

# ORDINARY COUNCIL MINUTES

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

**TUESDAY 8 NOVEMBER 2011 at 6:30pm**

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

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

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## **1 APOLOGIES**

An apology was announced as having been received from Cr Treloar who was unable to attend the Meeting due to personal reasons.

### **MOTION**

**Moved Cr Tait/Cr Woodley**

### **335/11 RESOLVED**

That the apology be accepted and Cr Treloar be granted leave of absence from the Meeting.

## **2 COMMUNITY CONSULTATION/PRESENTATIONS**

### **2.1 PRESENTATION OF FINANCIAL REPORTS 2010/2011 – AUDITORS PRESENTATION – FILE NO SF4924**

Mr Luke Malone of Prosperity Audit Services presented Tamworth Regional Council's Financial Reports 2010/2011.

### **2.2 PRESENTATION BY THE NUNDLE TIDY TOWNS COMMITTEE – FILE NO SF1130**

Ms Claire Lennon presented Council with the Wildlife Corridors and Habitats Conservation Awards – Category A for the Nundle Riverside Project received at the 2011 Tidy Towns Sustainable Communities Program Awards held in Lithgow on 4 - 6 November 2011. Ms Lennon stated that the River is a beautiful place and expressions of interest from other regions to view the project stands a testament to the great work by the Nundle Community. The Mayor congratulated Ms Lennon on behalf of Council for being a model Community in the Regional Council Area.

Ms Kay Burnes presented the first place Overall Town Category A Award to Council and Miss Georgia Burnes presented Council with the Highly Commended second place for the School Environmental Award – Category 5.

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

#### **MOTION**

**Moved Cr Tait/Cr Webb**

#### **336/11 RESOLVED**

That the Minutes of the Ordinary Meeting of the Council held on Tuesday 11 October 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**

Nil

### **COUNCIL REPORTS**

### **OPEN COUNCIL REPORTS**

### **6 ENVIRONMENT AND PLANNING**

#### **6.1 APPLICATION FOR MODIFICATION [MOD0021/2012] TO DEVELOPMENT CONSENT No DA0502/2008 – TAMWORTH ANIMAL IMPOUNDING FACILITY FOR CATS AND DOGS, BELMORE STREET, TAMINDA – FILE NO DA0502/2008**

**DIRECTORATE: PLANNING AND COMMUNITY SERVICES**  
**AUTHOR: Emma Briggs, Senior Development Assessment Planner**

#### **MOTION**

**Moved Cr Tait/Cr Webb**

#### **337/11 RESOLVED**

That in relation to the application [MOD0021/2012] to modify Development Consent No DA0502/2008, Council:

- (i) approve the application to delete condition 21 relating to the installation of acoustic noise baffles; and
- (ii) commits to taking appropriate action in the future should a noise issue arise from the facility.

**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 Paul Durant 3. Cr Ray Tait 4. Cr Helen Tickle 5. Cr Russell Webb 6. Cr Juanita Wilson	1. Cr Warren Woodley

**6.2 DEVELOPMENT APPLICATION FOR ACTIVITIES ASSOCIATED WITH THE COUNTRY MUSIC FESTIVAL, INCORPORATING A CARAVAN AND CAMPING GROUND, AMENITIES, ENTERTAINMENT AND PROMOTIONAL DISPLAYS ON LOT 1 DP 741550, LOT 13 DP 1143805, LOTS 42 DP 975280, LOT 142 DP 1109647, LOTS 22-26, 33-35, 37-40 DP 95995, LOT 2 DP 707068, LOT 3 DP 164103, LOT 1 DP 156211, CARTER AND PLAIN STREETS, TAMWORTH – FILE NO DA0061/2012**

**DIRECTORATE:** PLANNING AND COMMUNITY SERVICES  
**AUTHOR:** Lucy Walker, Senior Development Assessment Planner

**MOTION**

Moved Cr Tait/Cr Wilson

**338/11 RESOLVED**

In relation to Development Application No DA0061/2012 for Activities Associated with the Country Music Festival, incorporating a Caravan and Camping Ground, Amenities, Entertainment and Promotional Displays on Lot 1 DP 741550, Lot 13 DP 1143805, Lots 42 DP 975280, Lot 142 DP 1109647, Lots 22-26, 33-35, 37-40 DP 95995, Lot 2 DP 707068, Lot 3 DP 164103, Lot 1 DP 156211, Carter and Plain Streets, Tamworth, consent be granted subject to 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.
- 2) All proposed building, site works or property improvement indicated on the submitted plans or otherwise required under the terms of this consent shall be completed prior **to occupation of** the premises to ensure compliance with the provisions of the Environmental Planning and Assessment Act, 1979.
- 3) All temporary structures must be installed to comply with the provisions of the Building Code of Australia.
- 4) The temporary activities to which this consent relates may be carried out on an annual basis for the period of the official Festival Countdown and the Country

Music Festival. One week either side of these periods is provided to set up and dismantle the temporary structures.

