prohibited between the hours of 10:00pm and 7:00am. Vehicle speeds are not permitted to exceed 10 kph.
- 5) To ensure the provision of adequate on site facilities, the amenities block is to be made available at all times.
- 6) To ensure that all waste disposal is of an environmentally sensitive manner, adequate waste receptacles shall be placed throughout the site and emptied on a daily basis. Waste receptacles shall not be placed within 10 metres of any property boundary.
- 7) All reasonable measures shall be taken by the applicant and temporary caravan park operator to ensure that the use of the land permitted by this consent does not generate a negative impact on the amenity of the neighbourhood by reason of noise, unruly behaviour, traffic movement, excessive lighting and the like. In this regard such measures shall include but not be limited to the following:
 - (i) Security Arrangements
 - (ii) Noise Control
 - (iii) Vehicle ingress and egress
 - (iv) Site lighting
 - (v) Waste Disposal
 - (vi) Restoration of the Site upon Cessation of Use
- 8) No petroleum powered generators are permitted to be utilised to support the occupation of the site approved by this consent.
- 9) No domestic pets or livestock are permitted within the site at any time by site occupiers or visitors.
- 10) A site plan and emergency evacuation plan pertaining to the development shall be forwarded to the following authorities prior to the commencement of operations:
 - (i) NSW Fire Brigades

- (ii) NSW Police Service
 - (iii) NSW Ambulance Service
 - (iv) State Emergency Service of New South Wales
 - (v) Tamworth Regional Council.
- 11) The following sites, as indicated in red on the stamped plans are deleted from the approval:
- (i) Sites 6 – 8
 - (ii) Site 13
 - (iii) Sites 29 - 30

Therefore the maximum number of sites permitted is restricted to 24.

- 12) All sites will incorporate a minimum distance to common boundaries of five metres. No caravans or vehicles are permitted to encroach this setback.
- 13) The existing unsealed vehicle driveway shall be upgraded with 100mm of compacted gravel (dust free) to a width of three metres and be extended to Site 25.
- 14) All sites are to be provided with individual water and electricity connections.
- 15) All effluent discharge (black water and grey water) shall be disposal of at an approved discharge location. No overland disposal is permitted.
- 16) No camp fires are permitted within the site.
- 17) All caravan and car parking sites are to be clearly marked and numbered accordingly.
- 18) All campers shall be provided with a pamphlet on the rules of the temporary caravan park on arrival.
- 19) Offensive noise, as defined by the Protection of the Environment Operations Act 1997 shall not be permitted to occur after 10:00pm Monday to Friday, after 8:00pm Saturday to Sunday and not before 10:00am on any day.
- 20) The applicant shall ensure that all adjoining property owners are provided (via letter) with an after hours contact phone number to permit the applicant the opportunity to respond to any complaints in the first instance. A copy of this letter shall be provided to Tamworth Regional Council.

AMENDMENT

Moved Cr Helen Tickle/Cr Ray Tait

315/10 RESOLVED

That in relation to Development Application No. 0002/2011 for a Temporary Caravan Park at the Kootingal Bowling Club, 22-32 Station Street, Kootingal, consent be granted for 5 years subject to the following conditions:

- 1) The development must be carried out in accordance with the Development Application, other documents as amended by conditions of this consent. Any further amendment to the development or to these conditions will require the prior consent of the Council.
- 2) To confirm and clarify the terms of Council's approval and as provided for by Section 95 of the Environmental Planning and Assessment Act 1979, the Temporary Caravan Park may only commence operations two (2) days prior to and one (1) day after the official commencement and conclusion dates respectively for the 2011, 2012, 2013, 2014 and 2015 Tamworth Country Music Festivals.

NOTE: A separate Section 68 Approval under the Local Government Act 1993 must be obtained from Council prior to the commencement of operations.

