

# ORDINARY COUNCIL



# MINUTES

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

**TUESDAY 24 MAY 2011 at 6:34pm**

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Minutes

**PRESENT:** Cr Paul Durant, Cr Ray Tait, Cr Helen Tickle, Cr Russell Webb,  
Cr Juanita Wilson and Cr Warren Woodley.

**IN ATTENDANCE:** The Acting General Manager/Director Water Enterprises, Director Corporate and Governance, Director Commercial and Community Enterprises, Acting Director Environment and Planning and Director Regional Services.

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## **1 APOLOGIES**

Apologies were announced as having been received from:

Mayor Cr Col Murray and Cr Phil Betts who were unable to attend the Meeting due to personal business and Cr James Treloar who was unable to attend the Meeting due to being out of the regional area on Council business.

### **MOTION**

**Moved Cr Durant/Cr Tait**

### **120/11 RESOLVED**

That apologies be accepted from the Mayor Cr Col Murray, Cr Phil Betts and Cr James Treloar and leave of absence granted.

## **2 COMMUNITY CONSULTATION**

The Deputy Mayor extended a welcome to the Group Leader and five scouts from the Peel Valley Venturers who were in attendance at the meeting as part of undertaking their Queens Scout Award. The Deputy Mayor advised that the Queen's Scout Award is highly regarded in the community at large and the requirements are designed to be inspiring and challenging for those who undertake the program.

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

### **MOTION**

**Moved Cr Wilson/Cr Tickle**

### **121/11 RESOLVED**

That the Minutes of the Ordinary Meeting of the Council held on Tuesday 10 May 2011, 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

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## 5 MAYORAL MINUTE

Nil

## COUNCIL REPORTS

### OPEN COUNCIL REPORTS

## 6 ENVIRONMENT & PLANNING

### 6.1 TAMWORTH REGIONAL LOCAL ENVIRONMENTAL PLAN (TRLEP 2010) AMENDMENTS PRIOR TO PUBLICATION – RESPONSE FROM MINISTER FOR PLANNING (DIRECTOR GENERAL) – FILE NO SF5115

**DIRECTORATE:** ENVIRONMENT AND PLANNING

**AUTHOR:** Genevieve Harrison – Manager Strategic Planning

#### MOTION

Moved Cr Tait/Cr Durant

**122/11 RESOLVED**

That in relation to the report Tamworth Regional Local Environmental Plan (TRLEP 2010) Amendments Prior to Publication – Response from Minister for Planning (Director General), Council:

- (i) advise the current Minister for Planning & Infrastructure, The Hon Brad Hazzard MP that a number of the comments provided in the detailed rationale for each of the 17 amendments prepared by the Director-General on behalf of the former Minister for Planning (Tony Kelly) are incorrect.
- (ii) request that the Minister for Planning & Infrastructure, The Hon, Brad Hazzard MP provide an accurate explanation for all 17 amendments (including a detailed explanation for Items 1-3, 6-12 which were removed from Schedule 1 of the planning proposals).
- (iii) seek an assurance that any planning proposals which address the changes made by the former Minister will be given a high priority by the Department.

## **7 INFRASTRUCTURE AND SERVICES**

### **7.1 PRODUCTIVITY COMMISSION REPORT – AUSTRALIA’S URBAN WATER SECTOR - FILE NO SF709**

**DIRECTORATE: WATER ENTERPRISES**

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

#### **MOTION**

**Moved Cr Woodley/Cr Wilson**

#### **123/11 RESOLVED**

That Council receive and note the Productivity Commission Report – Australia’s Urban Water Sector.

### **7.2 PERMISSION TO INSTALL A REMOTE FLOW MONITORING CAMERA AT NAMOI RIVER WEIR MANILLA - FILE NO LF21308**

**DIRECTORATE: WATER ENTERPRISES**

**AUTHOR: Michael Bryant, Water Executive Services Manager**

#### **MOTION**

**Moved Cr Durant/Cr Wilson**

#### **124/11 RESOLVED**

That in relation to the report Permission to Install a Remote Flow Monitoring Camera at Namoi River Weir Manilla, Council grant approval to the NSW Office of Water to install a remote camera atop a 6m pole on the northern bank of the Namoi River adjacent to the Manilla Weir on Council owned land Lot 1 DP609417, subject to the following conditions:

- (i) a requirement of the approval be that prior to the camera being installed and put into operation, the NSW Office of Water publicise in the local media and erect signs on both sides of the river in the vicinity of the weir advising the public that the area is under video surveillance; and
- (ii) that the NSW Office of Water maintain the signs in good condition and accept responsibility for any claims against Council relating to the presence of the signs and camera facility upon Council owned lands.

