

ORDINARY COUNCIL



MINUTES

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

TUESDAY 13 APRIL 2010 at 6:30pm

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

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

1 APOLOGIES

An apology was announced as having been received from Cr Col Murray who was unable to attend the Meeting due to personal business out of the Region.

MOTION

Moved Cr Paul Durant/Cr Phil Betts

100/10 **RESOLVED**

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

2 COMMUNITY CONSULTATION

2.1 REFER ITEM 6.9 SHED ON LOT 128 DP 262359, 91 FIONA DRIVE MOORE CREEK - FILE No DA 0286/2010

Mrs Sandy Vigar resident of Fiona Drive, Tamworth advised Council she had not made any donation or gift to any Councillor or Council employee. Mrs Vigar addressed Council expressing her appreciation for the time taken by councillors to inspect the site of the proposed large shed at 91 Fiona Drive. She requested that further consideration be given to the conditions proposed to minimise visual impact on residents of adjacent properties. She tabled photomontages depicting the proposed development on the site and stated that the size and location of the building would not be screened from the view of adjoining residents on the northern elevation. Mrs Vigar also voiced her concerns that conditions 19, 20 and 22 relating to storage of vehicles and goods should be strengthened to ensure appropriate use of the property.

Mr Scott Christakos, applicant for the proposed development advised the Council that he had not made any donation or gift to any Councillor or Council employee. Mr Christakos addressed Council stating he agreed with the recommendation with the exception that Council reconsider conditions 10 in relation to the colour scheme and 17 in relation to the removal of the second entrance to the property.

Mrs Sandy Vigar addressed Council and read a statement on behalf of Mr David and Carla Johnson, residents of Fiona Drive, Tamworth. The Johnsons requested that Council consider:

- the effect of this oversized development on the amenity of the area;
- relocation of the shed from its proposed location;
- under condition 5, the inclusion of landscaping of the southern side of the building; and
- in relation to condition 22, that no goods of any kind are to be stored external to the shed.

Mr Rod Penrose, resident of Fiona Drive, Tamworth advised Council that he had not made any donation or gift to any Councillor or Council employee. Mr Penrose addressed Council stating that he had undertaken a study of the levels of the proposed site and that in his opinion the photomontage supplied to Council was not a true depiction of the actual visual impact of the shed because of the topography of the land.

2.2 REFER ITEM 7.6 ACCESS TO COMMERCIAL PROPERTIES, 15-17 EBSWORTH STREET, TAMWORTH - FILE NO SF110

Mr Robert Warren owner of a commercial enterprise in Ebsworth Street, Tamworth addressed Council and encouraged Council to approve Option A. He stated that this issue had been ongoing for the past four years and requested that a quick and appropriate solution in consultation with the current owners be undertaken as soon as possible. He further requested that Council consider installing concrete aprons on the driveways to allow heavy vehicle traffic flow.

2.3 ADDITIONAL ITEM – CLOSING TIME FOR SOUTH AND WEST MEMORIAL POOL FILE NO SF1747

Mr Patrick O'Halloran addressed Council and stated that he was representing the swimming fraternity of Tamworth. He requested that Council consider changing the closing date for the South and West Memorial Pool to 31 May 2010. He submitted the following arguments for the later closing.

In 2003 Tamworth City Council approved the opening of the Pool until 31 May and he believes that nothing has changed since that time. In February of this year Tamworth hosted the State Under 14 Water Polo Championships and some of these participants are continuing to trial and train to enable them to achieve even higher recognition in their sport. The lifeguards continue to be on duty and wages paid therefore there is no additional cost and finally Tamworth Regional Council has a responsibility to deliver services to the community.

Ms Carolyn Young, Physiotherapist addressed Council stating that she is increasingly concerned about health problems in our community. Ms Young stated that obesity has overtaken smoking as the leading cause of premature death and illness in Australia and this issue needs to be addressed at a local level. She stated that she would like to see the formation of a multi-faceted committee inclusive of Council and the community to ensure the well being of our citizens. As part of the ongoing need for our community to undertake a healthy lifestyle she requested that Council consider the extension of the opening of the South and West Memorial Pool.

3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

MOTION

Moved Cr Russell Webb/Cr Ray Tait

101/10 RESOLVED

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

4 DISCLOSURE OF INTEREST

Cr Russell Webb declared a Non-Pecuniary Interest in Item 6.10 Poultry Broiler Farm on Lots 17, 18 and 19 DP 95993, Lots 1 and 2 DP162586, Lot 161 DP 560748 and Lot 1 DP 795106, "Silverweir", 448 Appleby Lane, Appleby and the Unformed Public Road located between Appleby Lane and the Peel River, Appleby for reason that he is involved in farming operations on that land.