- 5) All reasonable measures shall be taken to ensure that the development permitted by this consent does not cause injury and limits the impact to the amenity of the neighbourhood by reason of noise, unruly behaviour, traffic movement, excessive lighting or the like. In this regard, such measures include, but are not limited to:
- security arrangements;
  - noise control;
  - vehicular ingress and egress;
  - site lighting;
  - cars and car lighting; and
  - waste and waste disposal.

#### OPERATION OF THE CARAVAN PARK OR CAMPING GROUND

##### Placement of Caravans, Motor-homes and Tents

- 6) All recreational vehicles, campers or tents shall be at least three metres from any other camping unit or flammable structure and have an access which does not cross through or over an adjacent camp site.
- 7) Vans, motor homes, buses and any other motor powered accommodation shall park facing the road way to allow the vehicle to leave the site quickly in the event of an emergency.
- 8) Caravans shall be parked facing the road way (tow hitch facing the road) to facilitate ease of removal in emergency.

##### Amenities

- 9) At least one disabled access toilet and shower must be made provided and sign posted. The location of the disabled facilities shall also be shown on the map of the camp grounds.
- 10) Amenities must be provided in accordance with the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005.
- 11) Amenities shall be illuminated for use at night in accordance with the relevant Australian Standard. The access shall also be illuminated so that steps or ramps can be identified.

##### Water Supply

- 12) Any tap that does not supply potable water shall be signposted or rendered inoperable for the duration of the event.
- 13) Inflatable pools or tanks with the capacity to hold more than 300mm of water shall be prohibited from the campground to prevent the hazards associated with confined water and children.

##### Fires

- 14) Fires and candles in or near tents shall be banned in the campgrounds at all times.
- 15) An adult (over 18) must be in attendance whilst a barbeque is in operation to avoid uncontrolled fire and injury.
- 16) Fire fighting equipment shall be available in the campgrounds and its location clearly identified.

- 17) If generators are used they are subject to the following:
- (i) the generator must not cause nuisance noise. If any complaint is received the permission to use the generator can be revoked according to an authorised Council officer's discretion;
  - (ii) an adult (over 18) must be in attendance at all times when a generator is being run;
  - (iii) for each generator brought into the Camping Ground by a Patron, that patron must have at least one fire extinguisher of the appropriate type;
  - (iv) generators must not have a capacity greater than 5KVA output; and
  - (v) fuel for generators must be safely stored within a suitable sealed container, and not stored within a tent.

#### Solid Waste Storage/Collection

- 18) Garbage and other solid wastes shall be stored in durable, watertight containers with lids. There must be an adequate number of these containers to contain all the solid wastes produced – containers must be kept clean and in good condition. Waste containers must be easily accessible to camp patrons.

#### Environment

- 19) The banks of the Peel River must be protected to prevent erosion. Camp sites must be located a sufficient distance from the bank to prevent the likelihood of damage to the bank.
- 20) Dust mitigation measures may be required on unsealed access roads. In the event of nuisance dust, water trucks may be required. It is recommended that coarse gravel be supplied to any main unsealed access roads.

#### Noise

- 21) Nuisance noise shall not be created by any activity in the campground. Time limits of 8am -10pm for amplified music shall be enforced.
- 22) The use of a loud hailer, public address system or other broadcast device other than in association with the operations of a stage or in an emergency situation is prohibited.

#### Animal Management

- 23) The requirements of the Companion Animals Act 1998 shall be observed by animal owners to maintain the health and safety of their pets and prevent nuisance in the grounds. Council may request any animal be removed if a nuisance is created.

#### Emergency and Evacuation

- 24) Clear signage shall be displayed at the public entry points to the grounds to highlight that the camping area is on a flood plain and there may be a need to relocate at short notice.
- 25) Areas that can hold water (for example the drainage lines) shall be signposted to identify that standing water may be present or that the area may fill with water during rain.