### 7.3 SPLIT ROCK DAM TO BARRABA PIPELINE FEASIBILITY STUDY – FINAL REPORT - FILE NO SF5179

**DIRECTORATE:** WATER ENTERPRISES

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

#### **MOTION**

**Moved Cr Tait/Cr Durant**

**125/11 RESOLVED**

That in relation to the report Split Rock Dam to Barraba Pipeline Feasibility Study – Final Report, Council:

- (i) accept the two reports prepared by the consultant Hunter Water Australia namely;
  - Split Rock Dam to Barraba Pipeline - Preliminary Feasibility Study and Options Assessment (16 May 2011) which contains details of water demand, pipeline routes considered and other investigations referred to; and
  - Split Rock Dam to Barraba Pipeline – Detailed Feasibility Study (20 May 2011) containing more detailed information based on the preferred pipeline route including estimates of the cost of construction and operating the pipeline.
- (ii) provide copies of both reports to the Federal Member for New England, Mr Tony Windsor MP, requesting his assistance in securing Federal Government funding of one third of the estimated cost of the pipeline of \$19.66 Million;
- (iii) provide copies of both reports to the NSW Office of Water and the Federal Department of Sustainability, Environment, Water, Population and Communities;
- (iv) provide copies of both reports to the NSW Member for Tamworth, Mr Kevin Anderson MP, seeking his assistance in confirming the pledge that the State Government made during the recent state election campaign of State Government funding amounting to \$6.75 Million for the project; and
- (v) request the Director Water Enterprises organise a public meeting in Barraba in consultation with the Barraba Community Development Committee where the two reports and the findings therein can be presented by Hunter Water Australia.

### 7.4 TAMWORTH REGIONAL COUNCIL WASTE MANAGEMENT WORKING GROUP MINUTES - FILE NO SF3101

**DIRECTORATE:** REGIONAL SERVICES

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

#### **MOTION**

**Moved Cr Woodley/Cr Tait**

**126/11 RESOLVED**

That in relation to the report Tamworth Regional Council Waste Management Working Group Minutes, Council receive and note the report.

## 8 CORPORATE & GOVERNANCE

### 8.1 DEDICATION OF THE LAND KNOWN AS ALICE STREET, SOUTH TAMWORTH AS PUBLIC ROAD - *FILE NO RF7*

**DIRECTORATE:** CORPORATE & GOVERNANCE

**AUTHOR:** Chris Johnston, Acting Manager Property & Commercial Lands

#### **MOTION**

**Moved Cr Tait/Cr Woodley**

**127/11 RESOLVED**

That in relation to the land known as Alice Street, South Tamworth, Council authorise the publication of a notice in the Gazette dedicating the land as Public Road pursuant to Section 16 of the Roads Act 1993.

### 8.2 TRANSGRID EASEMENT – AELEC AND SPORTS DOME PRECINCT - *FILE NO LF3141*

**DIRECTORATE:** CORPORATE & GOVERNANCE

**AUTHOR:** Chris Johnston, Acting Manager Property & Commercial Lands

#### **MOTION**

**Moved Cr Woodley/Cr Tait**

**128/11 RESOLVED**

That in relation to the relocation of TransGrid overhead power lines within the AELEC and Sports Dome precinct, Council;

- (i) authorise the affixing of the Seal of Council to the Transfer Granting Easement, and associated document, over Council owned Lots 1 and 3 in DP 1092556; and
- (ii) request the General Manager write to TransGrid and ask that consideration be given to place future powerlines underground.

### 8.3 COUNCIL INVESTMENTS APRIL 2011 - FILE NO SF4917

**DIRECTORATE:** CORPORATE AND GOVERNANCE  
**AUTHOR:** Rick Sanderson, Acting Manager Financial Services Manager

**MOTION**

Moved Cr Woodley/Cr Wilson

**129/11 RESOLVED**

That the report on Council's Investments for the month of April 2011 be received and noted.