Cr Russell Webb declared a Non-Pecuniary Interest in Item 8.1 Regional & Local Community Infrastructure Program (RLCIP, Round 2) for reason that he is a member of the Lions club and indicated that he would not leave the room during discussion of this item.

Cr Ray Tait declared a Non-Pecuniary Interest in Item 6.10 Poultry Broiler Farm on Lots 17, 18 and 19 DP 95993, Lots 1 and 2 DP162586, Lot 161 DP 560748 and Lot 1 DP 795106, "Silverweir", 448 Appleby Lane, Appleby and the Unformed Public Road located between Appleby Lane and the Peel River, Appleby for reason that his son is employed by the applicant for the development.

5 MAYORAL MINUTE

Nil.

6 OPEN COUNCIL REPORTS

6.1 TAMINDA REVITALISATION AND STRATEGIC WORKING GROUP – CHANGES TO THE GROUP’S TERMS OF REFERENCE AND ESTABLISHMENT OF PRIORITIES FOR 2010 – 2011 - FILE No SF3847

DIRECTORATE: ENVIRONMENT, PLANNING AND ECONOMIC DEVELOPMENT

AUTHOR: Andrew Spicer, Strategic Planner (S.94)

MOTION

Moved Cr Russell Webb/Cr Ray Tait

102/10 RESOLVED

That, in relation to the Report from the Taminda Revitalisation and Strategic Working Group, Council:

- (i) approve the changes to the Working Group’s Terms of Reference;
- (ii) adopt the establishment of the Working Group’s priorities for 2010-2011; and
- (iii) give consideration to funding a “Grants Officer” position as part of the 2010-2013 Management Plan and Budget process to maximise the opportunities for Council to acquire funding for Council activities and on behalf of community initiatives.

6.2 ACCREDITATION OF COUNCIL BUILDING INSPECTORS - FILE No SF 3714

DIRECTORATE: ENVIRONMENT, PLANNING AND ECONOMIC DEVELOPMENT

AUTHOR: Rodney Hogan, Team Leader Building Certification

MOTION

Moved Cr Ray Tait/Cr Russell Webb

103/10 RESOLVED

That, pursuant to section 377 of the Local Government Act 1993, Council delegate to the General Manager the function under Section 5(1A) of the Building Professionals Act 2005 to make recommendations to the NSW Building Professionals Board in relation to applications for accreditation by individual Council building inspectors.

6.3 LEASE OVER SUITE 1D, LEVEL 3, RAY WALSH HOUSE - FILE NO SF638

DIRECTORATE: ENVIRONMENT, PLANNING AND ECONOMIC DEVELOPMENT

AUTHOR: Sylvia Elliott, Commercial Property Officer

MOTION

Moved Cr Ray Tait/Cr Russell Webb

104/10 RESOLVED

That in relation to the Lease over Suite 1D, Level 3, Ray Walsh House, Council authorise the affixing of the Seal of Council to the Lease agreement between Capricorn Investment Partners Limited and Council.

6.4 JOINT REGIONAL PLANNING PANEL MEMBERSHIP - FILE NO SF714

DIRECTORATE: Environment, Planning and Economic Development

AUTHOR: Lucy Walker, Senior Development Assessment Planner

MOTION

Moved Cr Russell Webb/Cr Ray Tait

105/10 RESOLVED

That Council appoint Cr Phil Betts as alternate local representative for the Northern Region Joint Regional Planning Panel.

6.5 NOXIOUS WEEDS GRANT FUNDING - FILE NO SF 1766

DIRECTORATE: ENVIRONMENT, PLANNING AND ECONOMIC DEVELOPMENT

AUTHOR: Natasha Soar, Senior Environmental Project Officer

MOTION

Moved Cr Russell Webb/Cr Warren Woodley

106/10 RESOLVED

That in response to the amendments to the Noxious Weeds annual grant funding and the proposal received from the Northern Inland Noxious Weeds Advisory Committee, Council:

- (i) authorise the members of the Northern Inland Weeds Advisory Committee (NIWAC) to act as the advisory committee for the regional grant submission to the NSW Department of Industry and Investment;
- (ii) approve the regional grant submission be based on a five year project;
- (iii) authorise the New England Weeds Authority (NEWA) to continue to act as the central bank for the regional grant funds dispersal; and
- (iv) approve the regional grant funds be dispersed to members on the basis of prior funding allocations in 2009-2010.

