

# ORDINARY COUNCIL MINUTES

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

TUESDAY 28 JUNE 2011 at 6:30pm

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Minutes

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

**IN ATTENDANCE:** The General Manager, Director Water Enterprises, Acting Director Corporate and Governance, Director Business and Economic Development, Director Planning and Community Services and Director Regional Services.

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## 1 APOLOGIES

Nil

## 2 COMMUNITY CONSULTATION

### 2.1 TAMWORTH REGIONAL LOCAL ENVIRONMENTAL PLAN 2010 – ZONING OF THE MANILLA TOWNSHIP - FILE NO SF5303

**Mrs Judy McNamara** addressed Council and advised that she had not made any political donation or gift to any Councillor or Council employee. Mrs McNamara stated that her husband Shane and herself, own two properties and operate M&M Stockyards and Steel Fabrications in Manilla. She spoke regarding both of these properties situated in Manilla that have been affected by the LEP Zone changes.

These first property is 32-34 Market Street, Manilla, which has been owned by the McNamaras for over 20 years and that their business was first established in 1990. The property is a commercial building which adjoins a B2 zoning property in Manilla. This property is currently tenanted for twelve months. Representations were made by a business man willing to sign a five year lease for the establishment of a retail nursery on the property however, when he approached Council he was told the property was now zoned R1 General Residential and if the development was not in the scope of the existing development application then it would not be approved. She stated that he had since made other alternatives and they had lost a potential tenant.

The second property located at 25 Arthur Street, Manilla, where their Steel Fabrication business is situated. This property has also been zoned R1 General Residential and Mrs McNamara's main concern was that if they wished to change the use of both properties it would not be approved by Council, therefore affecting the future of their investment property and their business.

### 2.2 TAMWORTH REGIONAL LOCAL ENVIRONMENTAL PLAN 2010 – ZONING OF THE MANILLA TOWNSHIP - FILE NO SF5303

**Mr Merv Whithers** addressed Council and advised that he had not made any political donation or gifts to any Councillor or Council employee. Mr Whithers referred to the previous speaker, Mrs McNamara, and advised Council that he had intended to establish a retail nursery on 32-34 Market Street, Manilla, but due to the change in zoning, such a development would not be approved by Council.

Mr Whithers' other concern was that there is no industrial land in Manilla to buy or lease and, reportedly, Real Estate agencies in Manilla have turned away people interested in setting up businesses in Manilla.

## **2.3 TAMWORTH REGIONAL LOCAL ENVIRONMENTAL PLAN 2010 – ZONING OF THE MANILLA TOWNSHIP - FILE NO SF5303**

**Mrs Suzanne Gallagher** addressed Council and advised that they had not made any political donation or gift to any Councillor or Council employee. Mrs Gallagher advised Council that her husband Todd operates a building business and she runs small workshop at 4 Court Street, Manilla. Mrs Gallagher is concerned regarding the rezoning of this land into R1 General Residential therefore limiting the future use of this land unless it was exactly the same type of development as that to which the property is currently being utilised.

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

### **MOTION**

**Moved Cr Tait/Cr Woodley**

### **168/11 RESOLVED**

That the Minutes of the Ordinary Meeting of the Council held on Tuesday 14 June 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

## **5 MAYORAL MINUTE**

### **5.1 MAYORAL MINUTE – NATIONAL GENERAL ASSEMBLY (NGA), CANBERRA - FILE NO SF1385**

### **MOTION**

**Moved Cr Wilson/Cr Betts**

### **169/11 RESOLVED**

That the Mayoral Minute (circulated to the Council in Open Council) in relation to the attendance by Council Delegates at the National General Assembly in Canberra from 19 June to 22 June 2011, be received and noted.

## COUNCIL REPORTS

### OPEN COUNCIL REPORTS

#### 6 ENVIRONMENT & PLANNING

##### 6.1 STATUS REPORT – TRANSITION TO THE INTEGRATED PLANNING AND REPORTING FRAMEWORK - FILE NO SF4965

**DIRECTORATE:** ENVIRONMENT AND PLANNING  
**AUTHOR:** Lisa Roberts, Manager Integrated Planning and Reporting

**MOTION**

Moved Cr Woodley/Cr Webb

**170/11 RESOLVED**

That in relation to Council’s transition to the Integrated Planning and Reporting Framework, Council receive and note the contents of this status report.