- 3) No tents or primitive camping is permitted anywhere within the site. Camper trailers are also not permitted.
- 4) Vehicle access within the camping area of the site is prohibited between the hours of 10:00pm and 7:00am. Vehicle speeds are not permitted to exceed 10 kph.
- 5) To ensure the provision of adequate on site facilities, the amenities block is to be made available at all times.
- 6) To ensure that all waste disposal is of an environmentally sensitive manner, adequate waste receptacles shall be placed throughout the site and emptied on a daily basis. Waste receptacles shall not be placed within 10 metres of any property boundary.
- 7) All reasonable measures shall be taken by the applicant and temporary caravan park operator to ensure that the use of the land permitted by this consent does not generate a negative impact on the amenity of the neighbourhood by reason of noise, unruly behaviour, traffic movement, excessive lighting and the like. In this regard such measures shall include but not be limited to the following:
 - (i) Security Arrangements
 - (ii) Noise Control
 - (iii) Vehicle ingress and egress
 - (iv) Site lighting
 - (v) Waste Disposal
 - (vi) Restoration of the Site upon Cessation of Use
- 8) No petroleum powered generators are permitted to be utilised to support the occupation of the site approved by this consent.
- 9) No domestic pets or livestock are permitted within the site at any time by site occupiers or visitors.
- 10) A site plan and emergency evacuation plan pertaining to the development shall be forwarded to the following authorities prior to the commencement of operations:

- (i) NSW Fire Brigades
 - (ii) NSW Police Service
 - (iii) NSW Ambulance Service
 - (iv) State Emergency Service of New South Wales
 - (v) Tamworth Regional Council.
- 11) The following sites, as indicated in red on the stamped plans are deleted from the approval:
- (i) Sites 6 – 8
 - (ii) Site 13
 - (iii) Sites 29 - 30
- Therefore the maximum number of sites permitted is restricted to 24.
- 12) All sites will incorporate a minimum distance to common boundaries of five metres. No caravans or vehicles are permitted to encroach this setback.
- 13) The existing unsealed vehicle driveway shall be upgraded with 100mm of compacted gravel (dust free) to a width of three metres and be extended to Site 25.
- 14) All sites are to be provided with individual water and electricity connections.
- 15) All effluent discharge (black water and grey water) shall be disposal of at an approved discharge location. No overland disposal is permitted.
- 16) No camp fires are permitted within the site.
- 17) All caravan and car parking sites are to be clearly marked and numbered accordingly.
- 18) All campers shall be provided with a pamphlet on the rules of the temporary caravan park on arrival.
- 19) Offensive noise, as defined by the Protection of the Environment Operations Act 1997 shall not be permitted to occur after 10:00pm Monday to Friday, after 8:00pm Saturday to Sunday and not before 10:00am on any day.
- 20) The applicant shall ensure that all adjoining property owners are provided (via letter) with an after hours contact phone number to permit the applicant the opportunity to respond to any complaints in the first instance. A copy of this letter shall be provided to Tamworth Regional Council.

AMENDMENT PASSED

THE AMENDMENT BECAME THE MOTION

PASSED

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

DIVISION

COUNCILLORS WHO VOTED FOR THE DECISION	COUNCILLORS WHO VOTED AGAINST THE DECISION
1. Cr Col Murray, Deputy Mayor 2. Cr Phil Betts 3. Cr Ray Tait 4. Cr Helen Tickle	1. Cr Paul Durant 2. Cr Juanita Wilson

6.2 MODIFICATION TO DEVELOPMENT CONSENT No. DA 0541/2009 (MOD 0082/2010) FOR THE ADDITION OF A REAR AWNING TO THE DWELLING AND INTERNAL ALTERATIONS TO THE GARAGE, AT LOT 140, DP 1100572, 3 HIBISCUS WAY CALALA - FILE No DA 0541/2009

DIRECTORATE: ENVIRONMENT, PLANNING AND ECONOMIC DEVELOPMENT

AUTHOR: Sam Roche, Senior Building Inspector

MOTION

Moved Cr Ray Tait/Cr Juanita Wilson

That in relation to the application [MOD 0082/2010] to modify Development Consent 0541/2009 for the addition of a rear awning and internal alterations to the garage at Lot 140 DP 1100572, 3 Hibiscus Way Calala, Council defer a decision on the item to the next meeting of Council to allow councillors to inspect the site.

AMENDMENT

Moved Cr Paul Durant/Cr Phil Betts

316/10 RESOLVED

That in relation to the application [MOD 0082/2010] to modify Development Consent 0541/2009 for the addition of a rear awning, and internal alterations to the garage at Lot 140, DP 1100572, 3 Hibiscus Way Calala, Council:

- (i) approve the modification subject to all original conditions of consent; and
- (ii) require the applicant to lodge an application under Section 149D of the Environmental Planning and Assessment Act 1979 for a Building Certificate for the part of the building not included in the approved Construction Certificate.