6.6 PROPOSED COMMUNITY PARK AT BARRABA - FILE NO SF2876

DIRECTORATE: ENVIRONMENT PLANNING AND ECONOMIC DEVELOPMENT

AUTHOR: Emily McGregor, Economic Development Officer

MOTION

Moved Cr Ray Tait/Cr Warren Woodley

107/10 RESOLVED

That in relation to the proposed community park at Queen Street Barraba, being part Lot 2 DP 806998, Council:

- (i) authorise the Mayor and General Manager to enter into negotiations with Australian Rail Track Corporation for a Beautification Licence over part Lot 2 DP 806996; and
- (ii) authorise the affixing of the Seal of Council to the Beautification Licence and associated documents.

6.7 NAMOI LOCAL GOVERNMENT GROUP – UPDATE ON ACTIVITIES AND ONGOING COMMITMENT - FILE NO SF 2562

DIRECTORATE: WATER ENTERPRISES AND ENVIRONMENT, PLANNING AND ECONOMIC DEVELOPMENT

AUTHORS: Bruce Logan & Alison McGaffin

MOTION

Moved Cr Russell Webb/Cr Warren Woodley

108/10 RESOLVED

That, in relation to the report Namoi Local Government Group – Update on Activities and Ongoing Commitment, Council:

- (i) reaffirm its ongoing commitment as a member of the Namoi Local Government Group;
- (ii) confirm Councillors Betts and Webb as Council elected representatives on the Group;
- (iii) confirm the Directors of Water Enterprises and Environment, Planning and Economic Development as staff delegates to the Group with the Manager, Strategic Planning, Ms Genevieve Harrison, Environmental Planner, Mr Geoff Mitchell and Senior Environmental Project Officer, Ms Natasha Soar, as alternate delegates; and
- (iv) Receive and note the update on activities undertaken by the Group.

6.8 SUBDIVISION (NO ADDITIONAL LOTS) OF LOTS 451 AND 452, DP1050163, 867 & 883 BACK KOOTINGAL ROAD, KOOTINGAL - FILE No DA 0295/2010

DIRECTORATE: ENVIRONMENT, PLANNING AND ECONOMIC DEVELOPMENT

AUTHOR: Catherine Pyne, Team Leader, Development Assessment

MOTION

Moved Cr Ray Tait/Cr Paul Durant

109/10 RESOLVED

That, in relation to Development Application No.0295/2010 for the Subdivision (no additional lots) of Lots 451 and 452, DP 1050163, 867 & 883 Back Kootingal Road, Kootingal, Council grant development consent, subject to the following conditions:

- (i) 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.
- (ii) Prior to the issue of a Subdivision Certificate, notification shall be provided that satisfactory arrangements have been made with Country Energy in relation to electricity supply infrastructure.
- (iii) Prior to the issue of a Subdivision Certificate, notification shall be provided that satisfactory arrangements have been made with Telstra in relation to telecommunications infrastructure.

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 James Treloar, Mayor 2. Cr Phil Betts 3. Cr Paul Durant 4. Cr Ray Tait 5. Cr Helen Tickle 6. Cr Russell Webb 7. Cr Juanita Wilson 8. Cr Warren Woodley	Nil.

6.9 SHED ON LOT 128 DP 262359, 91 FIONA DRIVE MOORE CREEK - FILE No DA 0286/2010

DIRECTORATE: ENVIRONMENT, PLANNING AND ECONOMIC DEVELOPMENT

AUTHOR: Sam Roche, Senior Building Inspector

MOTION

Moved Cr Phil Betts/Cr Paul Durant

110/10 RESOLVED

That in relation to Development Application No. DA0286/2010 for the construction of a coloured metal shed on Lot 128, DP 262359, 91 Fiona Drive, Moore Creek, that the application be approved subject to the following conditions of consent.

Prior to Work Commencing

- 1) Appropriate measures are to be implemented in relation to erosion and sediment control prior to work commencing. Such measures are to be maintained during the construction of the development.
- 2) A sign is to be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out stating:
 - Unauthorized entry to the work site is prohibited;
 - The name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours; and
 - The name, address and phone number of the PCA by the owner.

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

This condition does not apply to building work carried on inside an existing building, or building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is carried out.

- 3) Building work that involves residential building work (within the meaning of the Home Building Act 1989) must not be carried out unless the principal certifying authority for the development to which the work relates has been informed in writing of the licensee's name and contractor licence number, and is satisfied that the licence has complied with Part 6 of that Act, or

Building work that involves residential building work (within the meaning of the Home Building Act 1989) must not be carried out unless the principal certifying authority for the development to which the work relates has been informed in writing of the person's name and owner-builder permit number, or has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of owner-builder work in section 29 of that Act.

- 4) Pursuant to s.81A of the Act, the following matters must be satisfied prior to the commencement of work:
 - (i) obtain a construction certificate from either Council or an accredited certifier;
 - (ii) appoint a Principal Certifying Authority (and advise Council of the appointment, if it is not the Council);
 - (iii) give at least two days notice to Council of the intention to commence work.

