

ORDINARY COUNCIL

MINUTES

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

TUESDAY 10 AUGUST 2010 at 6:38pm

Table of Contents

1	APOLOGIES	3
263/10	RESOLVED.....	3
2	COMMUNITY CONSULTATION	3
3	CONFIRMATION OF MINUTES OF PREVIOUS MEETING	3
264/10	RESOLVED.....	3
4	DISCLOSURE OF INTEREST	3
5	MAYORAL MINUTE	4
	OPEN COUNCIL REPORTS	4
6	ENVIRONMENT & PLANNING	4
6.1	DRAFT PEEL RIVER ESTATE DEVELOPMENT CONTROLS - FILE NO SF4939	4
265/10	RESOLVED.....	4
6.2	ROAD CLOSURE APPLICATION – UNFORMED PUBLIC ROAD OFF APPLEBY LANE, APPLEBY - FILE NO LF6796	5
7	INFRASTRUCTURE AND SERVICES	6
7.1	NEMINGHA WATER MAIN AUGMENTATION – ACQUISITION OF 6M WIDE AND VARIABLE WATER MAIN EASEMENTS - FILE NO LF4573	6
266/10	RESOLVED.....	6
7.2	TENDER T067/2010 – TAMWORTH REGIONAL COUNCIL UNDERGROUND PETROLEUM STORAGE SYSTEM – FILE NO T067/2010.....	6
267/10	RESOLVED.....	6
7.3	TAMWORTH REGIONAL COUNCIL WASTE MANAGEMENT WORKING GROUP MINUTES- FILE NO SF3101.....	6
268/10	RESOLVED.....	6
7.4	CRIME PREVENTION WORKING GROUP MINUTES - FILE NO SF2300.....	7
269/10	RESOLVED.....	7
7.5	NUNDELE LIBRARY – FILE NO SF2189.....	7
270/10	RESOLVED.....	7

	7.6 WESTDALE ALLIANCE AND EFFLUENT REUSE FARM PROGRESS UPDATE - FILE NO SF3216 & SF3217	8
271/10	RESOLVED	8
8	GOVERNANCE, STRATEGY AND FINANCE	8
	8.1 GOVERNMENT INFORMATION (PUBLIC ACCESS) ACT 2009 (GIPAA) - PUBLICATION GUIDE – FILE NO SF4633	8
272/10	RESOLVED	8
	8.2 AUSTRALASIAN PACIFIC AERONAUTICAL COLLEGE (APAC) - FILE NO SF304.....	8
273/10	RESOLVED	8
	8.3 “COLEDALE” ALCOHOL FREE ZONE - FILE NO SF990	9
274/10	RESOLVED	9
	8.4 COMMUNITY DEVELOPMENT COMMITTEES - MINUTES – FILE NOS SF2788, SF1907, SF2586, SF2637, SF2965 & SF 2664	9
275/10	RESOLVED	9
9	REPORTS FROM DELEGATES	10
10	QUESTIONS AND MATTERS OF URGENCY.....	10
	10.1 BRIDGE STREET & PHILLIP STREET INTERSECTION IMPROVEMENTS – FILE NO SF4650.....	10
	10.2 TAMWORTH AREA RADIO MODEL AIRCRAFT CLUB AT RACECOURSE ROAD, SOMERTON – FILE NO LF6318.....	10
	10.3 SUNRISE ESTATE DRAINAGE – FILE NO DA0016/2010.....	11
	10.4 TAMWORTH BASE HOSPITAL CARPARK CONSTRUCTION, DEAN STREET – FILE NO LF1540.....	11
	10.5 DALWOOD CENTRE – FILE NO SF664.....	11
	10.6 TELEPHONES AND I-PADS – FILE NO SF809	11
11	CLOSED COUNCIL REPORTS	12
	11.1 NEMINGHA WATER MAIN AUGMENTATION – ACQUISITION OF 6M WIDE AND VARIED WATER EASEMENTS - FILE NO LF4573	12
276/10	RESOLVED	12
	11.2 TENDER T067/2010 – TAMWORTH REGIONAL COUNCIL UNDERGROUND PETROLEUM STORAGE SYSTEM – FILE NO T067/2010.....	12
277/10	RESOLVED	12
	11.3 WESTDALE ALLIANCE AND EFFLUENT REUSE FARM PROGRESS UPDATE - FILE NO SF3216 & SF3217	13
278/10	RESOLVED	13
	ADDITIONAL ITEM – POSSIBLE ILLEGAL CONSTRUCTION – FILE NO SF1390	13
	ADDITIONAL ITEM – RECENT DECISIONS MADE BY COUNCIL – FILE NO SF809.....	13
12	RESOLUTIONS PASSED IN CLOSED COUNCIL.....	13

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

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

Apologies were announced as having been received from:

Cr Col Murray, who was unable to attend the meeting due to personal business out of the Region.