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

DIVISION

COUNCILLORS WHO VOTED FOR THE DECISION	COUNCILLORS WHO VOTED AGAINST THE DECISION
1. Cr Col Murray, Deputy Mayor 2. Cr Phil Betts 3. Cr Paul Durant	3. Cr Ray Tait 4. Cr Helen Tickle 5. Cr Juanita Wilson

Voting on the Amendment

Upon a show of hands, 3 Councillors voted for the Amendment and 3 Councillors voted against the Amendment.

The Deputy Mayor elected to use a Casting Vote in accordance with Section 370(2) of the Local Government Act 1993 and Clause 32 (ii) of the Tamworth Regional Council Code of Meeting practice for the Amendment and declared the **Amendment Passed**.

AMENDMENT PASSED

THE AMENDMENT BECAME THE MOTION

PASSED

6.3 DEVELOPMENT APPLICATION FOR TEMPORARY RECREATION FACILITY (ICE SKATING RINK) ON LOT 10 DP 853733, 341-351 PEEL STREET STREET, TAMWORTH - FILE No DA0059/2011

DIRECTORATE: ENVIRONMENT, PLANNING AND ECONOMIC DEVELOPMENT

AUTHOR: Lucy Walker, Senior Development Assessment Planner

MOTION

Moved Cr Paul Durant/Cr Phil Betts

317/10 RESOLVED

In relation to Development Application No. DA0059/2011 for a Temporary Ice Skating Rink on Lot 10 DP 853733, 341- 351 Peel Street, Tamworth, consent be granted subject to the following conditions:

GENERAL

- 1) The development must be carried out in accordance with the Development Application and accompanying plans, drawings and other documents as amended by conditions of this consent. Any amendment to the development or to these conditions will require the consent of the Council.
- 2) To confirm and clarify Council's terms of approval as provided by section 95 of the Environmental Planning and Assessment Act 1979, the temporary recreation facility (ice skating rink) may be operated from 20 September to 10 October 2010

with allowance for, four (4) days either side of this period to set up and dismantle the rink.

- 3) A maximum of 150 persons are permitted in the tenancy comprising the ice skating rink at any one time.
- 4) To ensure the premises may be evacuated quickly, the tongues on the latch of the shop door must be locked in the retracted position during use.

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
<ol style="list-style-type: none"> 1. Cr Col Murray, Deputy Mayor 2. Cr Phil Betts 3. Cr Paul Durant 4. Cr Ray Tait 5. Cr Helen Tickle 6. Cr Juanita Wilson 	<p>Nil.</p>

6.4 CAR SALES OPERATING ON GOONOO GOONOO ROAD, BETWEEN WILBURTREE STREET AND CALALA LANE - FILE NO RF274

DIRECTORATE: ENVIRONMENT, PLANNING AND ECONOMIC DEVELOPMENT

AUTHOR: Ross Briggs, Senior Environmental Health Officer

MOTION

Moved Cr Ray Tait/Cr Helen Tickle

318/10 RESOLVED

That in relation to vehicles being parked for the purposes of their sale, along both sides of Goonoo Goonoo Road between Calala Lane and Wilburtree Street, and other sections of public road that are deemed to be causing a risk to public safety:

- (i) Council Officers contact owners of the vehicles (via phone number advertised on vehicle for sale) in the first instance to advise of the need to remove the vehicle from the section of road in question or infringements may be issued; and
- (ii) Council Officers issue Penalty Infringement Notices (PIN's) to the registered owners of vehicles found to be parked for the purposes of selling from the section of road in question following non-compliance with a verbal warning.

7 INFRASTRUCTURE AND SERVICES

7.1 CRAIGENDS LANE SEWER MAINS UPGRADE ACQUISITION OF 3 METRE WIDE SEWER EASEMENT - FILE NO LF1620

DIRECTORATE: WATER ENTERPRISES

AUTHOR: Bruce Logan - Director Water Enterprises

MOTION

Moved Cr Ray Tait/Cr Helen Tickle

319/10 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.