Prior to the Release of the Construction Certificate

- 5) The applicant shall submit to Council for approval by the Director, Environment, Planning and Economic Development, a landscaping plan showing details of screen planting to be provided, including plant species, planting numbers and their mature height. The landscaping plan must demonstrate that the proposed shed will be screened from view on the northern elevation of the building. The landscaped area shall incorporate a trickle feed watering system. The landscaping area shall have a minimum length of 30 metres and minimum depth of three metres.

General

- 6) All building work must be carried out in accordance with the provisions of the Building Code of Australia.
- 7) All proposed building, site works or property improvement indicated on the submitted plans or otherwise required under the terms of this consent shall be completed prior to occupation of the premises to ensure compliance with the provisions of the Environmental Planning and Assessment Act 1979.
- 8) The development must be carried out in accordance with the Development Application and accompanying plans, drawings and other documents as amended by conditions of this consent. Any amendment to the development or to these conditions will require the consent of the Council.
- 9) Work on the project shall be limited to the following hours to prevent unreasonable disturbance to the amenity of the area:-

Monday to Friday 7.00am to 5.00pm;

Saturday 8.00am to 1.00pm if audible on other residential premises, otherwise 7.00am to 5.00pm;

No work to be carried out on Sunday or Public Holidays if it is audible on other residential premises.

The builder shall be responsible to instruct and control his sub-contractors regarding the hours of work.

- 10) The proposed shed including walls, roof, barge flashing, gutters and downpipes shall be constructed using "Wilderness" green coloured metal.

Inspections

- 11) Inspection – It is required that a Principal Certifying Authority (PCA) be appointed to undertake all critical stage inspections as prescribed under the Environmental

Planning and Assessment Regulations, 2000. The owner may appoint either the Council or an accredited certifier to be the PCA.

During Construction

- 12) To ensure the safety of workers on site and the public, all excavations and backfilling are to be executed safely and in accordance with appropriate professional standards and, properly guarded and protected to prevent them from being dangerous to property or life.
- 13) The footpath and/or road reserve are not to be used for construction purposes or placing of building materials (without Council's prior consent) to ensure safe and unobstructed access for pedestrians. Where necessary, application may be made by contacting Council's Development and Approvals Division.
- 14) Roofwaters are to be disposed of by piping in a downhill direction and splayed a minimum of 3.0 metres from the building to control the flow of roofwaters so as to prevent damage to the building's footings and to restrict the likelihood of stormwater nuisance to adjoining landholders.
- 15) This approval does not include provisions for outdoor exterior lighting. Any external lighting shall be positioned and directed so as not to cause nuisance to occupants of adjoining properties.

Prior to Issue of an Occupation Certificate

- 16) To ensure that the building work is completed in accordance with the approval and is in a safe and healthy condition for use by the occupants, the building (or part of the building in the case of alterations and additions) shall not be occupied or used until
 - (a) it is completed in accordance with the approval and the principal certifying authority has completed a satisfactory final inspection; or
 - (b) the principal certifying authority gives written permission to allow the building to be occupied or used before it is completed.
- 17) The driveway adjacent to the southern boundary shall be bitumen-sealed from the edge of the Fiona Drive bitumen to the property boundary. Prior to sealing of the driveway, a piped culvert with headwalls shall be installed in the table drain to match the existing approved driveway pipe and headwalls.
- 18) The existing shed located adjacent to the proposed shed is to be demolished prior to the issue of an Occupation Certificate.

Continued Operations

- 19) The shed shall be used for the parking of one semi-trailer and shall not be used for any other commercial or industrial purpose without the prior consent of Council.
- 20) Only one semi-trailer shall be parked at the property at any one time. As far as is practicable, the semi-trailer shall be parked within the shed whenever it is on the property.

- 21) The landscaped area approved with the development shall be maintained at all times in accordance with the approved landscaping plan. Dead or dying plants shall be replaced immediately in accordance with the approved landscaping plan.
- 22) The site is to be kept neat and tidy at all times. No goods associated with the occupation of the shed or the use of the semi-trailer are to be stored external to the shed.

