

ORDINARY COUNCIL



MINUTES

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

TUESDAY 10 MAY 2011 at 6:30pm

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

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

1 APOLOGIES

Apologies were announced as having been received from:

Cr Ray Tait who was representing Council at the Waste Conference being held in Coffs Harbour and Cr Warren Woodley who was unable to attend the meeting due to personal business out of the city.

MOTION

Moved Cr Durant/Cr Betts

111/11 RESOLVED

That apologies be accepted from Crs Ray Tait and Warren Woodley and leave of absence be granted.

2 COMMUNITY CONSULTATION

2.1 INCREASE IN POULTRY PROCESSING FROM 90,000 TO 120,000 BIRDS PER DAY AND INCREASE IN PROCESSING HOURS FROM 11.5 HOURS PER DAY TO 16 HOURS PER DAY (2:30AM – 6:00PM) ON LOT 24 DP 832149, LOT 1 DP 799461, LOT 1 DP 81422, LOT 6 DP 557786 AND PART LOT 42 DP 1006078, OUT STREET, TAMWORTH - FILE No DA0331/2011

Mr Robert McIlveen addressed Council and advised that he had not made any political donation or gift to any councillor or Council employee. Mr McIlveen stated that he believed the site of the complex was unsuitable and inappropriate and that the development had continually not complied with the existing consent conditions, specifically odour and noise. He further stated that this non compliance had been happening since the original Increase in Production Consent of 2004.

3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

MOTION

Moved Cr Webb/Cr Wilson

112/11 RESOLVED

That the Minutes of the Ordinary Meeting of the Council held on Wednesday 27 April 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

Cr Paul Durant declared a Non Pecuniary Conflict of Interest in Item 6.1 - Increase in Poultry Processing from 90,000 to 120,000 Birds Per Day and Increase in Processing Hours from 11.5 Hours Per Day to 16 Hours Per Day (2:30am – 6:00pm) on Lot 24 DP 832149, Lot 1 DP 799461, Lot 1 DP 81422, Lot 6 DP 557786 and Part Lot 42 DP 1006078, Out Street, Tamworth - File No DA0331/2011 as his son worked for the Applicant.

Cr Juanita Wilson declared a Non Pecuniary Conflict of Interest in Item 7.1 Tamworth Regional Local Traffic Committee Meeting – April 2011, recommendation No 19/2011 for the reason that Calrossy Girls School is her employer.

Cr Russell Webb declared a Non Pecuniary Conflict of Interest in Item 6.1 - Increase in Poultry Processing from 90,000 to 120,000 Birds Per Day and Increase in Processing Hours from 11.5 Hours Per Day to 16 Hours Per Day (2:30am – 6:00pm) on Lot 24 DP 832149, Lot 1 DP 799461, Lot 1 DP 81422, Lot 6 DP 557786 and Part Lot 42 DP 1006078, Out Street, Tamworth - File No DA0331/2011 as he had business arrangements with the Applicant.

5 MAYORAL MINUTE

Nil

COUNCIL REPORTS

OPEN COUNCIL REPORTS

6 ENVIRONMENT & PLANNING

6.1 INCREASE IN POULTRY PROCESSING FROM 90,000 TO 120,000 BIRDS PER DAY AND INCREASE IN PROCESSING HOURS FROM 11.5 HOURS PER DAY TO 16 HOURS PER DAY (2:30AM – 6:00PM) ON LOT 24 DP 832149, LOT 1 DP 799461, LOT 1 DP 81422, LOT 6 DP 557786 AND PART LOT 42 DP 1006078, OUT STREET, TAMWORTH - FILE NO DA0331/2011

DIRECTORATE: ENVIRONMENT AND PLANNING

AUTHOR: David Koppers, Senior Development Assessment Planner

Cr Paul Durant declared a Non Pecuniary Conflict of Interest in Item 6.1 - Increase in Poultry Processing from 90,000 to 120,000 Birds Per Day and Increase in Processing Hours from 11.5 Hours Per Day to 16 Hours Per Day (2:30am – 6:00pm) on Lot 24 DP 832149, Lot 1 DP 799461, Lot 1 DP 81422, Lot 6 DP 557786 and Part Lot 42 DP 1006078, Out Street, Tamworth - File No DA0331/2011 as his son worked for the Applicant and left the Chamber at 6.41pm.

Cr Russell Webb declared a Non Pecuniary Conflict of Interest in Item 6.1 - Increase in Poultry Processing from 90,000 to 120,000 Birds Per Day and Increase in Processing Hours from 11.5 Hours Per Day to 16 Hours Per Day (2:30am – 6:00pm) on Lot 24 DP 832149, Lot 1 DP 799461, Lot 1 DP 81422, Lot 6 DP 557786 and Part Lot 42 DP 1006078, Out Street, Tamworth - File No DA0331/2011 as he had business arrangements with the Applicant and left the Chamber at 6.41pm.