7.2 NATIONAL WATER WEEK 2010 - FILE NO SF747

DIRECTORATE: WATER ENTERPRISES

AUTHOR: Ian Lobban, Water Sustainability Officer

MOTION

Moved Cr Paul Durant/Cr Phil Betts

320/10 RESOLVED

That Council note the theme and preparations for TRC's promotion of National Water Week 2010.

7.3 LARGE WATER USERS OPTIMISATION INITIATIVE - FILE NO SF3302

DIRECTORATE: WATER ENTERPRISES

AUTHOR: Ian Lobban, Water Sustainability Officer

MOTION

Moved Cr Phil Betts/Cr Ray Tait

321/10 RESOLVED

That in relation to the TRC Large Water Users Optimisation Initiative Council:

- (i) note the process and progress of the Large Water Users Optimisation Initiative; and
- (ii) request the Director – Water Enterprises investigate an online system of ongoing monitoring for the Large Water Users involved in this program.

7.4 ACQUISITION OF LAND AND EASEMENTS BARRABA - FILE No LF2205, LF2640

DIRECTORATE: WATER ENTERPRISES
AUTHOR: Bruce Logan Director Water Enterprises

MOTION

Moved Cr Paul Durant/Cr Juanita Wilson

322/10 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.

7.5 TAMWORTH REGIONAL COUNCIL DRAFT GRAFFITI MANAGEMENT PLAN 2010- 2014 - FILE No SF3852

DIRECTORATE: REGIONAL SERVICES
AUTHOR: Bruce Mercer, Manager Cultural and Community Services

MOTION

Moved Cr Phil Betts/Cr Paul Durant

323/10 RESOLVED

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

- (i) approve that the Draft Plan be placed on public exhibition for 28 days; and
- (ii) following the public exhibition period, request the Regional Services Director to provide a further report on community feedback and any amendments to the Draft Plan for consideration and adoption.

7.6 CRIME PREVENTION WORKING GROUP MINUTES - FILE No SF2300

DIRECTORATE: REGIONAL SERVICES
AUTHOR: Bruce Mercer, Manager Cultural and Community Services

MOTION

Moved Cr Ray Tait/Cr Juanita Wilson

324/10 RESOLVED

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

7.7 TENDER T004/2011 – SUPPLY ONLY AND SUPPLY & LAY OF ASPHALT FROM 1 OCTOBER 2010 TO 31 JULY 2011 - FILE NO T004/2011

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

MOTION

Moved Ray Tait/Cr Juanita Wilson

325/10 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.

7.8 TENDER T003/2011 – SPRAYED BITUMEN SEALING OF LOCAL, REGIONAL, STATE AND NATIONAL ROADS FROM 1 OCTOBER 2010 TO 31 JULY 2011 - FILE NO; T003/2011

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

MOTION

Moved Cr Juanita Wilson/Cr Paul Durant

326/10 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 GOVERNANCE, STRATEGY AND FINANCE

8.1 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 Paul Durant/Cr Juanita Wilson

327/10 RESOLVED

That the Council 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 authorise the following distributions:

Councillor	Allocated Expenditure \$	Expenditure \$	Funds to be Distributed \$	Bona Fide Activity
Cr Phil Betts	4,000.00	900.00	3,100.00	Moonbi/Kootingal Meals on Wheels (carpet in new building) \$1,500 Nundle CDC Bubbler in Park \$500 Niangala Recreation Ground \$500 Marsupial Park directional signage \$600
Cr Paul Durant	4,000.00	60.00	3,940.00	Tamworth Access Group for disabled services and activities.
Cr Col Murray	4,000.00	1,216.00	2,784.00	Bendemeer CDC for Cupboards and Appliances for the Town Hall.
Cr Ray Tait	4,000.00	1,477.00	2,523.00	South Tamworth Public School – Principals Special Project \$500 Manilla Central School – Principals Special Project. \$1,000 South Tamworth Girl Guides – Notice Boards, White Board and Urn \$1,023
Cr Helen Tickle	4,000.00	2,107.00	1,893.00	Adventure Playground Marsupial Park.
Cr James Treloar	4,000.00	1,321.00	2,679.00	Nundle CDC bubbler in Park \$500 Country Music Festival Promotion - Americana \$2,179
Cr Russell Webb	4,000.00	2,477.00	1,523.00	Tamworth Historical Society – Calala Cottage Improvements \$1,000 Australia Day Committee Australia Day Activities \$523
Cr Juanita Wilson	4,000.00	1,084.00	2,916.00	Tamworth Regional Conservatorium \$1,000 Nundle S355 Committee children's' furniture in new library \$816.00 Lifest (Cross maintenance) \$400 Women's' Refuge \$400 Scouts Australia North West Region \$300
Cr Warren Woodley OAM	4,000.00	210.00	3,790.00	Barraba CDC War History Schools Program
Total	\$36,000.00	\$10,852.00	\$25,148.00	