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
<ul style="list-style-type: none"> 1. Cr James Treloar, Mayor 2. Cr Phil Betts 3. Cr Paul Durant 4. Cr Ray Tait 5. Cr Helen Tickle 6. Cr Russell Webb 7. Cr Juanita Wilson 	<ul style="list-style-type: none"> 1. Cr Warren Woodley

6.10 POULTRY BROILER FARM ON LOTS 17, 18 AND 19 DP 95993, LOTS 1 AND 2 DP162586, LOT 161 DP 560748 AND LOT 1 DP 795106, “SILVERWEIR”, 448 APPLEBY LANE, APPLEBY AND THE UNFORMED PUBLIC ROAD LOCATED BETWEEN APPLEBY LANE AND THE PEEL RIVER, APPLEBY - FILE No DA0156/2010

DIRECTORATE: OFFICE OF THE GENERAL MANAGER

AUTHOR: D Lewis, Manager, Development and Approvals

Cr Ray Tait declared a Non-Pecuniary Interest in this matter for reason that his son is employed by the applicant for the development and left the Chambers at 7:44pm.

Cr Russell Webb declared a Non-Pecuniary Interest in this Item for reason that he is involved in farming operations on that land and left the Chambers at 7:44pm.

Cr Phil Betts, having been appointed as an alternate on the Joint Regional Planning Panel at Item 6.4 of the Order of Business, declared a non pecuniary interest and left the Chambers at 7:46pm.

MOTION

Moved Cr Paul Durant/Cr Warren Woodley

111/10 RESOLVED

That, in relation to Development Application No. DA0156/2010 for a Poultry Broiler Farm on Lots 17, 18 and 19 DP 95993, Lots 1 and 2 DP162586, Lot 161 DP 560748 and Lot 1 DP 795106, "Silverweir", 448 Appleby Lane, Appleby and the unformed public road located between Appleby Lane and the Peel River, Appleby, Council:

- (i) note the application is scheduled for determination by the Joint Regional Planning Panel on 21 April 2010; and
- (ii) Council make a submission to the Joint Regional Planning Panel supporting the application.

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 James Treloar, Mayor 2. Cr Paul Durant 3. Cr Helen Tickle 4. Cr Juanita Wilson 5. Cr Warren Woodley	Nil

At 7:59pm, Crs Betts, Tait and Webb returned to the meeting.

7 INFRASTRUCTURE AND SERVICES

7.1 EFFLUENT REUSE FARM PROGRESS - FILE NO SF4595

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

MOTION

Moved Cr Paul Durant/Cr Warren Woodley

112/10 RESOLVED

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

7.2 BARRABA WATER SUPPLY – UPDATE ON VARIOUS MATTERS - FILE NO SF1884

DIRECTORATE: WATER ENTERPRISES

AUTHOR: Bruce Logan – Director

MOTION

Moved Cr Russell Webb/Cr Ray Tait

113/10 RESOLVED

That in relation to the report Barraba Water Supply – Various Issues Council:

- (i) note the completion of supplementary modelling looking at higher population and/or allowances for industrial demand over and above that modelled in the earlier Options Development Report;
- (ii) note that the trial of the Calclear water conditioning system will commence following installation and generally towards the end of April 2010 regardless of prevailing conditions at the time;
- (iii) note information in relation to the ongoing James Street Emergency Bore Trial; and
- (iv) for the purposes of the additional groundwater investigation adopt the following:
 - a. the existing James Street Emergency bores will not form part of the permanent water supply to Barraba in the future, but remain as an emergency supply;
 - b. in the event that additional groundwater is located the total flow to be provided from the new bores is to be 14 L/sec to be delivered for 20 hours per day; and
 - c. Council cap the number of groundwater bores to be drilled at 10.

7.3 TRADE WASTE EFFLUENT IMPROVEMENT PLAN – VITERRA MALT – (FORMERLY JOE WHITE MALTINGS) – GUNNEDAH ROAD, TAMWORTH, FILE NO SF2645

DIRECTORATE: WATER ENTERPRISES

AUTHOR: Daniel Coe – Water Engineer

MOTION

Moved Cr Warren Woodley/Cr Ray Tait

114/10 RESOLVED

That in relation to the report Trade Waste Effluent Improvement Plan – Viterra Malt (Formerly Joe White Maltings), Council:

- (i) continue to defer levying non compliant trade waste charges accumulated by Viterra Malt during the period stated in the agreed effluent improvement plan until 7th July 2010; and

- (ii) request the Director of Water Enterprises prepare a further report for Council if any of the following occurs;
- if at 7th July 2010 the site is still not meeting Council's trade waste discharge requirements;
 - in the event the supplied program is not followed or becomes significantly behind;
 - in the event the site meets Council's trade waste discharge requirements before the end of the extension period.

7.4 PEEL WATER SHARING PLAN - FILE No SF514

DIRECTORATE: WATER ENTERPRISES

AUTHOR: Bruce Logan – Director

MOTION

Moved Cr Russell Webb/Cr Ray Tait

115/10 RESOLVED

That the report Peel Water Sharing Plan be received and noted.

