

ORDINARY COUNCIL

MINUTES

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

TUESDAY 8 JUNE 2010 at 6:30pm

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

IN ATTENDANCE: The General Manager, 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 Ray Tait, who was unable to attend the meeting due to personal business out of the Region.

MOTION

Moved Cr Phil Betts/Cr Paul Durant

183/10 RESOLVED

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

2 COMMUNITY CONSULTATION

Nil.

3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

MOTION

Moved Cr Russell Webb/Cr Paul Durant

184/10 RESOLVED

That the Minutes of the Ordinary Meeting of the Council held on Tuesday 25 May 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

Nil.

5 MAYORAL MINUTE

Nil.

6 OPEN COUNCIL REPORTS

6.1 SUBDIVISION (TWO LOTS) - 588 WARRAL ROAD, WARRAL - FILE No DA 0389/2010

DIRECTORATE: ENVIRONMENT, PLANNING AND ECONOMIC DEVELOPMENT
AUTHOR: Catherine Pyne, Team Leader Development Assessment

MOTION

Moved Cr Warren Woodley/Cr Phil Betts

That, in relation to Development Application No.0389/2010 for the Subdivision (Two Lots) of Lot 7, DP 245864, 588 Warral Road, Warral, Council refuse development consent for the following reasons:-

- (i) The proposal does not meet the area specified in the Minimum Lot Size Map under the Draft Tamworth Regional Local Environmental Plan 2009 [Section 79C(1)(a)(ii) – any draft environmental planning instrument that is or has been placed on public exhibition]; and
- (ii) The proposal does not meet clause 7.4 of Tamworth Development Control Plan No.19 – Subdivision Guidelines, as reticulated water is not available [Section 79C(1)(a)(iii) – any development control plan]; and
- (iii) The proposal does not satisfy specific zone objectives (d) and (h) in the development control table to Zone 1(d) under Clause 10 to Tamworth Local Environmental Plan 1996, as reticulated water is not available [Section 79C(1)(a)(i) – any environmental planning instrument].

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 Warren Woodley	1. Cr Phil Betts 2. Cr Paul Durant 3. Cr Helen Tickle 4. Cr Russell Webb 5. Cr Juanita Wilson

MOTION LOST

MOTION

Moved Cr Russell Webb/Cr Helen Tickle

185/10 RESOLVED

That, in relation to Development Application No.0389/2010 for the Subdivision (Two Lots) of Lot 7, DP 245864, 588 Warral Road, Warral, Council approve the Application with the following conditions:

GENERAL

- 1) The development must be carried out in accordance with the Development Application and accompanying plans, drawings and other documents as amended by conditions of this consent. Any amendment to the development or to these conditions will require the consent of the Council.

PRIOR TO ISSUE OF A SUBDIVISION CERTIFICATE

- 2) All weather vehicle access of adequate pavement depth shall be provided to accommodate the likely traffic generated by the lot. The driveway shall include bitumen sealing (two coats) of the driveway from the property boundary to the edge of Bitumen which shall overlap the bitumen by 100mm. The shape of the driveway will follow the shape of the existing tabledrain.
- 3) Notification being provided that satisfactory arrangements have been made with Telstra to ensure that telecommunications infrastructure is available for each lot in accordance with community expectations.
- 4) Notification being provided that satisfactory arrangements have been made with Country Energy to ensure that electricity supply infrastructure is available for each lot in accordance with community expectations.
- 5) Council is satisfied that the proposed development is likely to increase the demand for the following public amenities and public services within the area:
 - community facilities; and
 - urban roads (catchment no.4 west).

Pursuant to Section 94 of the Environmental Planning and Assessment Act 1979 Council requires the payment of a monetary contribution of:

- \$312 toward the provision of community facilities;
- \$951 toward the provision of urban roads; and
- \$32.80 of the calculated contribution toward the recoupment of costs associated with the preparation of administration studies.

The contributions shall be paid prior to release of the Subdivision Certificate.