### 8.4 MANAGEMENT PLAN QUARTERLY PERFORMANCE AND BUDGET REVIEW TO 31 MARCH 2011 - FILE NO SF4653

**DIRECTORATE:** GENERAL MANAGER  
**AUTHOR:** Rick Sanderson, Acting Financial Services Manager

**MOTION**

Moved Cr Tait/Cr Tickle

**130/11 RESOLVED**

That the General Manager's Report - Management Plan Quarterly Performance and Budget Review to 31 March 2011 for Tamworth Regional Council be received and noted and the variations as listed in the Annexure be approved.

### 8.5 COMMUNITY DEVELOPMENT COMMITTEES - MINUTES - FILE NO SF1907 & SF2637

**DIRECTORATE:** CORPORATE AND GOVERNANCE  
**AUTHOR:** Jodie Archer, Section 355 Co-ordinator

**MOTION**

Moved Cr Woodley/Cr Tickle

**131/11 RESOLVED**

That Council receive and note the minutes of the following Community Development Committees:

<u>Committee</u>	<u>Date</u>
Bendemeer Community Development Committee	16 November 2010
Nundle Community Development Committee	7 February 2011
Nundle Community Development Committee	11 April 2011

## 8.6 SECTION 355 COMMITTEES – MINUTES – FILE NO SF2256

**DIRECTORATE:** CORPORATE AND GOVERNANCE  
**AUTHOR:** Jodie Archer, Section 355 Co-ordinator

### MOTION

Moved Cr Durant/Cr Woodley

### 132/11 RESOLVED

That Council receive and note the minutes of the following Section 355 Committees:

Committee	Date
Tamworth Sister City Committee	9 February 2011
Kootingal Recreational Reserve Committee	21 March 2011
Barraba Showground Management Committee	6 April 2011
Manilla Showground Committee	19 April 2011

## 9 REPORTS FROM DELEGATES

### 9.1 WASTE 2011 CONFERENCE – COFFS HARBOUR – FILE NO SF1152

Cr Tait advised that he had attended the Waste 2011 Conference in Coffs Harbour last week and found the program very enlightening. He specifically referred to the presentation on Disaster Waste Management, following the Brisbane flood in January 2011 and the impacts of contamination and quantity on landfills throughout Brisbane City and its region. He recommended that Tamworth Regional Council undertake a risk analysis and develop a Disaster Strategy for our Waste and Landfill Services.

## 10 QUESTIONS AND MATTERS OF CONCERN

### 10.1 LITTER ALONG THE PEEL RIVER WALK – FILE NO SF1678

Cr Tickle drew attention to the litter that has accumulated along the Peel River Walk and requested the Director Regional Services investigate opportunities to involve the community in assisting to keep the area tidy.

### 10.2 GRAFFITI CLEAN-UP DAY – FILE NO SF3852

Cr Tait thanked the Deputy Mayor and all the volunteers that assisted in cleaning the graffiti in Altona Park, Tamworth last weekend and expressed his hope that this community spirit would continue in other areas.

### 10.3 WATSONS CREEK ROAD – FILE NO RF733

Cr Tait requested the Director Regional Services investigate the current condition of Watson's Creek Road and undertake appropriate maintenance work.

### 10.4 CROSSING AND LIGHTS ON MARIUS STREET – FILE NO SF242

Cr Wilson advised that there was another near incident at the traffic light pedestrian crossing on Marius Street, near the Conservatorium recently. A car had proceeded through the red light and almost hit a mother with her pram walking across the road, similar to the previous incident.

## **MOTION**

**Moved Cr Wilson/Cr Tait**

### **133/11 RESOLVED**

That the Director Regional Services write a letter to the Roads and Traffic Authority (RTA) and the Tamworth Local Traffic Committee advising them of this most recent incident and asking the RTA to investigate alternatives to ensure the safety of pedestrians.

### **10.5 PROPOSED MEMORIAL ROSE GARDEN WITH PLAQUE NUNDLE RSL – FILE No LF2822**

Cr Wilson asked for an update on the assistance requested by the Nundle RSL to establish a memorial rose garden with plaque surrounding the Lone Pine in front of the War Memorial at the Nundle Council Office. The Director Regional Services informed Cr Wilson that a letter had been written to the RSL NSW Branch and would investigate the current status of the project.