##### 6.2 PLANNING PROPOSAL TO REZONE LOTS 15-16, DP 858511, FROM RE1 ‘PUBLIC RECREATION’ ZONE TO B5 ‘BUSINESS DEVELOPMENT’ ZONE - FILE NO SF 5279

**DIRECTORATE:** ENVIRONMENT AND PLANNING  
**AUTHOR:** Nathan Bartlett, Strategic Planner

**MOTION**

Moved Cr Tait/Cr Durant

Cr Paul Durant left the Chamber at 7.00pm.

**171/11 RESOLVED**

That in relation to the report on a planning proposal to rezone Lots 15-16, DP858511, from RE1 “Public Recreation” Zone to B5 “Business Development” Zone, Council resolve to forward the “Business Development” Planning Proposal identified in the report to the Minister for Planning in order to receive a gateway determination in accordance with Section 56 of the Environmental Planning and Assessment Act 1979.

#### RECORD OF VOTING ON DEVELOPMENT OR PLANNING MATTERS – SECTION 375A(3) LOCAL GOVERNMENT ACT 1993

**DIVISION**

COUNCILLORS WHO VOTED <b>FOR</b> THE DECISION	COUNCILLORS WHO VOTED <b>AGAINST</b> THE DECISION
1. Cr Col Murray, Mayor 2. Cr Phil Betts 3. Cr Ray Tait	NIL

4. Cr Helen Tickle
5. Cr James Treloar
6. Cr Russell Webb
7. Cr Juanita Wilson
8. Cr Warren Woodley

Cr Paul Durant returned to the Chamber at 7.10pm, after the Division was determined.

### **6.3 DWELLING ON LOT 34 DP 755322 NOWENDOC ROAD, NIANGALA - FILE NO DA0403/2011**

**DIRECTORATE: ENVIRONMENT AND PLANNING**

**AUTHOR: Lucy Walker, Senior Development Assessment Planner**

The Mayor commented that Council had received a letter from the applicant (Ms Judith Capp) advising that she wished to address the Council in relation to her Development Application. However, Ms Capp also advised that she was unable to attend Council's meeting on 28 June 2011, and she requested that Council defer determination of this matter to the next Open Ordinary Council Meeting scheduled for Tuesday 12 July 2011.

#### **MOTION**

**Moved Cr Betts/Cr Wilson**

**172/11**

#### **RESOLVED**

That, in relation to Development Application No. DA0403/2011 for a Dwelling on Lot 34 DP 755322 Nowendoc Road, Niangala, the application be deferred for consideration at Council's Ordinary Meeting to be held on Tuesday, 12 July 2011, to allow the applicant the opportunity to address the Council.

### **6.4 TAMWORTH REGIONAL LOCAL ENVIRONMENTAL PLAN 2010 – ZONING OF THE MANILLA TOWNSHIP - FILE NO SF5303**

**DIRECTORATE: ENVIRONMENT AND PLANNING**

**AUTHOR: Andrew Spicer, Strategic Planner (Section 94)**

#### **MOTION**

**Moved Cr Webb/Cr Woodley**

**173/11**

#### **RESOLVED**

That in relation to the zoning of the Manilla Township under the Tamworth Regional Local Environmental Plan, Council:

- (i) receive and note the contents of the report; and
- (ii) proceed to call for Expressions of Interest (EOI) in October 2011 for potential industrial land release and request a further report be presented to Council in November 2011 to advise of the outcome of the EOI process.

## **7 INFRASTRUCTURE AND SERVICES**

### **7.1 INQUIRY INTO THE IMPACT OF THE GUIDE TO THE MURRAY DARLING BASIN PLAN - FILE NO SF4632**

**DIRECTORATE: WATER ENTERPRISES**

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

**MOTION**

**Moved Cr Woodley/Cr Durant**

**174/11 RESOLVED**

That in relation to the report "Inquiry into the Impact of the Guide to the Murray Darling Basin Plan", Council receive and note the report.

### **7.2 REVIEW OF COUNCIL'S ENGINEERING DESIGN GUIDELINES FOR SUBDIVISIONS AND DEVELOPMENTS - FILE NO SF2758**

**DIRECTORATE: REGIONAL SERVICES,  
ENVIRONMENT, PLANNING & ECONOMIC DEVELOPMENT  
AND WATER ENTERPRISES**

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

**MOTION**

**Moved Cr Tait/Cr Wilson**

**175/11 RESOLVED**

That in relation to the report "Review of Council's Engineering Design Guidelines for Subdivisions and Developments", Council:

- (i) adopt the Engineering Design Guidelines for Subdivisions and Developments including the amendments detailed in this report; and
- (ii) adopt the policy titled Sanctions for Developers/Consultants involved in Development.