Cr Warren Woodley, who was unable to attend the meeting due to personal commitments out of the Region.

MOTION

Moved Cr Paul Durant/Cr Ray Tait

263/10 RESOLVED

That the apologies be accepted and Cr Col Murray and Cr Warren Woodley be granted leave of absence from the Meeting.

2 COMMUNITY CONSULTATION

Nil.

3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

MOTION

Moved Cr Phil Betts/Cr Ray Tait

264/10 RESOLVED

That the Minutes of the Ordinary Meeting of the Council held on Tuesday 27 July 2010, copies of which were circulated be taken as read and confirmed as a correct record of the proceedings of the Meeting.

4 DISCLOSURE OF INTEREST

Cr Paul Durant declared a Non Pecuniary Conflict of Interest in Item 6.2 Road Closure Application – Unformed Public Road off Appleby Lane, Appleby – File No LF6796 for reason that Baiada Pty Ltd, the employer of his son, has an interest in Rostry Pty Ltd, the owner of the land benefited by a development consent requiring the road closure as a deferred commencement matter. Cr Durant advised that he would leave the Chamber during debate and determination of this item.

Cr Ray Tait declared a Non Pecuniary Conflict of Interest in Item 6.2 Road Closure Application – Unformed Public Road off Appleby Lane, Appleby – File No LF6796 for reason that Baiada Pty Ltd, the employer of his son, has an interest in Rostry Pty Ltd, the owner of the land benefited by a development consent requiring the road closure as a deferred commencement matter. Cr Tait advised that he would leave the Chamber during debate and determination of this item.

Cr Russell Webb declared a Non Pecuniary Conflict of Interest in Item 6.2 Road Closure Application – Unformed Public Road off Appleby Lane, Appleby – File No LF6796 for reason that he has a lease/farming arrangement on part of the property owned by the applicant. Cr Webb advised that he would leave the Chamber during debate and determination of this item.

Cr Phil Betts declared a Non Pecuniary Conflict of Interest in Item 6.2 Road Closure Application – Unformed Public Road off Appleby Lane, Appleby – File No LF6796 for reason that he is a member of the Joint Regional Planning Panel (JRPP) as referenced in the body of the report (refer Page 6 of the Business Paper). Cr Betts advised that he would remain in the Chamber and participate in debate and determination of this item

5 MAYORAL MINUTE

Nil.

OPEN COUNCIL REPORTS

6 ENVIRONMENT & PLANNING

6.1 DRAFT PEEL RIVER ESTATE DEVELOPMENT CONTROLS - FILE No SF4939

DIRECTORATE: ENVIRONMENT PLANNING AND ECONOMIC DEVELOPMENT

AUTHOR: Andrew Spicer, Strategic Planner (Section 94)

MOTION

Moved Cr Ray Tait/Cr Juanita Wilson

265/10 RESOLVED

That, in relation to the Peel River Estate:

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

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	

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

DIRECTORATE: ENVIRONMENT, PLANNING AND ECONOMIC DEVELOPMENT

AUTHOR: Chris Johnston, Manager Economic Development and Commercial Lands

The Mayor as Chairperson of the Meeting drew attention to the following:

- (a) Two Councillors, Cr Col Murray and Cr Warren Woodley recorded their apology for non-attendance at this Council Meeting;
- (b) Three Councillors, Cr Paul Durant, Cr Ray Tait and Cr Russell Webb, declared a Non-Pecuniary Conflict of Interest with respect to this Item and had advised they would leave the Chamber during debate and determination of this item; and
- (c) Cr Phil Betts declared a Non Pecuniary Conflict of Interest with respect to this Item and had advised that he would remain in the Chamber during Council's determination of this Item.

The Mayor announced that for this item there would not be a Quorum as five of the nine Councillors would not be in the Chamber to consider and vote on this Item.

7 INFRASTRUCTURE AND SERVICES

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

DIRECTORATE: WATER ENTREPRISES

AUTHOR: Bruce Logan – Director Water Enterprises

MOTION

Moved Cr Paul Durant/Cr Ray Tait

266/10 RESOLVED

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

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

DIRECTORATE: REGIONAL SERVICES

AUTHOR: George Shearman, Plant and Fleet Services Manager

MOTION

Moved Cr Russell Webb/Cr Ray Tait

267/10 RESOLVED

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

7.3 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 Juanita Wilson/Cr Russell Webb

268/10 RESOLVED

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

- (i) receive and note the minutes of the Waste Management Working Group meeting held on 13th July 2010;

- (ii) endorse the recommendation of the Working Group in relation to item 3.2 of the minutes;
- (iii) cease land filling of waste material at the Kootingal and Attunga Landfills and close the sites effective from the 1st February 2011;
- (iv) develop a communication plan in consultation with the respective community development committees to ensure affected residents are appropriately informed about landfill closures;
- (v) endorse the recommendation of the Working Group in relation to item 3.3 of the minutes; and
- (vi) continue providing recycling service options at its supervised rural waste management facilities.