### **10.6 BOLLARD AND BOOM GATES ON CARTER STREET PLAYING FIELDS – FILE No PF73**

Cr Durant asked when the bollards and boom gates on the Carter Street playing fields would be installed as the fields were vandalised by vehicles again last weekend and damaged. The Director Regional Services advised that he would inform councillors of the proposed timeframe for installation of the infrastructure.

### **10.7 LIGHTING AT THE CORNER OF KENT STREET AND WERRIS CREEK ROAD – FILE No RF316**

Cr Durant requested the Director Regional Services investigate the street lighting at the corner of Kent Street and Werris Creek Road to ensure there was sufficient illumination at this intersection.

### **10.8 ANTI-SOCIAL BEHAVIOUR IN SOUTH TAMWORTH – FILE No SF2264**

Cr Tait drew Council's attention to the incidents of anti social behaviour that occurred in Kent and Garden Streets, South Tamworth, over the weekend. He requested that the General Manager and Council approach the Attorney-General and the NSW State Government to lobby for increased or more appropriate penalties in relation to anti social behaviour. He also stated that the correspondence should include recommendations for enacting restitution for victims by the people convicted of such crimes and he further requested that a copy be forwarded to Kevin Anderson MP, Member for Tamworth.

### **10.9 CONCERNS OF POLICE NUMBERS IN TAMWORTH – FILE No SF1294**

Cr Woodley expressed concern over police numbers in Tamworth and requested that a letter be written to the Minister of Police and Emergency Services asking for information on current Tamworth police numbers.

### 10.10 GREENCORPS PROGRAM – FILE NO SF127

Cr Webb advised that he had attended a function at the Botanic Gardens, Monday 23 May, 2011 to present certificates to trainee's under the Greencorps Program initiated by Newtrain and Joblinkplus. Cr Webb advised that this program provides training in horticulture to jobseekers and provides people in our community a great opportunity to increase their job skills. He presented the Director Regional Services with a Certificate of Appreciation from the Greencorps Group.

### 10.11 OPENING OF TAMWORTH SPORTS DOME – FILE NO SF4849

Cr Webb noted the impressive opening of the Sports Dome on Tuesday 17 May, 2011 by the Prime Minister, the Hon Julia Gillard MP, and thanked Councillors for their attendance and all the staff involved for a perfectly planned event.

### 10.12 NAMOI WATER – FILE NO SF4632

Cr Webb advised that he had attended a meeting on Friday 20 May 2011 of Namoi Water, a committee of Namoi Councils. The Chairman of the Murray Darling Basin Authority, Mr Craig Knowles was in attendance at the meeting. Cr Webb and Director of Water Enterprises accompanied Mr Knowles on a tour of local irrigators after the meeting and were left some positive messages for the future.

### 10.13 REGIONAL COUNCIL MEETING WITH RTA – FILE NO SF158

Cr Webb advised that he had met with the Roads and Traffic Authority (RTA) and thirteen Councils on Wednesday, 18 May 2011 to discuss the identification of areas, across the greater region, that need targeting in a Regional Transport Study. This Study would identify the short comings of transport including, Road, Rail and Air in our region.

## 11 REPORTS TO BE CONSIDERED IN CLOSED COUNCIL

### MOTION

Moved Cr Tait/Cr Woodley

### 134/11 RESOLVED

That the confidential reports as listed be considered in a meeting closed to the public in accordance with Section 10A(2) of the Local Government Act 1993.

### 11.1 EXPRESSIONS OF INTEREST E051/2011 PURCHASE OF TREATED EFFLUENT FOR IRRIGATION AT KOOTINGAL - FILE NO E051/2011

**DIRECTORATE: WATER ENTERPRISES**

**AUTHOR: Michael Bryant, Water Executive Services Manager**

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

## **11.2 NEMINGHA HIGH LEVEL WATER RESERVOIR - ACQUISITION OF A 10M WIDE AND VARIABLE RIGHT OF ACCESS, A 10M WIDE WATER SUPPLY EASEMENT AND A 10M WIDE POWER SUPPLY EASEMENT - FILE NO SF3898**

**DIRECTORATE: WATER ENTERPRISES**

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

That Council will determine this matter in 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 would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

## **11.3 TENDER T047/2011 – REHABILITATION OF SEWER MAINS BY IN-SITU RELINING AT TAMWORTH AND MANILLA - FILE NO T047/2011**

**DIRECTORATE: Water Enterprises**

**AUTHOR: Daniel Coe - Water Engineer**

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

At 8.00pm, the Chairperson offered the opportunity to members of the public to make representations as to whether any part of the Council Meeting should not be considered in Closed Council.