8.2 PUBLIC FUNDING OF LOCAL GOVERNMENT ELECTION CAMPAIGNS - FILE No SF3310

DIRECTORATE: CORPORATE AND GOVERNANCE

AUTHOR: S M Bartlett, DIRECTOR CORPORATE AND GOVERNANCE

MOTION

Moved Cr Phil Betts/Cr Helen Tickle

328/10 RESOLVED

That Councillors provide any comments and input for inclusion in a Council submission to the Joint Standing Committee on Electoral Matters in response to the nine questions identified within this report relating to Public Funding of Local Government Election Campaigns.

8.3 POLICY FOR THE PAYMENT OF EXPENSES AND PROVISION OF FACILITIES TO COUNCILLORS - FILE No SF828

DIRECTORATE: CORPORATE AND GOVERNANCE

AUTHOR: Robert Charlesworth, ADMINISTRATION & GOVERNANCE MANAGER

MOTION

Moved Juanita Wilson/Cr Paul Durant

329/10 RESOLVED

That Council confirm adoption of the Policy identified in the Annexure attached to the report and forward a copy of Council's Payment of Expenses and Provision of Facilities to Councillors Policy to the Chief Executive Officer of the Division of Local Government, Department of Premier and Cabinet.

8.4 TAMWORTH COUNTRY MUSIC FESTIVAL - FILE No SF622

DIRECTORATE: CORPORATE AND GOVERNANCE

AUTHOR: S M Bartlett, Director Corporate and Governance

MOTION

Moved Ray Tait /Cr Helen Tickle

330/10 RESOLVED

- (i) That the Tamworth Country Music Festival and Country Music Awards of Australia Blueprint be received and adopted;
- (ii) That Council acknowledge the findings of the Festival Blueprint that a vast majority of stakeholders consider that the Tamworth Country Music Festival and the Country Music Awards of Australia require a clear vision, strong leadership and a defined accountable direction;
- (iii) That Council adopt "in principle" the creation of a management structure external to the Council as a separate corporate entity of which Council would be the sole member to oversee and manage the broad operational and strategic requirements of the annual Tamworth Country Music Festival;

- (iv) That the General Manager be requested to prepare a proposal under section 358 of the Local Government Act 1993 for the formation of a Tamworth Country Music Festival Board of Management for consideration by Council which would, amongst other things, include a constitution providing for the powers and functions of a not for profit entity restricted to the sole purpose of operating and managing the annual Tamworth Country Music Festival; and
- (v) That it be noted Council has made a submission to the Premier, the Hon Kristina Keneally MP, seeking classification of the annual Tamworth Country Music Festival as a Hallmark Event.

9 REPORTS FROM DELEGATES

Nil.

10 QUESTIONS ON NOTICE FOR THE NEXT MEETING

10.1 ATTUNGA LANDFILL CLOSURE – FILE NO SF5016

Cr Juanita Wilson advised that she had received a number of submissions from concerned citizens regarding the closure of Attunga Land Fill and requested the Director Regional Services keep councillors updated on the current situation.

10.2 REGISTER OF SPORTING FIELDS – FILE NO SF1159

Cr Juanita Wilson requested the Director Regional Services develop a register and submit a report to Council of all available playing fields and their correct names for use by sporting bodies and schools.

10.3 SOMERTON BRIDGE – FILE NO SF2396

Cr Ray Tait requested an update on the status on the Somerton Bridge. The General Manager advised that following recent public meetings held, options for pedestrian access had been investigated and would be presented to councillors.