7.4 CRIME PREVENTION WORKING GROUP MINUTES - FILE NO SF2300

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

MOTION

Moved Cr Russell Webb/Cr Paul Durant

269/10 RESOLVED

That Council receive and note the Minutes of the Crime Prevention Working Group Meeting held on 22 June 2010.

7.5 NUNDLE LIBRARY – FILE NO SF2189

DIRECTORATE: REGIONAL SERVICES
AUTHOR: Kay Delahunt Library Services Manager

MOTION

Moved Cr Juanita Wilson/Cr Helen Tickle

270/10 RESOLVED

That in relation to the Nundle Library, Council:

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

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

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

MOTION

Moved Cr Ray Tait/Cr Russell Webb

271/10 RESOLVED

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

8 GOVERNANCE, STRATEGY AND FINANCE

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

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

MOTION

Moved Cr Juanita Wilson/Cr Paul Durant

272/10 RESOLVED

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

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

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

MOTION

Moved Cr Juanita Wilson/Cr Paul Durant

273/10 RESOLVED

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

8.3 “COLEDALE” ALCOHOL FREE ZONE - FILE No SF990

DIRECTORATE: CORPORATE AND GOVERNANCE

AUTHOR: S M Bartlett, Director Corporate and Governance

MOTION

Moved Cr Russell Webb/Cr Ray Tait

274/10 RESOLVED

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

8.4 COMMUNITY DEVELOPMENT COMMITTEES - MINUTES – FILE Nos SF2788, SF1907, SF2586, SF2637, SF2965 & SF 2664

DIRECTORATE: CORPORATE AND GOVERNANCE

AUTHOR: Jodie Archer, Section 355 Coordinator

MOTION

Moved Cr Ray Tait/Cr Paul Durant

275/10 RESOLVED

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

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

- (ii) That Council adopt the recommendation of the Bendemeer Community Development Committee at its meeting held 16 June, 2010 to appoint Verity Treese as a member of the Bendemeer Community Development Committee;
- (iii) That Council adopt the recommendation of the Manilla Community Development Committee’s Annual General Meeting held 2 July, 2010 to appoint the following persons as Office Bearers of the Manilla Community Development Committee:

Chairperson: Julie Orman
Deputy Chairperson: Jim Maxwell
Secretary: Michelle Eggins;

- (iv) That Council adopt the recommendation of the Manilla Community Development Committee meeting at its meeting held 2 July, 2010 to appoint Joanne Demughn and Laurie Price as members of the Manilla Community Development Committee;
- (v) That Council adopt the recommendation of the Nundle Community Development Committee's Annual General Meeting held 5 July, 2010 to appoint the following persons as Officer Bearers of the Nundle Community Development Committee:
 - Chairperson: Robert Schofield;
 - Vice Chairperson: Russell Sydenham
 - Secretary/Treasurer: Jim Aspinall;
- (vi) That Council adopt the recommendation of the Kootingal Community Development Committee's Annual General Meeting held 12 July, 2010 to appoint the following persons as Office Bearers of the Kootingal Community Development Committee:
 - Chairperson: John Hetherington;
 - Vice Chairperson: Joe Foley
 - Secretary/Treasurer: Lynne Hofman
 - Newsletter/Publicity: Lynne Hofman; and
- (vii) That Council adopt the recommendation of the Kootingal Community Development Committee at its meeting held 12 July, 2010 to appoint Jim Grey as a member of the Kootingal Community Development Committee.

9 REPORTS FROM DELEGATES

Nil.

10 QUESTIONS AND MATTERS OF URGENCY

10.1 BRIDGE STREET & PHILLIP STREET INTERSECTION IMPROVEMENTS – FILE NO SF4650

Cr Ray Tait requested an update on the progress with construction and/or improvements to the Bridge and Phillip Streets intersection. The Mayor advised that letters had been sent to the Roads and Traffic Association (RTA) and the Minister for Roads. The Mayor informed the meeting that if the response received from the Minister and the RTA continued to be negative to any assistance Tamworth Regional Council would immediately undertake the project.

