

# ORDINARY COUNCIL

# MINUTES

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

**WEDNESDAY 27 APRIL 2011 at 6:30pm**

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**PRESENT:** Cr Col Murray (Mayor), Cr Paul Durant, Cr Ray Tait, Cr Russell Webb, and Cr Juanita Wilson.

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

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## **1 APOLOGIES**

Apologies were announced as having been received from:

Crs Phil Betts, Helen Tickle, James Treloar and Warren Woodley who were unable to attend the meeting due to personal business.

### **MOTION**

**Moved Cr Tait/Cr Durant**

### **96/11 RESOLVED**

That apologies be accepted from Crs Phil Betts, Helen Tickle, James Treloar and Warren Woodley and leave of absence granted.

## **2 COMMUNITY CONSULTATION**

Nil

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

### **MOTION**

**Moved Cr Webb/Cr Tait**

### **97/11 RESOLVED**

That the Minutes of the Ordinary Meeting of the Council held on Wednesday 13 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 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.

## **5 MAYORAL MINUTE**

Nil

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## COUNCIL REPORTS

### OPEN COUNCIL REPORTS

#### 6 ENVIRONMENT & PLANNING

Nil

#### 7 INFRASTRUCTURE AND SERVICES

##### 7.1 TAMWORTH REGIONAL LOCAL TRAFFIC COMMITTEE MEETING – APRIL 2011- FILE NO SF1387

**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.

##### MOTION

Moved Cr Tait/Cr Webb

98/11

##### RESOLVED

That in relation to the report from the Tamworth Regional Local Traffic Committee – April 2011 meeting held on 13 April 2011, Council endorse the following recommendations of the Tamworth Regional Local Traffic Committee with the exception of recommendation 19/2011 which is deferred for further consideration at the Ordinary Meeting of Council to be held on 10 May 2011:

8/2011 Endorse Plan No. 18240 of Jack Smyth Drive and the Indoor Sports Centre carpark in Tamworth (refer ENCLOSURE 1);

9/2011 That with regard to the proposed “No Parking Emergency Vehicles Excepted” signage on the southern side of White Street, immediately adjacent to the existing disabled parking zone west of Peel Street, in Tamworth:

- (i) the kerbside parking restrictions in White Street adjacent to the Fire & Rescue Zone Office remain as they are; and
- (ii) Council advise the Fire & Rescue Zone office that alternate nearby off-street locations should be investigated.

10/2011 That with regard to the proposed parking restrictions plan for the Tamworth Base Referral Hospital in Tamworth, Council note that:

- (i) the Local Traffic Committee (LTC) will undertake a further site inspection in light of the lack of some information on the plan provided by Hospital management and ensure that the proposal conforms to the RTA policy document “Restricted Parking”;

- (ii) the matter will be deferred to a future meeting of the LTC for further discussion and recommendation when the additional information required is provided by Hospital management; and
  - (iii) Council will be requesting the consultant undertaking the Regional Transport Study to include the Tamworth Base Referral Hospital in its traffic study.
- 11/2011 That with regard to the proposed relocation of the existing southbound CountryLink bus stop on the eastern side of Manilla Street between Market and Strafford Streets:
- (i) the existing zone be removed and the parking default back to parallel unrestricted parking;
  - (ii) the zone be relocated to the northern side of Court Street immediately west of Manilla Street adjacent to Rotary Park for a distance of approximately 15 metres; and
  - (iii) the bus zone times of 9.45am to 10.15am daily remain unchanged.
- 12/2011 That with regard to the proposed amendment to the existing parking restrictions from parallel to 60° rear to kerb in Upper Street between White and Fitzroy Streets in Tamworth, no further action be taken.
- 13/2011 That with regard to the amendment to the existing Taxi Zone in Kable Avenue in front of West Diggers Club in Tamworth:
- (i) the taxi zone remain as is; and
  - (ii) a Loading Zone of approximately 10 metres long restricted between the hours of 8.00am to midnight be installed on the western side of Kable Avenue immediately south of the existing Taxi Zone in front of West Diggers Club.
- 14/2011 That with regard to the proposed installation of a sealed carpark on the south-eastern side of Jewry Street north-east of Ebsworth Street in Tamworth (refer ENCLOSURE 2), Council note that the Local Traffic Committee has requested the installation of a designated right hand turn bay in Jewry St for north bound vehicles so they have provision for a filtered right hand turn into the carpark. Also that this matter will be placed before the May 2011 Committee meeting for further review in light of the aforementioned request.
- 15/2011 That with regard to the proposed amendment to the existing bus zone in Edward Street adjacent to Barraba Central School in Barraba, the existing bus zone be reduced in size from the western end by 41 metres and replaced with No Parking 8.00am to 9.30am and 2.30pm to 4.00pm school days.
- 16/2011 That with regard to the matters raised in relation to pedestrian facilities on Manilla Road (MR 63), Tribe and Marius Streets in Tamworth, Council note that the Local Traffic Committee will investigate this matter further following:

- (i) an update from the RTA on proposed improvements to the pedestrian facilities on Manilla Rd between Tribe and Marius Streets; and
  - (ii) completion of the Regional Transport Study, which will highlight the two intersections for re-modelling.
- 17/2011 That with regard to the report proposing a taxi rank in Piper Street North Tamworth adjacent to the Northgate Shopping Centre:
- (i) a taxi zone be imposed for a distance of 15 metres on the southern side of Piper Street 6 metres west of the Northgate Coles Supermarket driveway;
  - (ii) a bus zone restricted between the hours of 7.00am and 7.00pm Monday to Friday and 7.00am to 2.00pm Saturdays be imposed for a distance of 15 metres on the southern side of Piper Street immediately west of the taxi zone; and
  - (iii) Council consider the relocation of the existing bus shelter to between the two zones should the need arise.
- 18/2011 That with regard to the proposed regulatory facilities in the Gipps Street carpark adjacent to the amenities building:
- (i) a section of No Parking be installed at the southern end of the carpark;
  - (ii) a disabled parking bay be installed on the eastern side of the carpark immediately adjacent to the proposed No Parking zone; and
  - (iii) No Stopping be imposed from the northern end of the first parking bays inside the carpark extending around into Gipps Street for 10 metres to the east and west.
- 19/2011 Deferred for further consideration at the Ordinary Meeting of Council to be held on 10 May 2011.
- 20/2011 That with regard to the Event Approval for the Blue Liners Tamworth Motorcycle Club to be held in May 2011 the event be approved subject to written Police approval.

## **8 CORPORATE & GOVERNANCE**

### **8.1 PROPOSAL FROM TELSTRA TO LEASE AN AREA OF THE VICTORIA PARK RESERVOIR SITE FOR A TELECOMMUNICATIONS TOWER - FILE NO LF104 AND SF715**

**DIRECTORATE:** CORPORATE & GOVERNANCE

**AUTHOR:** Sylvia Elliott, Commercial Property Officer

#### **MOTION**

**Moved Cr Durant/Cr Tait**

**99/11 RESOLVED**

That in relation to the report, Proposal from Telstra to Lease an area of Victoria Park 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 089/2011 being satisfied; and
- (ii) resolve that the Seal of Council be affixed to the lease documents between Telstra and Council for the Victoria Park Reservoir site.