- 26) A site plan and emergency evacuation procedure pertaining to the development shall be forwarded to the following authorities prior to the commencement of operations:
- NSW Fire Brigades;
  - NSW Police Service;
  - NSW Ambulance Service; and
  - State Emergency Service of New South Wales

**FOOD SAFETY REQUIREMENTS**

- 27) The operation of any food stalls from a marquee, tent or existing canteen must comply with the Food Act, 2003 and the Food Handling Guidelines for Temporary Events.
- 28) The operation of any food stalls from a “means of transport, whether self propelled or not, or otherwise designed to be moveable, which is used for selling food, whether on land, sea or air” must comply with the Food Act 2003 and the Mobile Food Vending Guidelines.

**ENTERTAINMENT**

- 29) The use of temporary stages for public entertainment and associated ancillary equipment and machinery shall not give rise to offensive noise as defined under the Protection of the Environment Operations Act, 1997.
- 30) An inspection of all temporary structures (prior to occupation, where applicable) shall be arranged by contacting Council’s Development and Approvals Division by phoning (02) 6767 5552.

**TENTS AND MARQUEES**

- 31) Fabric used in the temporary structure shall have a flammability index of six or less within a height of four metres of the ground and a flammability index of 25 or less elsewhere.
- 32) A fire extinguisher shall be provided within close proximity to any marquees that have a floor area exceeding 100m<sup>2</sup>.

**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 Paul Durant 3. Cr Ray Tait 4. Cr Helen Tickle 5. Cr Russell Webb 6. Cr Juanita Wilson 7. Cr Warren Woodley	NIL

### 6.3 PROPOSED ROAD NAME – STAGE 2, NORTHERN HILLS SUBDIVISION, NORTH TAMWORTH – FILE NO DA0716/2006 AND SF2771

**DIRECTORATE:** PLANNING AND COMMUNITY SERVICES  
**AUTHOR:** Jenny Clarke, Development Assistant

#### MOTION

Moved Cr Woodley/Cr Tait

#### 339/11 RESOLVED

That in relation to naming the new road created within the approved subdivision of Stage 2 of Northern Hills Subdivision, Lot 34 DP1078221, off Conimbla Crescent, North Tamworth, Council:

- (i) approve in principal, the road name 'Kaputar Close';
- (ii) advertise the proposed name as required by the Roads Act 1993 Section 162, Roads (General) Regulation 2008, Part 2, Division 2 to enable interested parties the opportunity to make comment;
- (iii) serve notice of proposed name on Australia Post, the Department of Lands, Chief Executive of the Ambulance Service of NSW, NSW Fire Brigades, the NSW Rural Fire Service, NSW Police Force and State Emergency Service; and
- (iv) following consideration and determination of any submissions made, proceed to publish the adopted name in the Government Gazette and notify Australia Post, the Department of Lands, Chief Executive of the Ambulance Service of NSW, NSW Fire Brigades, the NSW Rural Fire Service, NSW Police Force and State Emergency Service with sufficient particulars for identification of the road.

### 6.4 PROPOSED ROAD NAMES – VILLAGE OF WOOLBROOK – FILE NO SF2771

**DIRECTORATE:** PLANNING AND COMMUNITY SERVICES  
**AUTHOR:** Carolyn Tickle, Development Assistant

#### MOTION

Moved Cr Woodley/Cr Wilson

#### 340/11 RESOLVED

That in relation to naming two existing streets in Woolbrook that are currently unnamed, Council:

- (i) approve in principle, the road names "Trainview Street" and "Collier Street" for the Village of Woolbrook;
- (ii) advertise the proposed names as required by the Roads Act 1993 Section 162, Roads (General) Regulation 2088, part 2, Division 2 to enable interested parties the opportunity to make comment;
- (iii) serve notice of proposed names on Australia Post, the Department of Lands, Chief Executive of the Ambulance Service of NSW, NSW Fire Brigades, the NSW Rural Fire Service, NSW Policy Force and State Emergency Service; and

- (iv) following consideration and determination of any submissions made, proceed to publish the adopted names in the Government Gazette and notify Australia Post, the Department of Lands, Chief Executive of the Ambulance Service of NSW, NSW Fire Brigades, the NSW Rural Fire Service, NSW Police Force and State Emergency Service with sufficient particulars for identification of the roads.

**6.5 MODIFICATION [MOD0019/2012] TO DEVELOPMENT CONSENT NO 0406/2011 – TURF FARM – LOT 7, DP 1048585, ROBERTS ROAD, KINGSWOOD – FILE NO DA0406/2011**

**DIRECTORATE: PLANNING AND COMMUNITY SERVICES**  
**AUTHOR: Catherine Pyne, Team Leader Development Assessment**

**MOTION**

**Moved Cr Woodley/Cr Tait**

**341/11 RESOLVED**

That Council defer consideration of this matter and request that a further report be presented to Council at the Ordinary Meeting on 22 November 2011.