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

DIRECTORATE: WATER ENTERPRISES

AUTHOR: Michael Bryant - Water Executive Services Manager

MOTION

Moved Cr Ray Tait/Cr Paul Durant

116/10 RESOLVED

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

- (i) note the IPART Draft Report & Draft Determination for the State Water Corporation for period commencing July 2010;
- (ii) make a submission to IPART on the IPART Draft Report & Draft Determination for the State Water Corporation for period commencing July 2010; and
- (iii) request the Director Water Enterprises prepare reports to Council as further information becomes available on the bulk water pricing review of maximum charges that may be charged by State Water and the NSW Office of Water.

7.6 ACCESS TO COMMERCIAL PROPERTIES, 15-17 EBSWORTH STREET, TAMWORTH - FILE NO SF110

DIRECTORATE: REGIONAL SERVICES
AUTHOR: Graeme McKenzie, Senior Design and Construction Engineer, Civil Construction & Asset Services

MOTION

Moved Cr Paul Durant/Cr Ray Tait

117/10 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 is information that, if disclosed, would confer a commercial advantage on a person who Council is conducting (or proposing to conduct) business with.

7.7 CCTV SURVEILLANCE SYSTEM CODE OF PRACTICE - FILE NO SF2979

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

MOTION

Moved Cr Phil Betts/Cr Juanita Wilson

118/10 RESOLVED

That Council adopt the draft Closed Circuit Television Camera (CCTV) Surveillance System Code of Practice.

7.8 DISPOSAL OF RESIDUE WASTE FROM RECYCLING CENTRE - FILE NO SF3800

DIRECTORATE: REGIONAL SERVICES
AUTHOR: John Davis – Manager Waste & Cleaning Services

MOTION

Moved Cr Ray Tait/Cr Juanita Wilson

119/10 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.

7.9 PROPOSED TAMWORTH COMMUNITY MEN'S SHED - FILE SF4746

DIRECTORATE: REGIONAL SERVICES
AUTHOR: Community Planning and Development Officer Brooke Spokes

MOTION

Moved Cr Warren Woodley/Cr Juanita Wilson

120/10 RESOLVED

That in relation to a proposal to construct a "Men's Shed" facility in Tamworth Council:

- (i) endorse Victoria Park Reserve (No. R6742) as the preferred site for the construction of a Men's Shed;
- (ii) authorise the preparation of a revised Plan of Management over the Reserve which includes a provision for a Men's Shed, pursuant to the provisions of the Crown Lands Act 1989; and
- (iii) authorise the Men's Shed Committee to become a sub-committee of the Victoria Park Section 355 Committee.

8 GOVERNANCE, STRATEGY AND FINANCE

8.1 REGIONAL & LOCAL COMMUNITY INFRASTRUCTURE PROGRAM (RLCIP, ROUND 2) - FILE NO SF4538

DIRECTORATE: OFFICE OF THE GENERAL MANAGER
AUTHOR: Tony McCann, Executive Officer

MOTION

Moved Cr Paul Durant/Cr Warren Woodley

121/10 RESOLVED

That the report advising of the approval by the Department of Infrastructure, Transport, Regional Development and Local Government of grant funding in the sum of \$551,000 under the Regional and Local Community Infrastructure Program (RLCIP, Round 2) be received and noted.

8.2 FORMAT FOR 2010 LOCAL GOVERNMENT ASSOCIATION CONFERENCE - FILE No SF3903

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

MOTION

Moved Cr Paul Durant/Cr Russell Webb

122/10 RESOLVED

That the new Conference Format and Standing Orders for the 2010 Local Government Association Conference and future year Conferences be received and noted.

8.3 COMMUNITY DEVELOPMENT COMMITTEE - MINUTES - FILE No SF2586, SF1868, SF2965, SF2664, SF1907, SF2637 & SF 2788

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

MOTION

Moved Cr Ray Tait/Cr Warren Woodley

123/10 RESOLVED

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

<u>Committee</u>	<u>Date</u>
Manilla Community Development Committee	4 November 2009
Woolbrook Community Development Committee	10 November 2009
Nundle Community Development Committee	7 December 2009
Nundle Community Development Committee	1 February 2010
Barraba Community Development Committee	1 February 2010
Manilla Community Development Committee	3 February 2010
Kootingal Community Development Committee	8 February 2010
Woolbrook Community Development Committee	8 February 2010
Bendemeer Community Development Committee	10 February 2010
Nundle Community Development Committee	1 March 2010
Barraba Community Development Committee	1 March 2010
Manilla Community Development Committee	3 March 2010
Kootingal Community Development Committee	8 March 2010
Woolbrook Community Development Committee	8 March 2010
Woolbrook Community Development Committee	8 March 2010
Hanging Rock Community Development Committee	13 March 2010;