The contributions required by this condition are allowed by and determined in accordance with the Tamworth Urban Section 94 Contributions Plan 2006-2011

commencing on 01 August 2005, a copy of which may be inspected at the office of the Council.

NOTE: The above contributions have been adopted under the 2009/2010 Council Management Plan. Revised rates adopted in subsequent Management Plans will apply to lots released in later financial years.

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 Helen Tickle 5. Cr Russell Webb 6. Cr Juanita Wilson	1. Cr Warren Woodley

6.2 INTERIM REVIEW OF OPERATION FOR THE JOINT REGIONAL PLANNING PANELS – SF4857

DIRECTORATE: ENVIRONMENT, PLANNING AND ECONOMIC DEVELOPMENT

AUTHOR: Alison McGaffin, Director, Environment, Planning and Economic Development

MOTION

Moved Cr Paul Durant/Cr Juanita Wilson

186/10 RESOLVED

That, in relation to the Interim Review of the Joint Regional Planning Panels, Council:

- (i) provide written confirmation to the Minister for Planning that both the General Manager and Director, Environment, Planning and Economic Development hold delegation to determine all regionally significant applications in the circumstances outlined and the Manager, Development and Approvals holds delegations to determine regionally significant applications in specific circumstances;
- (ii) advise the Minister that Council seeks delegation for the nominated officers to determine regionally significant applications within the Taminda and Glen Artney industrial precincts, based on the strategic planning framework provided by the Taminda Revitalisation and Economic Development Strategy and the Glen Artney Development Strategy; and
- (iii) advise the Minister that, following gazettal of the Tamworth Regional Local Environmental Plan (TRLEP) and completion of the associated masterplanning processes for the Tamworth Business Park and various identified Urban Release Areas, Council will seek further delegation to determine any regionally significant applications in these precincts and areas.

7 INFRASTRUCTURE AND SERVICES

7.1 TENDER T051/2010 – REHABILITATION OF SEWER MAINS BY INSITU RELINING AT BARRABA - FILE NO T051/2010

DIRECTORATE: WATER ENTERPRISES
AUTHOR: Daniel Coe - Water Engineer

MOTION

Moved Cr Warren Woodley/Cr Russell Webb

187/10 RESOLVED

That Council 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.

7.2 CRAIGENDS LANE SEWER MAINS UPGRADE - ACQUISITION OF 3 METRE WIDE SEWER EASEMENT - FILE NO LF 23336

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

MOTION

Moved Cr Paul Durant/Cr Juanita Wilson

188/10 RESOLVED

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

7.3 BARRABA WATER - UPDATE VARIOUS MATTERS - FILE NO SF1884

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

MOTION

Moved Cr Russell Webb/Cr Juanita Wilson

189/10 RESOLVED

That in relation to the report Barraba Water – Update Various Matters Council:

- (i) receive and note the report;
- (ii) not apply for an extension of the test license for the 2 James Street bores;

- (iii) cease the James Street bore trial on 30 June 2010 on the understanding that:
 - o after June 30 2010 should the bores be required to meet the daily demand of Barraba, under the restrictions in place at the time, that groundwater will be sourced from the bores in accordance with the original license which allows pumping from the bores only after the introduction of level 4 restrictions in Barraba;
 - o a period of at least 2 months without pumping from the bores is required to allow recharge of adjacent bores to be monitored and the results of this monitoring to be included in the final report on the sustainability of the James Street bores; and
- (iv) apply for an extension of the temporary license allowing the Barraba Golf Club access to TB8 to supplement irrigation flow from the Golf Club's own bore/s for a period of 3 months after the bore trial ends.

8 GOVERNANCE, STRATEGY AND FINANCE

8.1 ANNUAL FEES – COUNCILLORS AND MAYORS - FILE NO SF828

DIRECTORATE: CORPORATE AND GOVERNANCE

AUTHOR: R Charlesworth, Administration and Governance Manger

MOTION

Moved Cr Warren Woodley/Cr Paul Durant

190/10 RESOLVED

- (i) That in accordance with Council's policy Council determine the annual fee payable to a councillor and the Mayor at the maximum annual fee determined by the Local Government Remuneration Tribunal; and
- (ii) That the Local Government Remuneration Tribunal be advised that not all councillors appointed to the Joint Regional Planning Panels are paid a fee covering the increase in responsibilities as stated in their determination.

