ORDINARY COUNCIL

MINUTES

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

TUESDAY 22 NOVEMBER 2011 at 6:30pm

Minutes

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PRESENT: Cr Col Murray (Mayor), Cr Phil Betts, Cr Paul Durant, Cr Ray Tait, Cr James Treloar, 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, Manager Administration and Customer Service, Acting Director Business and Economic Development and Director Regional Services.

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1 APOLOGIES

Nil

2 COMMUNITY CONSULTATION

2.1 ITEM 6.4 MODIFICATION {MOD0019/2012} TO DEVELOPMENT CONSENT NO 0406/2011 – TURF FARM – LOT 7, DP1048585, ROBERTS ROAD, KINGSWOOD – FILE NO DA0406/2011

Mr Andrew Swane from Brown & Krippner addressed Council and advised that he had not made any political donation or gift to any Councillor or Council employee.

Mr Swane raised concern over item (iii) of the recommendation in the report regarding the stormwater catchment system. Mr Swane advised that recent discussion with Council have resulted in a suggested change to the recommendation that would satisfy the concerns. Mr Swane thanked Council for their considerations.

2.2 PRESENTATION OF THE NATIONAL SAVEWATER AWARDS BY MR IAN LOBBAN – FILE NO SF2721

In August this year Tamworth Regional Council made an application to the 2011 National SaveWater Awards. This year, the awards received 1,000 entries across various categories which recognise excellence in water efficiency in business, government, schools, local communities and individuals. These awards have now developed international recognition and participation, with applications received from across 40 countries.

Tamworth was an entrant Government category, which “acknowledges achievement and a strong ongoing commitment by a local authority, state or federal government agency/department, to reducing its own or the community’s water use.”

From this year’s overall entries there were 45 finalists with TRC being announced as one of three finalists in the Government category. The two other finalists being NSW Water Directorate and East Metropolitan from Western Australia.

Qualifying as a finalist secured us a table at the black-tie gala Awards dinner in Melbourne, where the winners would be announced. These Awards were attended by the Mayor, General Manager, Director Water Enterprises and Mr Lobban.

Tamworth Regional Council was announced the winner in the Government category of the 2011 National Savewater Awards.

Chairperson

Mr Lobban acknowledged the strong ongoing commitment to water efficiency that comes from the business and industrial sector, domestic residents, students in our schools and the efforts made internally by key staff to make Tamworth Regional Council a more water-efficient organisation.

Mr Lobban presented Council with the trophies. The Mayor, in accepting the Awards, commended Mr Lobban and the Water Directorate for the development of the water saving initiatives that have won Council this prestigious Award.

3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

MOTION

Moved Cr Webb/Cr Durant

365/11 RESOLVED

That the Minutes of the Ordinary Meeting of the Council held on Tuesday 8 November 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 Tait declared a conflict of interest in Item 6.5 "Regional Development Australia Fund – Expression of Interest to the Round 2 Funding Process" of the Business Paper, for reason that he is a member on the Regional Development Australia Fund Board. Cr Tait further stated that he has no pecuniary interest in the matter and will leave the Chamber and not participate in the debate.

5 MAYORAL MINUTE

Nil

Minutes

COUNCIL REPORTS

OPEN COUNCIL REPORTS

6 ENVIRONMENT AND PLANNING

6.1 REVIEW OF THE TAMWORTH REGIONAL COUNCIL DISABILITY ACTION PLAN 2010 – 2014 AND PROPOSED DISABILITY ACCESS WORKING GROUP – FILE NO SF3482

DIRECTORATE: **PLANNING AND COMMUNITY SERVICES**
AUTHOR: **Kerry Little, Coordinator Community Care**

MOTION

Moved Cr Woodley/Cr Webb

366/11 RESOLVED

That in relation to the report "Review of the Tamworth Regional Council Disability Action Plan 2010 – 2014 and Proposed Disability Access Working Group", Council:

(i) receive and note the outcomes of the review of the Disability Action Plan 2010-2014;

(ii) approve the establishment of the Disability Access Working Group (DAWG) and associated Terms of Reference; and extent that to have an alternate delegate; and

(iii) appoint Cr Durant to chair the Disability Access Working Group and Cr Woodley be appointed alternate.