**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 Paul Durant 3. Cr Ray Tait 4. Cr Helen Tickle 5. Cr Russell Webb 6. Cr Juanita Wilson 7. Cr Warren Woodley	NIL

**6.6 INTEGRATED PLANNING AND REPORTING – CONCEPT OF TWO STAGED APPROACH FOR INCREASING RATE REVENUE – FILE NO SF4965**

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

**MOTION**

**Moved Cr Durant/Cr Tait**

**342/11 RESOLVED**

That Council proceed to test community support for the concept of a two-staged approach for increasing rate revenue based on the following:

- (i) stage one – a permanent increase in ordinary rates in 2012/2013 financial year. Additional revenue from this increase targeted to specifically address the current funding gap for management of existing assets; and

- (ii) stage two – any proposed rate increases from 2013/2014 onwards to be special rate variations tied to the provision of specific additional services (new or expanded) and/or facilities outlined in the Community Strategic Plan. Rate increases to be limited to a specific period of time.

## **7 INFRASTRUCTURE AND SERVICES**

### **7.1 COMMUNITY PROJECTS WORKING GROUP – FILE No SF2594**

**DIRECTORATE:** REGIONAL SERVICES  
**AUTHOR:** Brian Sheedy, Manager Parks and Horticulture Services

#### **MOTION**

**Moved Cr Woodley/Cr Webb**

**343/11 RESOLVED**

That in relation to the report “Community Projects Working Group”, Council:

- (i) approve the establishment of a Community Projects Working Group and include the same in Council’s Register of External Boards, Committees, Working Groups and Organisations;
- (ii) approve the removal of the Tamworth Correctional Centre Consultative Committee from Council’s Register of External Boards, Committees, Working Groups and Organisations; and
- (iii) elect Cr Tait as Chairperson of the Working Group and Cr Wilson as alternate delegate.

### **7.2 FLOODPLAIN MANAGEMENT ASSOCIATION CONFERENCE – FILE No SF214**

**DIRECTORATE:** REGIONAL SERVICES  
**AUTHOR:** Graeme McKenzie, Manager Civil Construction

#### **MOTION**

**Moved Cr Tait/Cr Webb**

**344/11 RESOLVED**

That in relation to the report, Council nominate Cr Tait and Cr Webb as voting delegates to attend the Floodplain Management Association Conference in Batemans Bay from 21 to 24 February 2012.

## 7.3 TAMWORTH REGIONAL COUNCIL WASTE MANAGEMENT WORKING GROUP MINUTES – FILE NO SF3101

**DIRECTORATE:** REGIONAL SERVICES  
**AUTHOR:** John Davis, Manager Waste Services

### MOTION

Moved Cr Woodley/Cr Webb

### 345/11 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 11 October 2011;
- (ii) approve the continuation of bin bank waste disposal options within the Attunga locality;
- (iii) approve the permanent closure of the Attunga waste facility effective from 5 December 2011;
- (iv) approve that a survey of residents within the village of Attunga be conducted to establish whether residents of the village hold an interest in receiving a fortnightly garden organics waste collection service;
- (v) request the Sports Working Group to consider and report on possible future use of the land recently purchased by Council, on Forest Road adjacent to the Forest Road Landfill, with regard to any proposed development of sporting facilities in the locality; and
- (vi) authorise the General Manager to execute a Memorandum of Understanding (MOU) with both Walcha and Uralla Councils in respect of accepting all general solid waste from these Councils at the Forest Road Landfill. The MOU is to include the following conditions:
  - a. a five year acceptance period for the disposal of waste at the Tamworth Landfill, with an option that allows Walcha and/or Uralla Council to seek an extension of the agreement for a further three years;
  - b. the disposal cost for waste to be based on Tamworth Regional Councils adopted fee for commercial waste disposal at the Forest Road Landfill with an added 10 per cent surcharge on each tonne of waste received;
  - c. the transport route for delivery of all waste to the Forest Road Landfill to be via the New England Highway, Manilla Road, Bligh Street and Forest Road;
  - d. acceptance of the waste at the landfill to occur on weekdays from 8.00am to 4.00pm; and
  - e. the agreements are to be renegotiated should the Walcha, Uralla or Tamworth Regional Councils be amalgamated during the term of the agreement.