At 7:09pm Cr Phil Betts left the meeting.

At 7:10pm Cr Phil Betts returned to the meeting.

8.2 NEW REGIONAL LIVESTOCK MARKETING CENTRE – REGIONAL INFRASTRUCTURE PTY LTD/PALISADE INVESTMENT - FILE No SF3290

DIRECTORATE: CORPORATE AND GOVERNANCE

AUTHOR: M Dubois, Business Manager

MOTION

Moved Cr Warren Woodley/Cr Phil Betts

191/10 RESOLVED

That the report in relation to the development of a new Regional Livestock Marketing Centre in Tamworth be received and noted.

8.3 COMMUNITY DEVELOPMENT COMMITTEES - MINUTES - FILE No SF1907, SF2664, SF2637 & SF2586

DIRECTORATE: CORPORATE AND GOVERNANCE

AUTHOR: Jodie Archer, Section 355 Coordinator

MOTION

Moved Cr Phil Betts/Cr Juanita Wilson

192/10 RESOLVED

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

<u>Committee</u>	<u>Date</u>
Kootingal Community Development Committee	12 April 2010
Bendemeer Community Development Committee	28 April 2009
Nundle Community Development Committee	3 May 2010
Manilla Community Development Committee	5 May 2010.

8.4 WESTPAC RESCUE HELICOPTER SERVICE LEASE TAMWORTH AIRPORT - FILE No SF115

DIRECTORATE: OFFICE OF THE GENERAL MANAGER

AUTHOR: Glenn Inglis – General Manager

MOTION

Moved Cr Paul Durant/Cr Warren Woodley

193/10 RESOLVED

That in relation to:-

1. A resolution by Council at its Open Ordinary Meeting held on 27 April 2010, whereby Council resolved to provide financial assistance to the Westpac Rescue Helicopter Service (New England-North West) based at the Tamworth Regional Airport (refer Minute No 138/10); and
2. The statutory requirement to publicly advertise this proposal in accordance with the provisions of Section 356 of the Local Government Act 1993:-

- (i) Council receive and note the one public submission by the Tamworth and District Chamber of Commerce and Industry.
- (ii) Council re-affirm its decision:-
 - (a) to apply a 50% concession to lease rental payments from the 1 January, 2011 for the lease term of twenty (20) years as described within the report;
 - (b) to grant a 50% concession on D.A. fees, Headwork charges and Construction Certificate fees as described within the report;
 - (c) to grant a 100% concession towards ILS and landing fees for the lease term of twenty (20) years as described within the report;
 - (d) to enter into a formal Logo Rights Sponsorship Agreement with WRHS that recognises Council's total concessional package; and
 - (e) to review in consultation with WRHS the total sponsorship package after five (5) years, ten (10) years and fifteen (15) years.

9 REPORTS FROM DELEGATES

9.1 THE FUNDAMENTALS OF HERITAGE - FILE NO SF76

DELEGATES REPORT

AUTHOR: Cr Juanita Wilson

MOTION

Moved Cr Juanita Wilson/Cr Helen Tickle

194/10 RESOLVED

That the Delegate's Report "The Fundamentals of Heritage" be received and noted.

10 QUESTIONS AND MATTERS OF URGENCY

10.1 RIVERSIDE PLAYING FIELDS VANDALISATION – FILE NO PF73

Cr Paul Durant referred to a report in the Northern Daily Leader, Monday 7 June 2010 in relation to the damage to the Riverside Sporting Fields caused by vandals and requested the Director Regional Services investigate and advise on options available to deter vandalism. The Director Regional Services advised that he would investigate and report back to Council.