6.2 PROPOSED SMOKY DAWSON MEMORIAL ON PEEL STREET – FINAL APPROVAL AND REQUEST FOR COUNCIL TO INSTALL THE SCULPTURE – FILE NO SF5189

DIRECTORATE: **PLANNING AND COMMUNITY SERVICES**
AUTHOR: **Andrew Spicer, Strategic Planner (S.94) and Public Art Planner**

MOTION

Moved Cr Durant/Cr Wilson

367/11 RESOLVED

That in continuing to support the proposal to install a bronze memorial to Smoky Dawson in the form of a sculpture on Peel Street in front of Ray Walsh House, Council:

(i) approve the specific location, form and specifications of the proposed sculpture and its installation as detailed in this report;

(ii) request that the Smoky Dawson Memorial Committee submit revised specifications for the proposed plaque in accordance with Option 1 outlined in this report so that

Chairperson

the proposed plaque is of a size and form that matches the existing plaque which is located closer to the pedestrian crossing;

(iii) delegate to the General Manager the authority to approve the resubmitted plaque and plinth specifications in accordance with Option 1, including any necessary alterations to the content of the plaque; and

(iv) undertake the installation of the Smoky Dawson Sculpture to facilitate the unveiling of the memorial on 26 January 2012 (Australia Day) with the costs being met by the General Manager's contingency fund.

6.3 DEVELOPMENT APPLICATION FOR CONSTRUCTION OF TWO CARPORTS AT TAMARA PRIVATE HOSPITAL ON LOT 2 DP 873857 – 4-6 DEAN STREET NORTH TAMWORTH – FILE NO DA0528/2011

DIRECTORATE: **PLANNING AND COMMUNITY SERVICES**
AUTHOR: **Abbey Baldwin, Building Inspector**

MOTION

Moved Cr Woodley/Cr Betts

368/11 RESOLVED

In relation to Development Application No DA0528/2011 for the construction of two detached carports over existing car parking on Lot 2 DP 873857, 4-6 Dean Street, North Tamworth, consent be granted subject to the following conditions:

PRIOR TO WORK COMMENCING

1) Appropriate measures are to be implemented in relation to erosion and sediment control prior to work commencing. Such measures are to be maintained during the construction of the development.

2) A sign is to be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out stating:

(i) unauthorized entry to the work site is prohibited;

(ii) the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours; and

(iii) the name, address and phone number of the PCA by the owner.

The sign is to be removed when the work has been completed.

This condition does not apply to building work carried on inside an existing building, or building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is carried out.

GENERAL

3) All building work must be carried out in accordance with the provisions of the Building Code of Australia.

Chairperson

4) 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/use of the structure to ensure compliance with the provisions of the Environmental Planning and Assessment Act, 1979.

5) 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.

6) Work on the project shall be limited to the following hours to prevent unreasonable disturbance to the amenity of the area:

   (i) Monday to Friday - 7.00am to 5.00pm;

   (ii) Saturday - 8.00am to 1.00pm if audible on other residential premises, otherwise 7.00am to 5.00pm; and

   (iii) No work to be carried out on Sunday or Public Holidays if it is audible on other residential premises.

   The builder shall be responsible to instruct and control his sub-contractors regarding the hours of work.

DURING CONSTRUCTION

7) The footpath and/or road reserve are not to be used for construction purposes or placing of building materials (without Council's prior consent) to ensure safe and unobstructed access for pedestrians. Where necessary, application may be made by contacting Council's Development & Approvals Division.

8) Any damage caused to kerb, guttering and/or footpath during building operations shall be rectified by the owner or the builder to the satisfaction of Council to ensure the integrity of Council's road infrastructure is maintained in an acceptable standard.

9) Roofwaters are to be disposed of by piping to the infrastructure main located within Adam Street or to the street gutter fronting Dean Street, to control the flow of roofwaters so as to prevent damage to the building's footings and to restrict the likelihood of stormwater nuisance.