### 7.3 2011 LOCAL GOVERNMENT WATER MANAGEMENT CONFERENCE GRAFTON 14 -16 SEPTEMBER 2011 - FILE NO SF707

**DIRECTORATE:** WATER ENTERPRISES

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

**MOTION**

Moved Cr Tait/Cr Durant

**176/11 RESOLVED**

That in relation to the report “2011 Local Government Water Management Conference Grafton 14 – 16 September 2011”, Council nominate Councillors Treloar and Woodley to attend this Conference, subject to availability.

### 7.4 NAMING OF SOCCER FIELD IN HONOUR OF JAN AND KEVIN JOHNSON - FILE NO PF36

**DIRECTORATE:** REGIONAL SERVICES

**AUTHOR:** Brian Sheedy, Acting Manager Parks and Horticulture

**MOTION**

Moved Cr Tait/Cr Betts

**177/11 RESOLVED**

That in relation to the request from Tamworth District Football Association to dedicate the main Soccer Field at Gipps Street Sporting Complex in honour of Jan and Kevin Johnson, Council:

- (i) accede to the Association’s request in principle, and, being a Council owned facility, to recommend to the Association that for practical ground management of the Complex in the future, Field 8 be named *The Johnson Field*;
- (ii) record that the naming of *The Johnson Field* be in honour of Jan and the Late Kevin Johnson, in recognition of the couple’s outstanding commitment to the administration and development of football (soccer) in Tamworth and district for a period of almost 40 years;
- (iii) liaise with the Tamworth District Football Association seeking the Association’s endorsement of the field name adopted by the Council; and
- (iv) erect a suitable plaque on the Dugout to Field 8 to acknowledge this dedication.

## 7.5 RESIDENT FUNDED SEALING WORKS POLICY - FILE NO SF1384

**DIRECTORATE:** REGIONAL SERVICES  
**AUTHOR:** Warren Faulkner, Manager Works and Assets

### **MOTION**

**Moved Cr Webb/Cr Tickle**

That the Council Policy titled "Resident Funded Sealing Works" be rescinded and not replaced, effective on and from 29 June 2011.

The Motion, with the consent of the mover and seconder, was **WITHDRAWN**. The Mayor accepted the withdrawal of the Motion.

### **MOTION**

**Moved Cr Tait/Cr Wilson**

**178/11 RESOLVED**

That the Council Policy titled "Resident Funded Sealing Works" be reviewed and a further report be presented to Council.

Cr Phil Betts left the Chamber at 7.43pm.

## **8 CORPORATE & GOVERNANCE**

### 8.1 COUNCIL INVESTMENTS MAY 2011 - FILE NO SF4917

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

### **MOTION**

**Moved Cr Woodley/Cr Webb**

**179/11 RESOLVED**

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

Cr Phil Betts returned to the Chamber at 7.50pm.

## **8.2 LOCAL GOVERNMENT REFORM FUNDING WORKSHOPS - FILE No SF4058**

**DIRECTORATE:** CORPORATE AND GOVERNANCE  
**AUTHOR:** Karen Litchfield, Manager Citizen Services

### **MOTION**

**Moved Cr Woodley/Cr Betts**

### **180/11 RESOLVED**

That in relation to the report “Local Government Reform Funding Workshops”, one of which is to be held in Tamworth on Monday 18 July 2011, Council:

- (i) receive and note the report;
- (ii) appoint Crs Murray, Webb and Woodley and one (1) senior staff member attend the morning Asset Management workshop on behalf of Tamworth Regional Council; and
- (iii) appoint Crs Durant, Tickle and Webb and one (1) senior staff member to attend the afternoon Long Term Financial Planning workshop on behalf of Tamworth Regional Council.

## **8.3 PART ROAD CLOSURE AND SALE OF LAND TO ROYAL FREEMASONS BENEVOLENT INSTITUTION - FILE No SF3803**

**DIRECTORATE:** OFFICE OF THE GENERAL MANAGER  
**AUTHOR:** Peter Thompson, Legal Counsel

### **MOTION**

**Moved Cr Betts/Cr Woodley**

### **181/11 RESOLVED**

That in relation to the sale of the land created from the part road closure of Ann Newman Lane, Council authorise the affixing of the Seal of Council to the Transfer between Royal Freemasons Benevolent Institution and Council.

## **9 REPORTS FROM DELEGATES**

Nil

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

### **10.1 BOLLARDS AND BOOM GATES ON CARTER STREET PLAYING FIELDS – FILE No PF73**

Cr Durant congratulated Council on the commencement of works on the installation of bollards and boom gates at the entrances to the Carter Street playing fields.