Cr James Treloar advised that he had been nominated as the local representative on the Northern Regional JRPP for this development, however, he stated that he would stay in the Chamber and participate in the debate.

MOTION

Moved Cr Betts/Cr Tickle

113/11 RESOLVED

That in relation to DA0331/2011 for an Increase in Poultry Processing from 90,000 to 120,000 birds per day, and increase in processing hours from 11.5 hours per day to 16 hours per day (2:30am – 6:00pm) on Lot 24 DP 832149, Lot 1 DP 799461, Lot 1 DP 81422, Lot 6 DP 557786 and Part Lot 42 DP 1006078, Out Street, Tamworth, Council:-

- (i) note the application is scheduled for determination by the Northern Joint Regional Planning Panel on 13 May 2011; and
- (ii) make a submission to the Joint Regional Planning Panel in relation to the application with specific reference to the Assessment Report and Recommendation, at Page 10 of 40, "Intersection of Bridge and Out Streets", whereby Council strongly recommends the JRPP to adopt Option 2 when determining the final Traffic Management Plan for this development namely:-
 - (a) *Construction of two separate concrete medians at the intersection of Bridge and King Streets, which will channel westbound traffic to the left. This will facilitate the provision of a right hand turn storage lane into Out Street which can cater for a single 19 metre long heavy articulated vehicle.*
 - (b) *There will also be a constructed median in Out Street which will create a channelised left turn only into Bridge Street. This will eliminate any right hand movements onto Bridge Street and maintains existing access provisions into Out Street.*

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, Mayor 2. Cr Phil Betts 3. Cr Helen Tickle 4. Cr James Treloar 5. Cr Juanita Wilson	NIL

Crs Paul Durant and Russell Webb returned to the Chamber at 6.45pm.

7 INFRASTRUCTURE AND SERVICES

7.1 AGENDA APRIL 2011 LOCAL TRAFFIC COMMITTEE MEETING - ITEM 19/2011 - FILE No SF 1387

DIRECTORATE: REGIONAL SERVICES

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

Cr Juanita Wilson declared a Non Pecuniary Conflict of Interest in Item 7.1 Tamworth Regional Local Traffic Committee Meeting – April 2011, recommendation No 19/2011 for the reason that Calrossy Girls School is her employer and left the Chamber at 6.46pm.

MOTION

Moved Cr Betts/Cr Durant

114/11 RESOLVED

That Council endorse Item 19/2011 – Brisbane and Raglan Streets Tamworth Proposed Installation of Traffic Control Devices at Calrossy School from the Tamworth Regional Local Traffic Committee meeting held on 13 April 2011:

19/2011 That with regard to regulatory facilities adjacent to Calrossy School in Brisbane and Raglan Street in Tamworth:

- (i) “All Traffic Left” signage be installed on the exit of the school in Brisbane Street preventing any filtered right hand turns at any time from the school grounds;
- (ii) the existing restricted 35 metre bus zone on the western side of Raglan Street immediately north of Brisbane Street be relocated north of its existing location;
- (iii) the aforementioned bus zone be replaced with a restricted No Parking Zone – 8.00am-9.30am and 2.30pm-4.00pm School Days;
- (iv) a raised concrete pedestrian refuge be installed in the north-western leg of Raglan Street at the Brisbane Street intersection to improve pedestrian amenity for off-campus students’ access to school accommodation; and
- (v) Council write to the RTA requesting available funding for the installation of the pedestrian refuge in the 2011/12 year.

Cr Juanita Wilson returned to the Chamber at 6.47pm.

8 CORPORATE & GOVERNANCE

8.1 PROPOSAL FROM TELSTRA TO LEASE A PORTION OF LAND OF THE MOONBI RESERVOIR SITE OFF BETTS LANE FOR A TELECOMMUNICATIONS TOWER - FILE NO LF6240

DIRECTORATE: CORPORATE & GOVERNANCE
AUTHOR: Sylvia Elliott, Commercial Property Officer

MOTION

Moved Cr Wilson/Cr Durant

115/11 RESOLVED

That in relation to the report, Proposal from Telstra to lease a portion of land of the Moonbi Reservoir site off Betts Lane for a telecommunications tower, Council:

- (i) agree to lease a portion of land to Telstra on terms detailed in the report for the purposes of the construction and operation of a communications facility subject to any future development application for the facility being approved; and
- (ii) provide owner's consent to the lodgement of the Development Application; and
- (iii) resolve that the Seal of Council be affixed to the lease documents between Telstra and Council for the Moonbi Reservoir site.