INSPECTIONS

10) Tamworth Regional Council has been appointed as Principal Certifying Authority (PCA) to undertake all critical stage inspections as prescribed under the Environmental Planning and Assessment Regulations, 2000. A PCA Agreement outlining the critical stage and any additional inspections shall be provided upon issue of Construction Certificate.

PRIOR TO OCCUPATION

11) To ensure that the building work is completed in accordance with the approval and is in a safe and healthy condition for use by the occupants, the building (or part of the building in the case of alterations and additions) shall not be occupied or used until:

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(i) it is completed in accordance with the approval and the principal certifying authority has completed a satisfactory final inspection; or

(ii) the principal certifying authority gives written permission to allow the building to be occupied or used before it is completed.

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

DIVISION

COUNCILLORS WHO VOTED **FOR** THE DECISION	COUNCILLORS WHO VOTED **AGAINST** THE DECISION
1. Cr Col Murray, Mayor	1. Cr Paul Durant
2. Cr Phil Betts	
3. Cr Ray Tait	
4. Cr Helen Tickle	
5. Cr James Treloar	
6. Cr Russell Webb	
7. Cr Juanita Wilson	
8. Cr Warren Woodley	

6.4 MODIFICATION [MOD0019/2012] TO DEVELOPMENT CONSENT NO0406/2011 – 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 Webb/Cr Durant

369/11 RESOLVED

That in relation to an application [MOD0019/2012] to modify Development Consent No 0406/2011 by:

- altering conditions relating to capture of nutrient runoff;
- altering conditions relating to separation buffers;
- amending requirements for manure stockpile management;
- removal of reference to soil loss controls; and
- altering limitations of operating hours,

Council:

(i) amend Condition 4 to specify a minimum design level for the catch drains and tailwater ponds relevant to their purpose as specified in Condition 8, 9 and 10;

(ii) amend condition 8 to specify that the catch drains are to be designed for a 1 in 100 year ARI event for the purpose of capturing the first flush (the first 10mm of runoff from the site) from the longest reach;

(iii) amend Condition 9 to identify that the tailwater pond design for catchments 1, 2 and 3 is to cater for the first flush of 10mm over the catchment, providing it can be demonstrated how this will be effective in nutrient control in the 1 in 100 year ARI event.

(iv) addition of Condition 7A which requires removal of that section of the contour bank which directs water northward onto an adjoining property;

(v) amend Condition 20 to clarify that an Environmental Management Plan (EMP) is required and the Plan should address the potential environmental impacts of the operation and how these will be managed. Its content should address the following issues (Note: the issues listed do not comprise conditions and are suggestions of the EMP content);

In this regard, the criteria listed for consideration in the preparation of the EMP should be amended in the following manner:

(a) amend item (iii) to state "Screen planting should occur along the Roberts Road boundary of the site and around the common boundary with Lot 102 to provide a visual barrier and dust screen to the adjoining residential neighbours". In this regard, with the exception of the planting to the Lot 102 boundary, no turf should be planted within 100 metres of the existing dwellings in Roberts Road until screen planting is established;

(b) amend the first sentence to item (iv) to state "The Plan should be able to demonstrate how the soil balance will be maintained.";

(c) amend item (v) to add "Manure storage shall be managed to ensure no unreasonable impact on the adjoining landowners or the environment.";

(d) delete item (vi) concerning manure stockpiling timeframes;

(e) amend item (ix) which relates to the spread of manure to turf to insert the following sentence "The spread of manure must be managed to avoid impact on adjoining neighbours, and should generally occur during daylight hours and not on Fridays, Saturdays and Sundays.";

(f) amend item (xi) which relates to hours of operation of machinery to state "the cutting of turf shall only occur during daylight hours";

(g) amend item (xii) to "Offensive noise should not be generated from machinery used during the harvesting, mowing, fertilising or maintaining the turf"; and

(h) amend item (xiii) to "The buffer zone of 100 metres from the water course may be used for agriculture with the exception of intensive agricultural pursuits including market gardening".