## **10.2 LETTER OF APPRECIATION – FILE NO SF875**

Cr Wilson requested that the General Manager forward a letter to staff member Emma Briggs congratulating her on the assistance provided to a resident of Manilla, in submitting his development application to establish a business in Manilla. (Refer Item 2.2 above).

## **10.3 TEST BORES ON ROAD VERGES – FILE NO SF444**

Cr Wilson raised concerns regarding companies testing bores on road verges without seeking permission from the local Council citing Narrabri and Gunnedah Councils as examples. Cr Wilson asked if the Tamworth Regional Council was aware of this happening in our region and requested the General Manager to hold a workshop to establish an internal response from Council in the event that “illegal” bore testing and/or requests to carry out such tests, occur in the Tamworth Regional Council local government area. The Mayor stated that through the Group known as Namoi Councils, there is a very strong legal opinion that any proponents must seek the respective council’s permission and requested that the General Manager confirm this with a report to Council.

## **10.4 SATURDAY NDL – MINING LICENCES – FILE NO SF444**

Cr Tait referred to an article in Saturday’s Northern Daily Leader regarding the Application for Exploration Mining Licences being lodged with the Department of Trade and Investment, Regional Infrastructure and Services on a number of sites and requested the General Manager to investigate these licences and their impact on Council and our community.

## **10.5 BARRABA FEASIBILITY STUDY – FILE NO SF5179**

Cr Woodley referred to an email that he had received from the Barraba Community Development Committee in reference to a public meeting being held on 26 July 2011, regarding the asbestos mine and mining leases at Barraba. Cr Woodley urged Council to be represented at the meeting.

## **10.6 LOCAL GOVERNMENT FOCUS PUBLICATION**

Cr Webb drew attention to an article in the Local Government Focus Publication regarding sustainable population strategies. Cr Webb requested the General Manager to contact advisors from the Federal Office of Sustainability, Environment, Water, Population and Communities inviting them to address Council on attracting more people to the Tamworth Regional Council local government area.

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

## **MOTION**

**Moved Cr Woodley/Cr Webb**

## **182/11 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 TENDER T052/2011 – SLUDGE DEWATERING, WESTDALE AND SWAN STREET WASTEWATER TREATMENT WORKS - FILE NO T052/2011**

**DIRECTORATE:** Water Enterprises  
**AUTHOR:** Neil Sharpham, Headworks 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.

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

**DIRECTORATE:** WATER ENTERPRISES  
**AUTHOR:** Bruce Logan, Director Water Enterprises

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.

**11.3 BUILDING BETTER REGIONAL CITIES PROGRAM - FILE NO SF4961**

**ADDITIONAL ITEM**

Cr Treloar advised that he wished to raise an item in Closed Council in relation to the Building Better Regional Cities Program, on the grounds of Section 10A(2)(d)(ii) of the Local Government Act 1993 which could confer a commercial advantage on a competitor of the council.

\* \* \* \* \*

At 8.02pm, 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 TENDER T052/2011 – SLUDGE DEWATERING, WESTDALE AND SWAN STREET WASTEWATER TREATMENT WORKS - FILE NO T052/2011

**DIRECTORATE:** WATER ENTERPRISES  
**AUTHOR:** Neil Sharpham, Headworks Engineer

#### **MOTION**

**Moved Cr Woodley/Cr Webb**

#### **183/11 RESOLVED**

That in relation to the report “Tender T052/2011 – Sludge Dewatering, Westdale and Swan Street Wastewater Treatment Works”, Council accept the conforming tender from Waste Processing Solutions at the schedule of rates detailed in the report.

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

**DIRECTORATE:** WATER ENTERPRISES  
**AUTHOR:** Bruce Logan, Director Water Enterprises

#### **MOTION**

**Moved Cr Woodley/Cr Webb**

#### **184/11 RESOLVED**

That in relation to the report “Pirates Rugby Club – Request for Reduction or 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.

### **12.3 ADDITIONAL ITEM: BUILDING BETTER REGIONAL CITIES PROGRAM - FILE NO SF4961**

The Building Better Regional Cities Program is a \$100 million commitment by the Australian Government to invest in local housing infrastructure projects that will help thousands of more affordable homes in high growth regional cities over the next three years. Forty-seven regional cities have been invited to participate in the program. These cities have population over 30,000 and are facing housing pressures due to strong economic, jobs and population growth.

#### **MOTION**

**Moved Cr Treloar/Cr Woodley**

**185/11 RESOLVED**

That Council vigorously pursue funding under the Federal Government Building Better Regional Cities Program.

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

At 8.12 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 8.13pm.

Chairperson

**- oOo -**