10.2 TAMWORTH AREA RADIO MODEL AIRCRAFT CLUB AT RACECOURSE ROAD, SOMERTON – FILE NO LF6318

Cr Ray Tait advised that he had been approached by members of the Tamworth Area Radio Model Aircraft Club (TARMAC) for Council assistance to improve the road in and the car park at the new T.A.R.M.A.C. Flying field at Somerton.

The General Manager stated that the Director Environment Planning and Economic Development would investigate and report to Council.

10.3 SUNRISE ESTATE DRAINAGE – FILE NO DA0016/2010

Cr Ray Tait requested a progress report on the drainage at Sunrise Estate Development, Wylie Place/Nowland Crescent, Tamworth. The Director Regional Services advised he would send an update to councillors.

10.4 TAMWORTH BASE HOSPITAL CARPARK CONSTRUCTION, DEAN STREET – FILE NO LF1540

Cr Juanita Wilson referred to a report in the Northern Daily Leader 7 August 2010 and requested a letter of appreciation be forwarded to Tamworth Precision Excavation congratulating the firm on their proactive involvement with Hunter New England Area Health Service in the construction of a new carpark for Tamworth Base Hospital users.

10.5 DALWOOD CENTRE – FILE NO SF664

Cr Juanita Wilson referred to a letter that Council had submitted to the NSW Health Department, following the 8 June 2010 Council Meeting, requesting the Centre remain open as it provides quality assessment and remediation for rural children with learning difficulties. Cr Wilson advised that although the Centre was closing she was happy to advise that the service would be maintained at Dubbo and Wagga Wagga.

10.6 TELEPHONES AND I-PADS – FILE NO SF809

Cr Phil Betts asked about the status of the implementation of upgraded information technology equipment for distribution to Councillors.

The Finance & Information Technology Manager advised that a meeting to finalise the contract for the upgrading of telephones had been scheduled for 11 August 2010 and i-pad testing was continuing.

At **7:05pm**, the Chairperson offered the opportunity to members of the public to make representations as to whether any part of the Council Meeting should not be considered in Closed Council.

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

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

11 CLOSED COUNCIL REPORTS

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

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

MOTION

Moved Cr Ray Tait/Cr Russell Webb

276/10 RESOLVED

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

- (i) authorise the acquisition of a 6 metre wide and variable easement through property Lot 1 DP1112562 and Lot 17 DP1113145 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 TENDER T067/2010 – TAMWORTH REGIONAL COUNCIL UNDERGROUND PETROLEUM STORAGE SYSTEM – FILE No T067/2010

DIRECTORATE: Regional Services
AUTHOR: George Shearman, Plant and Fleet Services Manager

MOTION

Moved Cr Russell Webb/Cr Paul Durant

277/10 RESOLVED

That in relation to the report Tender T067/2010 – Tamworth Regional Council Underground Petroleum Storage System Decommissioning, Site Validation and Above Ground Fuel System Installation at the Flynn Street Depot, Council:

- (i) award the Tender T067/2010- Tamworth Regional Council Underground Petroleum Storage System Decommissioning, Site Validation and Above Ground Fuel System Installation at the Flynn street Depot, to OTEK Australia for the sum of \$163,950.00 exclusive of GST;
- (ii) authorise the Seal of Council be affixed to the contract documents; and
- (iii) adopt OTEK Australia as a preferred contractor for future contamination investigations and remediation services at Council's depots.

11.3 WESTDALE ALLIANCE AND EFFLUENT REUSE FARM PROGRESS UPDATE - FILE No SF3216 & SF3217

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

MOTION

Moved Cr Phil Betts/Cr Paul Durant

278/10 RESOLVED

That Council authorise the General Manager and Mayor to enter into an agreement with Realm Agribusiness Pty Ltd on the terms disclosed in the body of the report.

ADDITIONAL ITEM – POSSIBLE ILLEGAL CONSTRUCTION – FILE No SF1390

Cr Juanita Wilson advised that she had been approached by members of the public in relation to a matter of an illegal construction on an approved building work. The Director Environment Planning and Economic Development advised that this matter is currently being reviewed and if warranted, a report would be submitted to Council.

ADDITIONAL ITEM – RECENT DECISIONS MADE BY COUNCIL – FILE No SF809

Cr Russell Webb advised Council that he had received negative feedback from members of the public on a number of recent decisions made by the Council in regards to Council undertaking its compliance responsibilities.

12 RESOLUTIONS PASSED IN CLOSED COUNCIL

At 7:43pm the meeting moved back into Open Council.

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

Closure: There being no further business the Ordinary Meeting of Council concluded at 7:44pm.

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

- oOo -