8.2 PROPOSAL FROM TELSTRA TO LEASE A PORTION OF LAND OF THE KINGSWOOD RESERVOIR SITE FOR A TELECOMMUNICATIONS TOWER - FILE NO LF5623

DIRECTORATE: CORPORATE & GOVERNANCE
AUTHOR: Sylvia Elliott, Commercial Property Officer

MOTION

Moved Cr Durant/Cr Webb

116/11 RESOLVED

That in relation to the report, Proposal from Telstra to lease a portion of land of the Kingswood Reservoir site for a telecommunications tower, Council:

- (i) agree to lease a portion of land to Telstra on terms detailed in the report for the purposes of the construction and operation of a communications facility subject to the conditions of Development Consent DA0124/2011 being satisfied; and
- (ii) resolve that the Seal of Council be affixed to the lease documents between Telstra and Council for the portion of land at the Kingswood Reservoir site.

8.3 2010-2011 GOODS AND SERVICE TAX – COUNCIL COMPLIANCE CERTIFICATE - FILE No SF1088

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

MOTION

Moved Cr Wilson/Cr Webb

117/11 RESOLVED

That to assist compliance with Section 114 of the Commonwealth Constitution, Tamworth Regional Council certifies that:

- (i) voluntary GST has been paid by Tamworth Regional Council for the period 1 May 2010 to 30 April 2011;
- (ii) adequate management arrangements and internal controls were in place to enable the Council to adequately account for GST liabilities and recoup all GST input tax credits eligible to be claimed; and
- (iii) no GST non-compliance events by the Council were identified or raised with the Australian Taxation Office.

8.4 TOURISM TAMWORTH LTD SIX MONTHLY PERFORMANCE REPORT – FILE No SF1044

DIRECTORATE: COMMERCIAL & COMMUNITY ENTERPRISES
AUTHOR: Mark Crompton, Executive Manager, Business Strategy & Operations

Moved Cr Durant/Cr Tickle

118/11 RESOLVED

That the Tourism Tamworth Ltd Six Monthly Performance Report for the period October 2010 to March 2011, incorporating a Financial Report for the period ending 31 March 2011 be received and noted.

8.5 COMMUNITY DEVELOPMENT COMMITTEES - MINUTES - FILE No SF2965, SF2586 & SF2664

DIRECTORATE: CORPORATE AND GOVERNANCE
AUTHOR: Katie Alchin – Section 355 Administration Officer

MOTION

Moved Cr Betts/Cr Wilson

119/11 RESOLVED

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

<u>Committee</u>	<u>Date</u>
Barraba Community Development Committee	4 April, 2011
Manilla Community Development Committee	6 April, 2011
Kootingal Community Development Committee	11 April, 2011

- (ii) That Council adopt the recommendation of the Barraba Community Development Committee at its meeting held 4 April 2011, to accept Julie Fenwick, Norm Little and Margaret Savage as members of the Barraba Community Development Committee.
- (iii) That Council adopt the recommendation of the Manilla Community Development Committee at its meeting held 6 April 2011, to accept Norma Russell as a member of the Manilla Community Development Committee.

9 REPORTS FROM DELEGATES

Nil

10 QUESTIONS AND MATTERS OF CONCERN

10.1 MEMORIAL ROSE GARDEN AND PLAQUE TO COMMEMORATE ANZAC, NUNDLE – SF875

Cr Wilson advised Council of correspondence she had received from the Returned and Services League of Australia, Nundle RSL Sub Branch, referring to a proposal to establish a Memorial Rose Garden with Plaque to surround the Lone Pine which has been planted in front of the League's Nundle Office to commemorate ANZAC. Cr Wilson requested that the General Manager investigate and offer to provide assistance if required.

10.2 INCREASE IN POULTRY PROCESSING FROM 90,000 TO 120,000 BIRDS PER DAY AND INCREASE IN PROCESSING HOURS FROM 11.5 HOURS PER DAY TO 16 HOURS PER DAY (2:30AM – 6:00PM) ON LOT 24 DP 832149, LOT 1 DP 799461, LOT 1 DP 81422, LOT 6 DP 557786 AND PART LOT 42 DP 1006078, OUT STREET, TAMWORTH - FILE NO DA0331/2011

Reference: Minute No 113/11 herein.

Cr Treloar drew attention to the Assessment Report annexed to Item 6.1 of the Council Business Paper.

In the Assessment Report, Cr Treloar commented that the information supplied to the JRPP contained some misleading statements with particular regard to Headworks.

Cr Treloar specifically referenced that the additional water consumption at the enlarged Baiada Abattoir of 2ML per day equates to ten per cent of the City of Tamworth's winter water consumption but not ten per cent of the City's water consumption during summer.

11 REPORTS TO BE CONSIDERED IN CLOSED COUNCIL

Nil

Closure: There being no further business the Ordinary Meeting of Council concluded at 6.50pm.

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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Minutes