## 7.4 AMENDMENT TO COUNCILS POLICY FOR THE DISCHARGE OF LIQUID TRADE WASTE – FILE NO SF2645

DIRECTORATE: WATER ENTERPRISES  
AUTHOR: Daniel Coe, Water Engineer

### MOTION

Moved Cr Woodley/Cr Wilson

### 346/11 RESOLVED

In relation to the report “Amendment to Council’s Policy for the Discharge of Liquid Trade Waste”, Council:

- (i) incorporate the suggested changes from the NSW Office of Water into Council’s Policy for the Discharge of Liquid Trade Waste; and
- (ii) adopt the amended policy as the current version.

## 8 GOVERNANCE, STRATEGY AND FINANCE

### 8.1 FINANCIAL REPORTS 2011/2011 – CONSOLIDATED – TAMWORTH REGIONAL COUNCIL – FILE NO SF4924

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

### MOTION

Moved Cr Webb/Cr Tait

### 347/11 RESOLVED

That in relation to the Annual Financial Reports and Auditor’s Reports for the period ended 30 June 2011, for Tamworth Regional Council, Council:

- (i) receive and note the reports as presented; and
- (ii) resolve that Council has achieved “substantial compliance” with each criterion in the DEUS Best Practice Guidelines for Water and Sewerage.

### 8.2 FINANCIAL RESULTS 2010/2011 – GENERAL, WATER AND SEWERAGE FUNDS – TAMWORTH REGIONAL COUNCIL – FILE NO SF4924

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

### MOTION

Moved Cr Woodley/Cr Webb

### 348/11 RESOLVED

That the report on “Financial Results 2010/2011 – General, Water and Sewerage Funds – Tamworth Regional Council” be received and noted.

### 8.3 COUNCIL INVESTMENTS SEPTEMBER 2011 – FILE No SF4917

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

**MOTION**

Moved Cr Wilson/Cr Webb

**349/11 RESOLVED**

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

### 8.4 FINANCIAL ASSISTANCE GRANT 2011/2012 – FILE No SF1057

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

**MOTION**

Moved Cr Webb/Cr Woodley

**350/11 RESOLVED**

That the report in relation to Council's 2011/2012 Financial Assistance Grant be received and noted.

### 8.5 COMPARATIVE INFORMATION ON NSW LOCAL GOVERNMENT COUNCILS 2009/2010 – FILE No SF799

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

**MOTION**

Moved Cr Tait/Cr Woodley

**351/11 RESOLVED**

That the report on "Comparative Information on NSW Local Government Councils 2009/2010" be received and noted.

## **8.6 NUNDE SELF HELP RE-TRANSMISSION TELEVISION TOWER – FILE NO SF1901**

**DIRECTORATE:** CORPORATE AND GOVERNANCE  
**AUTHOR:** Karen Litchfield, Manager Administration and Customer Services

### **MOTION**

**Moved Cr Woodley/Cr Tait**

### **352/11 RESOLVED**

That in relation to the report “Nundle Self Help Re-Transmission Television Tower”, Council:

- (i) authorise that the analogue retransmission facility in Nundle not be upgraded to digital;
- (ii) inform the Nundle Community of the changes to digital and their requirement to register for the Federal Government VAST system subsidy, and
- (iii) agree to offer assistance of up to \$100.00 per property for the purchase of satellite free to air television.

## **8.7 CLASSIFICATION OF PUBLIC LAND AT 63-71 BRISBANE STREET, TAMWORTH – FILE NO LF4884**

**DIRECTORATE:** CORPORATE AND GOVERNANCE  
**AUTHOR:** Sylvia Elliott, Commercial Property Officer

### **MOTION**

**Moved Cr Woodley/Cr Tait**

### **353/11 RESOLVED**

That in relation to Council’s acquisition of land at 63-71 Brisbane Street, Tamworth for the purposes of car parking, Council:

- (i) resolve to classify the land as Operational land pursuant to Section 31 of the Local Government Act 1993; and
- (ii) give public notice of the classification of the land in accordance with Section 34 of the Local Government Act 1993.

## **8.8 SUPPLY OF BACKWASH WATER TO THE LONGYARD GOLF COURSE AGREEMENT – FILE NO W8-30 (PT 2) AND SF1742**

**DIRECTORATE:** CORPORATE AND GOVERNANCE  
**AUTHOR:** Sylvia Elliott, Commercial Property Officer

### **MOTION**

**Moved Cr Durant/Cr Wilson**

### **354/11 RESOLVED**

That in relation to the Supply of Backwash Water to the Longyard Golf Course agreement between Council and the proprietors of the Longyard Golf Course, Council authorise the affixing of the Seal of Council to the documents creating the easement for water supply over a part of the Longyard Golf Course.