10.4 BRIDGE AND PHILIP STREET INTERSECTION – FILE NO SF4650

Cr Ray Tait requested an update on the status of the Bridge and Philip Street intersection.

10.5 JEWRY STREET NO STANDING SIGNS – FILE NO RF298

Cr Ray Tait requested the Director Regional Services investigate the operation of the no standing signs on Jewry Street during weekend sporting events.

10.6 BOLLARDS AROUND SPORTING FIELDS – FILE NO SF1159

Cr Paul Durant requested a status report on the installation of bollards around the sporting fields to prevent vehicular access.

At 7:46pm, 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 CRAIGENDS LANE SEWER MAINS UPGRADE - ACQUISITION OF 3 METRE WIDE SEWER EASEMENT - FILE NO LF1620

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

MOTION

Moved Cr Ray Tait/Cr Phil Betts

331/10 **RESOLVED**

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

- (i) authorise the acquisition of a 3 metre wide sewer easement through property CP/SP63102 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 ACQUISITION OF LAND AND EASEMENTS BARRABA - FILE NO LF2205, LF2640

DIRECTORATE: WATER ENTERPRISES
AUTHOR: Bruce Logan Director Water Enterprises

MOTION

Moved Cr Paul Durant/Cr Phil Betts

332/10 **RESOLVED**

That in relation to the acquisition of land and easements Council:

- (i) offer compensation up to the value as detailed in the report for each of the following:
 - a. Acquisition of an easement 3 metres wide across Lot 36 DP4187

- b. Acquisition associated with the upgrade of the Cooper Street Sewer Pump Station, Cooper Street, Barraba including
- Acquisition of additional land surrounding the Cooper Street Pump Station affecting Lots 1 and 2 DP 997903
 - Amendments to an easement for access to the Cooper Street Pump Station from Cooper Street affecting Lot 1 DP 997903
 - Acquisition of a new easement 3 meters wide from the Cooper Street Pump Station to Cooper Street affecting Lot 1 and 2 DP 997903 to allow the construction of a new sewer rising main
- (ii) authorise the compulsory acquisition of the land and easements as detailed in dot point (i) above in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 if both/either of the land owners do not accept the offer of compensation, within 4 weeks of the date of the offer being made;
- (iii) make application to the Minister for Local Government and the Governor to acquire the land and easements detailed in point (i) above in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991;
- (iv) authorise the affixing of the Common Seal of Council to the acquisition documents; and
- (v) classify acquired land as Operational on acquisition.

11.3 TENDER T003/2011 – SPRAYED BITUMEN SEALING OF LOCAL, REGIONAL, STATE AND NATIONAL ROADS FROM 1 OCTOBER 2010 TO 31 JULY 2011 - FILE No T003/2011

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

MOTION

Moved Cr Juanita Wilson/Cr Ray Tait

333/10 RESOLVED

That, in relation to the report T003/2011- Sprayed Bitumen Sealing of Local, Regional, State and National Roads, Council:

- (i) accept the Schedule of Rates Tender submitted by Boral Asphalt for the Sprayed Bitumen Sealing of Local, Regional, State and National Roads for the period 1 October 2010 to 31 July 2011; and
- (ii) authorise the Seal of Council to be affixed to the contract documents with Boral Asphalt for the Sprayed Bitumen Sealing of Local, Regional, State and National Roads.

11.4 TENDER T004/2011 – SUPPLY ONLY AND SUPPLY & LAY OF ASPHALT FROM 1 OCTOBER 2010 TO 31 JULY 2011 - FILE No T004/2011

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

MOTION

Moved Cr Phil Betts/Cr Ray Tait

334/10 RESOLVED

That, in relation to the report T004/2011- Supply Only and Supply & Lay of Asphalt Council:

- (i) accept the Schedule of Rates Tender submitted by Fulton Hogan for the Supply Only and Supply and Lay of Asphalt for the period 1 October 2010 to 31 July 2011; and
- (ii) authorise the Seal of Council to be affixed to the contract documents with Fulton Hogan for the Supply Only and Supply and Lay of Asphalt.

12 RESOLUTIONS PASSED IN CLOSED COUNCIL

At 8:01pm 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 8:07pm.

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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