### **8.2 COUNCIL INVESTMENTS MARCH - FILE NO SF4917**

**DIRECTORATE:** CORPORATE AND GOVERNANCE

**AUTHOR:** Mark Crompton, Finance & Information Technology Manager

#### **MOTION**

**Moved Cr Durant/Cr Wilson**

**100/11 RESOLVED**

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

### **8.3 DRAFT THREE YEAR MANAGEMENT PLAN AND BUDGET 2011 – 2014 – FILE NO SF5104**

**DIRECTORATE:** OFFICE OF THE GENERAL MANAGER

**AUTHOR:** Mr Paul Bennett, General Manager

#### **MOTION**

**Moved Cr Webb/Cr Tait**

**101/11 RESOLVED**

That in relation to the Draft Management Plan and Budget for 2011 – 2014, Council:

- (i) adopt the Draft Management Plan for public exhibition for a period of 28 days commencing 29 April 2011 until 5pm 26 May 2011; and
- (ii) conduct public forums in relation to the Draft Management Plan prior to the close of the public exhibition period as described within the 2011 – 2014 Draft Management Plan.

#### **8.4 COMMUNITY DEVELOPMENT COMMITTEES - MINUTES - FILE No SF2788 & SF1907**

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

##### **MOTION**

**Moved Cr Wilson/Cr Tait**

##### **102/11 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 March 2011
Bendemeer Community Development Committee	15 March 2011;

- (ii) That Council adopt the recommendation of the Hanging Rock Community Development Committee at its meeting held 12 March 2011 and accept the resignation of Vera Parfoot as the Treasurer of the committee; and
- (iii) That Council adopt the recommendation of the Hanging Rock Community Development Committee at its meeting held 12 March 2011 and appoint Christine Webster as Treasurer of the committee.

#### **8.5 SECTION 355 COMMITTEES - MINUTES - FILE No SF2256**

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

##### **MOTION**

**Moved Cr Durant/Cr Wilson**

##### **103/11 RESOLVED**

That the minutes of the following Section 355 Committees listed below be received and noted:

<u>Committee</u>	<u>Date</u>
Tamworth Sister City Committee	20 November 2010
Tamworth Regional Tidy Towns Committee	21 March 2011
Manilla Showground Committee	22 March 2011

## **9 REPORTS FROM DELEGATES**

### **9.1 ANZAC DAY – NUNDLE - FILE No SF1350**

Cr Wilson advised that she had represented Council at the Nundle Anzac Day Ceremony and stated that the support from the community was overwhelming. She further stated that she experienced a great willingness for local citizens to support their local community. Cr Wilson reported that the Nundle community has developed a Bursary system for the education of local youth, and they are enthusiastic to share their experience with this project. She requested that Council assist and facilitate the promotion of this initiative with other community groups throughout the region.

## **10 QUESTIONS AND MATTERS OF CONCERN**

### **10.1 WASTE DISPOSAL BINS AT CORONATION PARK - MANILLA - FILE No PF140**

Cr Webb requested the General Manager investigate and advise on the reason for the removal of waste disposal bins at Coronation Park, Manilla.

### **10.2 MANILLA TOWN HALL - ARCHIVES - FILE No SF2186**

Cr Webb requested the General Manager investigate and advise on the reasons for the Manilla Town Hall being utilised for the archiving of Council's records, and further whether consultation had been undertaken with the community prior to this activity commencing.

### **10.2 MANILLA TOWN HALL – ACCESS TO WAR MEMORIAL - FILE No SF2186**

Cr Tait requested a report on the progress to allow access to the Manilla War Memorial located at the front of the Manilla Town Hall. The General Manager advised that he would investigate and report to Council.

### **10.3 PROPOSED DEVELOPMENT APPLICATION BAIADA – DA0331/2011**

Cr Durant asked the Director Environment and Planning whether Council would be given the opportunity to make a submission to the Joint Regional Planning Panel (JRPP) on this proposed development. The Director of Environment and Planning advised that a report would be submitted to Council on 10 May 2011 allowing time for submissions from Council.