10.2 DALWOOD ASSESSMENT CENTRE – FILE No SF664

MOTION

Moved Cr Juanita Wilson/Cr Paul Durant

195/10 RESOLVED

That Council submit a letter to the NSW Health Department requesting the Centre remain open as it provides quality assessment and remediation for rural children with learning difficulties.

10.3 STATE EMERGENCY SERVICES MANAGEMENT PLAN SUBMISSION – FILE No SF4653

Cr Juanita Wilson advised that councillors had received a letter from the State Emergency Services requesting Council reconsider the proposed reduction in the contribution from Council. The General Manager advised that this related to a Management Plan submission and would be actioned at the next Ordinary Meeting of Council scheduled for 22 June 2010.

10.4 TAMWORTH REGIONAL AIRPORT CARPARKING - FILE No SF2592

Cr Helen Tickle asked the General Manager what actions had been undertaken following the evaluation of the car parking facilities at the Tamworth Regional Airport.

The General Manager advised that short term strategies were being implemented and that the longer term car parking strategy was part of the Tamworth Regional Airport Master Plan and additional car parking and appropriate budget bids would be considered once the Master Plan was completed.

10.5 LEGAL MATTER – FILE No – SF4408

MOTION

Moved Cr Helen Tickle/Cr Juanita Wilson

196/10 RESOLVED

That the matter be considered in a meeting closed to the public during the receipt of information or the discussion of advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege in accordance with Section 10A(2)(g) of the Local Government Act 1993.

10.6 TOM QUILTY GOLD CUP MANILLA 2010 – FILE No SF700

Cr Russell Webb advised that he had received a letter from the organisers of the Tom Quilty Gold Cup requesting that Council undertake maintenance to ensure Manilla and its region are showcased during the event and would forward the letter to the Director Regional Services.

10.7 DRAFT TAMWORTH REGIONAL LOCAL ENVIRONMENTAL PLAN 2009 – FILE NO SF4831

MOTION

Moved Cr Russell Webb/Cr Phil Betts

197/10 RESOLVED

That the General Manager be requested to write to the Minister for Planning to ask that the next processes in relation to the Draft Tamworth Regional Local Environmental Plan 2009 be undertaken as efficiently and effectively as possible to ensure that Developments within this region are not compromised.

10.8 TAMINDA LEVEE AND ALTERATION TO ACCESS – FILE NO SF110

Cr Russell Webb requested an update on the access for property owners affected by the proposed alterations. The Director Regional Services advised that he would investigate and supply the information to councillors.

At 7:35pm the Meeting moved into Closed Council to consider the undermentioned Report(s) it being noted that there were no members of the public in attendance at this Meeting at this time and 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 TENDER T051/2010 – REHABILITATION OF SEWER MAINS BY INSITU RELINING AT BARRABA - FILE NO T051/2010

DIRECTORATE: WATER ENTERPRISES
AUTHOR: Daniel Coe - Water Engineer

MOTION

Moved Cr Russell Webb/Cr Phil Betts

198/10 RESOLVED

That, in relation to the report Tender T051/2010 – Rehabilitation of Sewer Mains by Insitu Relining at Barraba, Council accept the conforming tender from Interflow Pty Ltd at the schedule of rates detailed in the report.

11.2 CRAIGENDS LANE SEWER MAINS UPGRADE - ACQUISITION OF 3 METRE WIDE SEWER EASEMENT - FILE NO LF23336

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

MOTION

Moved Cr Paul Durant/Cr Warren Woodley

199/10 RESOLVED

That, in relation to the report Craigends Lane Sewer Mains Upgrade - Acquisition of a 3 Metre Wide Easement, Council:

- (i) authorise the acquisition of a 3 metre wide sewer easement through property Lot 3 DP235548 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.

ADDITIONAL ITEM – LEGAL MATTER – SF4408

Cr Helen Tickle tabled a matter concerning possible legal implications for further investigation by the Mayor and General Manager.

12 RESOLUTIONS PASSED IN CLOSED COUNCIL

At 7:54pm 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 7:55pm.

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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