## **8.9 ACQUISITION OF LAND FOR ROAD WIDENING PURPOSES – FOREST ROAD, NORTH TAMWORTH – FILE NO SF1180**

**DIRECTORATE:** CORPORATE AND GOVERNANCE  
**AUTHOR:** Sylvia Elliott, Commercial Property Officer

### **MOTION**

**Moved Cr Woodley/Cr Durant**

### **355/11 RESOLVED**

That in relation to the acquisition of land for road widening of Forest Road, North Tamworth, Council authorise:

- (i) the acquisition of part of Lot 7008 DP 1076546, being vacant Crown Land for road widening pursuant to Division 3, Sections 22 to 26 of the Roads Act 1993;
- (ii) the acquisition of part of Lot 398 DP 257195, being vacant Crown Land for road widening pursuant to Division 3, Sections 22 to 26 of the Roads Act 1993;
- (iii) the General Manager to have, to the extent required, authority to enter into any agreement or licence as may be necessary to facilitate the early commencement of construction works prior to the completion of the acquisition; and
- (iv) the affixing of the Seal of Council to the Crown Land road widening acquisition documents and all associated plan, registration and transfer documents.

## **8.10 WOODSREEF MINE – REQUEST RECEIVED TO CLOSE SECTION OF MINE ROAD (FORMERLY CROW MOUNTAIN ROAD) – FILE NO SF1873**

**DIRECTORATE:** OFFICE OF THE GENERAL MANAGER

**AUTHOR:** Peter Thompson, General Counsel

### **MOTION**

**Moved Cr Webb/Cr Woodley**

### **356/11 RESOLVED**

That in relation to the request to close part of Mine Road, Woodsreef received from the Woodsreef Taskforce, Council:

- (i) note the request to close part of Mine Road at Woodsreef due to public health and safety concerns;
- (ii) authorise the General Manager to respond to the request by confirming that Council will determine the request once the Woodsreef Taskforce has consulted with the community in relation to the proposed road closure;
- (iii) confirm to the Woodsreef Taskforce that Council is available to participate in the consultation process; and
- (iv) direct the General Manager to provide a further report to Council which includes the outcome of the Community Consultation.

## **9 REPORTS FROM DELEGATES**

Nil

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

### **10.1 VICTORIA PARK MASTERPLAN – FILE NO SF5180**

Cr Woodley noted the exhibition of the Victoria Park Masterplan and questioned whether the old rifle range and pits were to be earmarked for heritage conservation. Cr Woodley requested the Director Planning and Community Services investigate and advise Councillors of the outcome of these investigations.

### **10.2 CRIME PREVENTION AND SENTENCING – FILE NO SF2264**

Cr Woodley observed that the Attorney General, Mr Greg Smith, released a consultation paper on Thursday 20 October 2011, as part of a review of the Young Offenders Act 1997 and the Children (Criminal Proceedings) Act 1987. The discussion paper is asking for comment from the community on whether the laws for young people were effective and consistent with the State Government's commitment to reducing the repeat crime behaviour among young offenders.

The Mayor advised Council of a proposal to hold a public meeting in relation to appropriate sentencing and crime prevention. Cr Tait agreed that the community needs to be involved in the prevention of crime in Tamworth.

### **10.3 WESTDALE WASTEWATER TREATMENT PLANT – FILE NO SF4098**

Cr Woodley requested the Director Water Enterprises congratulate all the staff involved in the opening of the Westdale Wastewater Treatment Plant and Effluent Reuse Farm.

### **10.4 ELGAS FACILITY IN PEEL STREET, TAMWORTH – FILE NO LF1031**

Cr Woodley expressed concern over safety of having a large gas distribution business so close to the centre of town and residences. Cr Woodley requested the General Manager investigate options for the Elgas Facility in Peel Street, Tamworth and present a report to Council.

### **10.5 ICAC REPORT – FILE NO SF859**

Cr Tait made comment on the recent media reports in relation to the ICAC investigations and requested the General Manager to publicly address the community to provide assurances that Council has no serious breaches of the Code of Conduct.

The General Manager requested that the matter be considered in Closed Council in accordance with Section 10A(2)(a) of the Local Government Act 1993 on the grounds that the matter and information is personnel matters concerning particular individuals other than Councillors.