## **11 REPORTS TO BE CONSIDERED IN CLOSED COUNCIL**

### **MOTION**

**Moved Cr Webb/Cr Tait**

### **104/11 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 E012/2011 – TRADE WASTE TREATMENT MAINTENANCE TRACKING SYSTEM -FILE NO E012/2011**

**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, d) 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, and/or is commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

### **11.2 PIRATES RUGBY CLUB – REQUEST FOR REDUCTION OR WAIVING OF WATER CONSUMPTION CHARGES - FILE NO LF1677**

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

That 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.

### **11.3 TENDER T049/2011 SUPPLY AND DELIVERY OF FOUR WATER TANKERS - FILE NO T049/2011**

**DIRECTORATE:** REGIONAL SERVICES  
**AUTHOR:** George Shearman, Manager Plant and Fleet Services

That Council will 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.

### **11.4 EFFLUENT REUSE FARM PROGRESS - FILE NO SF4595**

**DIRECTORATE:** WATER ENTERPRISES  
**AUTHOR:** Nigel Thompson Manager Augmentation

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

### **11.5 WESTDALE ALLIANCE UPDATE - FILE NO SF3216**

**DIRECTORATE:** WATER ENTERPRISES  
**AUTHOR:** Nigel Thompson, Manager Water Augmentation

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 would, if disclosed, confer a commercial advantage on a person with whom the council is conducting business.

## **11.6 LEASE OF TAMWORTH REGIONAL LIVESTOCK MARKETING CENTRE/SALE OF LAND/CONSTRUCTION OF NEW REGIONAL LIVESTOCK MARKETING FACILITY FILE NO SF3290**

**DIRECTORATE: COMMERCIAL AND COMMUNITY ENTERPRISES**

**AUTHOR: Michael Dubois – Business Manager**

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

At 7.10 pm, 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 E012/2011 – TRADE WASTE TREATMENT MAINTENANCE TRACKING SYSTEM -FILE NO E012/2011**

**DIRECTORATE: WATER ENTERPRISES**

**AUTHOR: Daniel Coe – Water Engineer**

#### **MOTION**

**Moved Cr Webb/Cr Tait**

#### **105/11 RESOLVED**

That in relation to the report E012/2011 – Trade Waste Treatment Maintenance Tracking System, Council:

- (i) approve the allocation of funding detailed in the body of the report to implement a trade waste maintenance tracking system; and
- (ii) engage Wastelink Pty Ltd to provide a trade waste maintenance tracking system for Council with a review after three years.

## **12.2 PIRATES RUGBY CLUB – REQUEST FOR REDUCTION OR WAIVING OF WATER CONSUMPTION CHARGES - FILE NO LF1677**

**DIRECTORATE:** Water Enterprises

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

### **MOTION**

**Moved Cr Durant/Cr Webb**

That in relation to the report Pirates Rugby Club – Request for Reduction of Waiving of Water Consumption Charges, Council:

- (i) not agree to the request to reduce or waive water consumption charges for the Pirates Rugby Club and recommend Pirates enter into a repayment scheme thereby assisting the Club to repay the outstanding arrears by regular instalments over an agreed period of time; and
- (ii) further consider this issue as part of a review of water consumption charges associated with changes to the NSW Office of Water Best Practice Management Guidelines to be undertaken during the 2011-2012 financial year for implementation in the 2012-2013 financial year.

### **MOTION WITHDRAWN**

### **FURTHER MOTION**

**Moved Cr Tait/Cr Wilson**

**106/11 RESOLVED**

That in relation to the report Pirates Rugby Club – Request for Reduction of Waiving of Water Consumption Charges, Council:

- (i) defer determination of this item and invite the Pirates Rugby Club to supply financial information to support their request for the reduction or waiving of water consumption charges; and
- (ii) request the Director Water Enterprises liaise with the Pirates Rugby Club to investigate alternate options for the supply of water for irrigation and report the findings of both items (i) and (ii) to a future meeting of Council.