- (ii) That Council adopt the recommendation of the Kootingal Community Development Committee at its meeting held 8 February, 2010 to appoint Peter Heeney as a member of the Kootingal Community Development Committee;

- (iii) That Council adopt the recommendation of the Nundle Community Development Committee at its meeting held 1 March, 2010 to appoint Therese Diamond as a member of the Nundle Community Development Committee;
- (iv) That Council adopt the recommendation of the Barraba Community Development Committee at its meeting held 1 March, 2010 to appoint Haddon Witten as a member of the Barraba Community Development Committee;
- (v) That Council adopt the recommendation of the Woolbrook Community Development Committee at its Annual General Meeting held 8 March, 2010 to appoint Peter Stevens and Tiffany Kennelly as members of the Woolbrook Community Development Committee; and
- (vi) That Council adopt the recommendation of the Woolbrook Community Development Committee at its Annual General Meeting held 8 March, 2010 to appoint the following persons as Office Bearers of the Woolbrook Community Development Committee:
 - Chairperson: Tony Kennelly
 - Deputy Chairperson: Peter Stevens
 - Secretary: Janelle Smith
 - Treasurer: Belinda Laurie.

8.4 SECTION 355 COMMITTEES - MINUTES - FILE No SF2256

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

MOTION

Moved Cr Warren Woodley/Cr Ray Tait

124/10 RESOLVED

- (i) That the minutes of the following Section 355 Committees listed below be received and noted:

<u>Committee</u>	<u>Meeting Date</u>
Barraba Showground Management Committee	9 December 2009
Victoria Park Committee	15 December 2009
Kootingal Recreational Reserve Committee	15 February 2010
Dungowan Recreation Ground Committee	17 February 2010
Grey Fergie Tractor Muster Committee	10 March 2010;

- (ii) That Council adopt the recommendation of the Barraba Showground Management Committee at its meeting held 9 December, 2009 to accept the resignation of Mrs V McCusker from the Barraba Showground Management Committee;
- (iii) That Council adopt the recommendation of the Dungowan Recreation Ground Management Committee at its meeting held 17 February, 2010 to accept Maura Burke as a member of the Dungowan Recreation Ground Management Committee;

- (iv) That Council adopt the recommendation of the Grey Fergie Tractor Muster Event Committee's Inaugural Meeting held 10 March, 2010 to appoint the following persons as Office Bearers and Members of the Grey Fergie Tractor Muster Committee:

Chairperson:	Roger Noakes
Secretary:	Anne Doak
Treasurer:	Steve Conti
Deputy Chairperson:	Mark Symons
Committee Members:	Winston Doak, Michael Ross, Anne Brady, Lee Martin, Verity Treeve, Phill Manoe, Gordon Demery, Peter Flynn, Col Murray, Elaine Gillett, Ross Andrews, Lesley Andrews, Clarrie Doyle, Richard Collard, Don Keaton, Jenny Keaton, Jean Demery, Alison Goodwin, Alan Mitchell, Petrina Eisenhauer, David Skewes, Louise Manoe and Ian Stanford.

8.5 TOURISM TAMWORTH SIX MONTHLY PERFORMANCE REPORT – FILE NO SF1044

DIRECTORATE: CORPORATE AND GOVERNANCE
AUTHOR: S M Bartlett, Director Corporate and Governance

MOTION

Moved Cr Ray Tait/Cr Paul Durant

125/10 RESOLVED

That the Tourism Tamworth Ltd Six Monthly Performance Report for the period October 2009 to March 2010 incorporating a Financial Report for the period ending 31 March 2010 be received and noted.

9 REPORTS FROM DELEGATES

Nil.

10 QUESTIONS AND MATTERS OF URGENCY

10.1 ROUNDABOUT LOCKHEED AND JEWRY STREET – FILE NO DA0294/2010-02

Cr Russell Webb requested an update on the progress of the roundabout at the intersection of Lockheed and Jewry Streets. The Director Environment, Planning and Economic Development advised that the applicant was proposing to submit a modification to the application and that this had not been received by Council to date.

10.2 FUNDING CANCER CARE FACILITY – TAMWORTH – FILE NO SF650

Cr Helen Tickle acknowledged \$41m funding received from the State and Federal Governments to build an Integrated Cancer Care Service in Tamworth, commenting that this is a very positive outcome for the Tamworth Region.

10.3 SOUTH AND WEST MEMORIAL POOL – FILE NO SF1747

MOTION

Moved Cr Helen Tickle/Cr Ray Tait

That the South and West Memorial Pool remain open until 31 May 2010.