There was no response from the public. The General Manager advised the Chairperson that no written public submissions or representations had been received as to whether or not part of the meeting should be closed to the public.

The Chairperson advised that it is a requirement of clause 253 of the *Local Government (General) Regulation 2005* that any resolution passed in Closed Council, be made public as soon as practicable after the meeting has ended. At the end of Closed Council meeting and upon resumption into Open Council, the Chairperson will provide a summary of those resolutions passed in Closed Council.

## **12 CLOSED COUNCIL REPORTS**

### **12.1 EXPRESSIONS OF INTEREST E051/2011 PURCHASE OF TREATED EFFLUENT FOR IRRIGATION AT KOOTINGAL - FILE NO E051/2011**

**DIRECTORATE: WATER ENTERPRISES**

**AUTHOR: Michael Bryant, Water Executive Services Manager**

#### **MOTION**

**Moved Cr Tait/Cr Durant**

**135/11 RESOLVED**

That in relation to the report, Expressions of Interest E051/2011 Purchase of Treated Effluent for Irrigation at Kootingal, Council:

- (i) note the advice from the NSW Department of Local Government that Council's proposal to seek Expressions of Interest from local landholders to establish their own effluent reuse site and purchase treated effluent from Council is not by itself a Public Private Partnership under the *Local Government Act 1993* and therefore Council may handle the Expression of Interest under the normal tendering provisions of the Act;
- (ii) advise Mr Gregory Lye that Council wishes to further explore the feasibility of selling treated effluent from the Kootingal Wastewater Treatment Plant to him for irrigation of agricultural and horticultural enterprises as proposed in his Expression of Interest lodged with Council;
- (iii) authorise the Director Water Enterprises to undertake at Council's expense the site investigations on the land nominated by Mr Gregory Lye to determine if the site is suitable for the storage and irrigation of treated effluent for agricultural and horticultural purposes; and
- (iv) following the site investigations the Director Water Enterprises prepare a further report to Council on the outcome of the site investigations as to whether the land and agricultural/horticultural activities proposed by Mr Lye is environmentally sustainable and capable of receiving all treated effluent from the Kootingal Wastewater Treatment Plant.

## **12.2 NEMINGHA HIGH LEVEL WATER RESERVOIR - ACQUISITION OF A 10M WIDE AND VARIABLE RIGHT OF ACCESS, A 10M WIDE WATER SUPPLY EASEMENT AND A 10M WIDE POWER SUPPLY EASEMENT - FILE NO SF3898**

**DIRECTORATE: WATER ENTERPRISES**

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

**MOTION**

**Moved Cr Durant/Cr Woodley**

**136/11**

**RESOLVED**

That in relation to the report Nemingha High Level Water Reservoir- Acquisition of a 10m wide and variable Right of Access, a 10m wide Water Supply Easement and a 10m wide Power Supply Easement, Council:

- (i) authorise the signing of an Agreement between Council and the property owner of Lot 40 DP 1105935 in relation to the creation of a 10m wide and variable right of access, a 10m wide water supply easement and a 10m wide power supply easement through the property Lot 40 DP1105935 under the terms and conditions detailed in this confidential report; and
- (ii) authorise the affixing of the Seal of Council for the creation of easements over the land and associated documents.

### 12.3 TENDER T047/2011 – REHABILITATION OF SEWER MAINS BY IN-SITU RELINING AT TAMWORTH AND MANILLA - FILE NO T047/2011

DIRECTORATE: Water Enterprises  
AUTHOR: Daniel Coe - Water Engineer

#### MOTION

Moved Cr Woodley/Cr Wilson

#### 137/11 RESOLVED

That in relation to the report Tender T047/2011 – Rehabilitation of Sewer Mains by In-situ Relining at Tamworth and Manilla, Council accept the conforming tender from Interflow Pty Ltd at the schedule of rates detailed in the report.

### 13 RESOLUTIONS PASSED IN CLOSED COUNCIL

At 8.12pm 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 8.15pm.

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

Date at which these minutes will be adopted

- oOo -