## **12.3 TENDER T049/2011 – SUPPLY AND DELIVERY OF FOUR WATER TANKERS - FILE NO T049/2011**

**DIRECTORATE:** REGIONAL SERVICES

**AUTHOR:** George Shearman, Manager Plant and Fleet Services

### **MOTION**

**Moved Cr Webb/Cr Tait**

**107/11 RESOLVED**

That in relation to the report T049/2011 – Supply and Delivery of four water tankers, Council accept the tender of K & J Trucks, for the supply and delivery of four Scania P320LB trucks complete with Tamalloy water tanker bodies for a combined purchase price of \$932,476.00 ex GST.

## 12.4 EFFLUENT REUSE FARM PROGRESS - FILE NO SF3217

**DIRECTORATE:** Water Enterprises

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

### MOTION

Moved Cr Durant/Cr Tait

### 108/11 RESOLVED

That in relation to the report Effluent Reuse Farm Progress, Council:

- (i) agree to reduce the rate of retention to 0% and make available all cash retention money to the Contractor REALM Pty Ltd under Contract T059/2008 immediately subject to:
  - (a) the provision of unconditional formal advice from the Contractor indicating that all subcontractors and suppliers have been paid and that no subcontractor nor supplier has any claim over work/equipment provided under the Contract and that all right, title and interest in the works and materials vests absolutely in Council, free of encumbrances or any claim by any person, including REALM.
  - (b) the contractor agreeing to reduce the operating period from 11 years to 10 years.
- (ii) agree to extend the access to Council's general security water allocation for a further 12 months to 30 June 2012; and
- (iii) advise that it will not make any other cash payments to REALM at this time.

## 12.5 WESTDALE ALLIANCE PROGRESS - FILE NO SF3216

**DIRECTORATE:** Water Enterprises

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

### MOTION

Moved Cr Tait/Cr Durant

### 109/11 RESOLVED

That in relation to the report Westdale Alliance Progress, Council:

- (i) note the revised estimated cost of Part A of the Westdale Wastewater Augmentation project and the revised estimated cost of the total project (Part A and Part B) and provide \$5,000,000 from the Wastewater Reserve to allow for this revised estimated total cost; and
- (ii) advise United Group Infrastructure Pty Ltd and MWH Pty Ltd that Council does not agree with the request to alter the scope of the project as per the proposal titled "Westdale Alliance TOC & Fee Review" prepared by United Group and dated February 2011.

## **12.6 LEASE OF TAMWORTH REGIONAL LIVESTOCK MARKETING CENTRE/SALE OF LAND/CONSTRUCTION OF NEW REGIONAL LIVESTOCK MARKETING FACILITY - FILE NO SF3290**

**DIRECTORATE: COMMERCIAL AND COMMUNITY ENTERPRISES**

**AUTHOR: Michael Dubois, Business Manager**

### **MOTION**

**Moved Cr Webb/Cr Tait**

### **110/11 RESOLVED**

That in relation to the lease of the current Tamworth Regional Marketing Centre and the construction of a new Regional Livestock Marketing Centre, Council:

- (i) approve a twelve month lease of the existing Tamworth Regional Livestock Marketing Centre to Regional Livestock Exchange (RLX) from 1 July 2011 to 30 June 2012;
- (ii) approve the sale of the land being Lot 17 in DP865930 to Palisade Investment Pty Ltd for an amount of \$35,000.00 exclusive of GST;
- (iii) approve the amendments to the Contract of Sale of Land as detailed in the body of the report;
- (iv) approve the submission of an application under the Regional Development Australia Fund for the necessary modification works to the Oxley Highway and Wallamore Road intersections and the upgrade of Phoenix Street;
- (v) note that Palisade Investments Pty Ltd is seeking to undertake a staged construction of the new Regional Livestock Marketing Centre; and
- (vi) authorise the fixing of the Common Seal of Council to the lease document and the contract for the sale of land.

## **13 RESOLUTIONS PASSED IN CLOSED COUNCIL**

At 7.42 pm 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 7.45pm.

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

**- oOo -**