MOTION LOST

10.4 WYLIE PLACE STORMWATER DRAINAGE – FILE NO RF504

Cr Ray Tait referred to his previous requests in relation to the Wiley Place, Tamworth stormwater drainage issue. The General Manager advised that the Director Regional Services had prepared a report. The Director Regional Services advised that the developer and other stakeholders had been advised of the issues in relation to the design of the stormwater drainage and Council is waiting for their response.

10.5 COMMUNITY MANAGEMENT PLAN – GRAFFITI – FILE NO SF273

Cr Ray Tait requested the General Manager assist the West Tamworth Bowling Club in removing graffiti from the Belmore Street toilet facilities and playground.

10.6 FUNDING CANCER CARE FACILITY – TAMWORTH – FILE NO SF650

Cr Ray Tait requested a letter of appreciation be sent to both State and Federal Governments acknowledging their contribution to the Integrated Cancer Care Service in Tamworth as this would give our community direct local access to radiotherapy services.

10.7 ROADSIDE ADVERTISING ON TRAILERS – FILE NO SF217

Cr Juanita Wilson enquired whether any responses had been received from the owners of advertising trailers. The Director Environment, Planning and Economic Development advised that all trailer advertisers had been contacted and a media release had been published, however, to date no responses had been received.

10.8 PHILLIP AND BRIDGE STREET INTERSECTION – FILE NO RF448 AND RF62

Cr Paul Durant enquired as to the status of works at the Phillip and Bridge Street intersection. The Director Regional Services advised that the work was on hold until the Roads and Traffic Authority determines the most appropriate action.

10.9 SOMERTON BRIDGE – FILE NO SF2396

Cr Paul Durant requested an update on the progress of the Somerton Bridge issue. The Mayor advised that the 500 day anniversary of the incident would occur shortly and further media and contact with appropriate Ministers and stakeholders would be undertaken.

At **9:07pm**, 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 EFFLUENT REUSE FARM PROGRESS - FILE NO SF4595

DIRECTORATE: WATER ENTERPRISES
AUTHOR: Ian Cross, Technical Officer - Augmentation

[SECTION 10A(2)(d)]

MOTION

Moved Cr Paul Durant/Cr Warren Woodley

126/10 **RESOLVED**

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

11.2 ACCESS TO COMMERCIAL PROPERTIES, 15-17 EBSWORTH STREET, TAMWORTH - FILE NO SF110

DIRECTORATE: REGIONAL SERVICES
AUTHOR: Graeme McKenzie, Senior Design and Construction Engineer, Civil Construction & Asset Services

[SECTION 10A(2)(c)]

MOTION

Moved Cr Ray Tait/Cr Paul Durant

127/10 **RESOLVED**

That in relation to the report Access to Commercial Properties, 15-17 Ebsworth Street, Tamworth, Council authorise the following actions:

- (i) secure a "Deed of Release" from the property owners of 15-17 Ebsworth Street and 16-18 Crown Street to alter access to Ebsworth Street via a ramped access built on land currently part of Lot 3, DP702812. The Deed of Release shall release Council from any additional claims in relation to access to these properties;
- (ii) subject to (i) above being achieved, authorise the General Manager to negotiate the purchase of part Lot 3, DP702812 in accordance with Option A of this report;

- (iii) should the proposed purchase of part Lot 3 DP702812 be unsuccessful authorise the Director of Regional Services to proceed with the construction of the access ramps as originally designed in accordance with Option B of this report; and
- (iv) the Director Regional Services be requested to consult with owners on the appropriate design of the access including pavement type and if agreement is unable to be reached on the design and pavement type, the matter be referred to Council for further consideration.

11.3 DISPOSAL OF RESIDUE WASTE FROM RECYCLING CENTRE - FILE No SF3800

DIRECTORATE: REGIONAL SERVICES

AUTHOR: JOHN DAVIS – MANAGER WASTE & CLEANING SERVICES

[SECTION 10A(2)(D)]

MOTION

Moved Cr Ray Tait/Cr Russell Webb

128/10 RESOLVED

That Council agree to the request from Transpacific Cleanaway for an extension of the concession for the free disposal of residual waste generated from recycling activities at the Material Recovery Facility operated by Challenge Disability Services, subject to:

- (i) the concession ceases on the 30 September 2010;
- (ii) the Contractor is required to submit monthly reports to Council detailing progress on the proposed upgrade of the MRF; and
- (iii) Council reserves the right to withdraw the concession at any time if the proposed upgrade of the Material Recovery facility is not progressed in a timely manner.

12 RESOLUTIONS PASSED IN CLOSED COUNCIL

At 9:27pm the meeting moved back into Open Council

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

Closure: There being no further business the Ordinary Meeting of Council concluded at 9:29pm.

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

- oOo -