### **10.6 2011 LOCAL GOVERNMENT ASSOCIATION CONFERENCE – FILE NO SF4657**

Cr Wilson thanked our delegates that attended the Conference for staying for the entire Conference. Cr Wilson commented that it was disappointing that other Council representatives did not attend, and unfortunately, a quorum could not be met on the final day of the Conference.

### **10.7 COUNTRY MUSIC FESTIVAL EXTENSION OF TRADE – FILE NO SF5170**

Cr Wilson requested the Director Business and Economic Development ensure that businesses in Peel Street are made aware that applications must be submitted if the business intends to extend trading onto the footpath and extend their hours of trade during the Country Music Festival.

The Mayor requested a workshop be held as soon as possible with the Police and Tamworth Country Music Festival Advisory Committee in relation to recommending trading hours during the Festival.

### **10.8 LOCAL GOVERNMENT ASSOCIATION – FILE NO SF865**

The Mayor sought Council support on the intention to write a letter to the NSW Local Government Association seeking demonstration of why Tamworth Regional Council should remain a member of the Association and asking how the Association intends on changing the format of future Conferences to ensure that the Conference is meaningful and to guarantee attendance for the entire Conference.

## 10.9 PUBLIC MEETING FOR REDUCING CRIME – FILE NO SF2264

Cr Murray sought support from Council to hold a public meeting to discuss ways to reduce crime and anti social behaviour in Tamworth. Cr Murray advised that he would Chair the meeting.

Cr Tait requested that invitations be send to the Minister of Police, the Minister for Community Housing, the Premier and Kevin Anderson, Member for Tamworth and any other Minister that has a role to play in reducing crime.

## 11 REPORTS TO BE CONSIDERED IN CLOSED COUNCIL

### MOTION

Moved Cr Tait/Cr Webb

### 357/11 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 TAMWORTH COUNTRY MUSIC FESTIVAL MANAGEMENT STRUCTURE AND MARKETING – FILE NO SF5298

**DIRECTORATE:** BUSINESS AND ECONOMIC DEVELOPMENT  
**AUTHOR:** Mark Crompton, Executive Manager Business Strategy and Operation

The 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.

### 11.2 MEMBERSHIP OF NEW ENGLAND NORTH WEST TOURIST ORGANISATION INC – FILE NO SF1044

**DIRECTORATE:** BUSINESS AND ECONOMIC DEVELOPMENT  
**AUTHOR:** Mark Crompton, Executive Manager Business Strategy and Operation  
Perrin Finlay-Brown, Manager Destinalional Marketing

The 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.

### 11.3 REGIONAL LIVESTOCK MARKETING CENTRE – FILE NO SF3290

**DIRECTORATE:** BUSINESS AND ECONOMIC DEVELOPMENT  
**AUTHOR:** Michael Dubois, Business Manager

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.

#### **11.4 EFFLUENT REUSE FARM OPERATIONS – FILE NO SF3217**

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

The 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.

#### **11.5 NEMINGHA HIGH LEVEL WATER RESERVOIR – ACQUISITION OF A 3,500 SQUARE METRE RESERVOIR SITE, ACQUISITION OF A 10M WIDE RIGHT OF ACCESS, A 10M WIDE WATER SUPPLY EASEMENT AND A 10M WIDE POWER SUPPLY EASEMENT – FILE NO SF3898**

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

The 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.

#### **11.6 TENDER T012/2012 – SUPPLY, DELIVERY AND UNLOADING OF DN375MM DIAMETER DUCTILE IRON CONCRETE LINED PIPE – FILE NO T012/2012**

**DIRECTORATE: WATER ENTERPRISES**  
**AUTHOR: Daniel Coe, Water Engineer**

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.

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At 8:36pm, the Chairperson offered the opportunity to members of the public to make representation 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 in 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 TAMWORTH COUNTRY MUSIC FESTIVAL MANAGEMENT STRUCTURE AND MARKETING – FILE NO SF5298

**DIRECTORATE:** BUSINESS AND ECONOMIC DEVELOPMENT  
**AUTHOR:** Mark Crompton, Executive Manager Business Strategy and Operation

#### MOTION

Moved Cr Woodley/Cr Webb

#### 358/11 RESOLVED

That in relation to the report “Tamworth Country Music Festival Management Structure and Marketing”, Council:

- (i) allocate an amount totalling \$130,000 towards the management & marketing of the 40<sup>th</sup> Tamworth Country Music Festival; and
- (ii) fund this allocation from the Tourism Reserve.

### 12.2 MEMBERSHIP OF NEW ENGLAND NORTH WEST TOURIST ORGANISATION INC – FILE NO SF1044

**DIRECTORATE:** BUSINESS AND ECONOMIC DEVELOPMENT  
**AUTHOR:** Mark Crompton, Executive Manager Business Strategy and Operation  
Perrin Finlay-Brown, Manager Destinalional Marketing

#### MOTION

Moved Cr Woodley/Cr Tait

#### 359/11 RESOLVED

That in relation to the report titled “Membership of New England North West Tourist Organisation Inc”, Council:

- (i) endorse the actions of the Mayor and General Manager; and
- (ii) fund the membership from Council revenue.

### 12.3 REGIONAL LIVESTOCK MARKETING CENTRE – FILE NO SF3290

**DIRECTORATE:** BUSINESS AND ECONOMIC DEVELOPMENT  
**AUTHOR:** Michael Dubois, Business Manager

#### MOTION

Moved Cr Tait/Cr Wilson

#### 360/11 RESOLVED

That in relation to the report “Regional Livestock Marketing Centre”, Council:

- (i) receive and note the report;
- (ii) approve an extension of the timeframe for all regulatory approval to be in place until the 31 January 2012, however, advise Regional Livestock Exchange Pty Ltd that no further extension will be given beyond that date;
- (iii) note the proposed Construction Schedule submitted by Regional Livestock Exchange Pty Ltd and that Council advise the Company that it expects the Schedule will be adhered to; and
- (iv) undertake further discussions between Regional Livestock Exchange and Teys over the continued discharging of effluent from the existing Regional Livestock Marketing Facility to the Tey's effluent holding ponds.

#### **12.4 EFFLUENT REUSE FARM OPERATIONS – FILE NO SF3217**

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

##### **MOTION**

**Moved Cr Woodley/Cr Wilson**

**361/11 RESOLVED**

That in relation to the report "Effluent Reuse Farm Operations", Council advise Realm Agribusiness Pty Ltd that Council does not wish to take up Realm's options for Council to assist with funding the establishment of crops at the Effluent Reuse Farm.

#### **12.5 NEMINGHA HIGH LEVEL WATER RESERVOIR – ACQUISITION OF A 3,500 SQUARE METRE RESERVOIR SITE, ACQUISITION OF A 10M WIDE RIGHT OF ACCESS, A 10M WIDE WATER SUPPLY EASEMENT AND A 10M WIDE POWER SUPPLY EASEMENT – FILE NO SF3898**

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

##### **MOTION**

**Moved Cr Woodley/Cr Durant**

**362/11 RESOLVED**

That in relation to the report "Nemingha High Level Water Reservoir – Acquisition of a 3,500 Square Metre Reservoir Site, a 10m Wide Right of Access, a 10m Wide Water Supply Easement and a 10m Wide Power Supply Easement", Council:

- (i) authorise the signing of an Agreement between Council and the property owner of Lot 41 DP 1105935 in relation to the acquisition of a 3,500 square metre reservoir site, creation of a 10m wide right of access, a 10m wide water supply easement and a 10m wide power supply easement through the property Lot 41 DP1105935 under the terms and conditions detailed in this confidential report;
- (ii) allocate \$130,000 from the Water Reserve for the completion of matters associated with the acquisition of the site for the reservoir; and

- (iii) authorise the affixing of the Seal of Council for the creation of easements over the land and associated documents.

## **12.6 TENDER T012/2012 – SUPPLY, DELIVERY AND UNLOADING OF DN375MM DIAMETER DUCTILE IRON CONCRETE LINED PIPE – FILE NoT012/2012**

**DIRECTORATE:** WATER ENTERPRISES  
**AUTHOR:** Daniel Coe, Water Engineer

### **MOTION**

**Moved Cr Webb/Cr Durant**

### **363/11 RESOLVED**

That in relation to the report “Tender T012/2012 – Supply, Delivery and Unloading of DN375mm Diameter Ductile Iron Concrete Lined Pipe”, Council accept the conforming tender from Tyco Water Pty Ltd at the schedule of rates detailed in the report.

## **MATTER ARISING FROM ITEM 10.5 – FILE No SF859**

The General Manager provided an update to Councillors in relation to internal investigations undertaken in response to information supplied by ICAC.

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

At 9:23pm 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 9:23pm.

Cr Col Murray  
Chairperson  
22 November 2011

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