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

DIVISION

COUNCILLORS WHO VOTED **FOR** THE DECISION	COUNCILLORS WHO VOTED **AGAINST** THE DECISION
1. Cr Col Murray, Mayor 2. Cr Phil Betts 3. Cr Paul Durant	Nil

Chairperson

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

6.5 Regional Development Australia Fund – Expression of Interest to the Round 2 Funding Process – File No SF5221

DIRECTORATE: **OFFICE OF THE GENERAL MANAGER**

AUTHOR: **Alison McGaffin, Director Planning and Community Services**

Cr Tait declared a conflict of interest in this report for reason that he is a member on the Regional Development Australia Fund Board. Cr Tait further stated that he has no pecuniary interest in the matter and will leave the Chamber and not participate in the debate.

Cr Tait left the Chamber at 6:53pm

MOTION

Moved Cr Webb/Cr Durant

370/11 RESOLVED

That in relation to the Regional Development Australia Fund – Round Two, Council:

(i) lodge an Expression of Interest for funding of $1 million for the upgrade of the intersections of the Oxley Highway/Goddard Lane and Wallamore Road/Goddard Lane and the upgrade of Phoenix Street from Armstrong Street to the site of the Regional Livestock Marketing Centre; and

(ii) develop a Section 94 Contribution Plan to ensure that costs for upgrading the intersections can be recovered through future development.

Cr Tait returned to the Chamber at 6:59pm

7 *INFRASTRUCTURE AND SERVICES*

7.1 Australian Government Funding for the Barraba Pipeline – File No SF5179

DIRECTORATE: **WATER ENTERPRISES**

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

Moved Cr Woodley/Cr Tickle

371/11 RESOLVED

That in relation to the report "Australian Government Funding for the Barraba Pipeline", Council formally resolve that in the event the Australian Government and New South Wales Government each provide funding to the value of 1/3 of the cost of construction of the Split Rock Dam to Barraba Pipeline, including preconstruction activities, to a

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maximum of $6.75 Million for the NSW Government and $6.55 Million for the Australian Government, Council will provide the balance of the funding required.

7.2 Use of Recycled Effluent to Offset Potable Water Use in Industry and for Green Spaces in Tamworth – File No SF3119

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

Moved Cr Tait/Cr Wilson

372/11 RESOLVED

That in relation to the report "Use of Recycled Effluent to Offset Potable Water Use in Industry and for Green Spaces in Tamworth", Council:

(i) allocate $315,000 from the Wastewater reserve to prepare a concept design and Review of Environmental Factors for the proposed recycled effluent scheme to offset potable water use in industry and for green space in Tamworth;

(ii) engage Hunter Water Australia to undertake this work; and

(iii) further explore the potential litigation on the use of grey water on playing fields and recreational areas; and

(iv) continue exploration on the use of raw water on playing fields and green spaces.

Cr Betts left the Chamber at 7:15pm

7.3 Urban Water Sector Microeconomic Reform – Australian Productivity Commission Inquiry – File No SF709

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

Moved Cr Woodley/Cr Webb

373/11 RESOLVED

That Council receive and note the report "Urban Water Sector Microeconomic Reform – Australian Productivity Commission Inquiry".

Cr Betts returned to the Chamber at 7.16pm

7.4 Emergency Precinct Working Group – File No SF4941

DIRECTORATE: **REGIONAL SERVICES**
AUTHOR: **Peter Resch, Director Regional Services**

Moved Cr Tait/Cr Tickle

374/11 RESOLVED

That in relation to the report "Emergency Precinct Working Group", Council:

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(i) approve the establishment of an Emergency Precinct Working Group and include the same in Council's Register of External Boards, Committees, Working Groups and Organisations; and

(ii) elect Cr Betts as the Chair and Cr Tait as Alternate to the Chair for the Emergency Precinct Working Group meetings.

7.5 TAMWORTH REGIONAL LOCAL TRAFFIC COMMITTEE MEETING – OCTOBER 2011 – FILE NO SF1387

DIRECTORATE: **REGIONAL SERVICES**

AUTHOR: **Warren Faulkner, Manager Infrastructure Planning**

Moved Cr Wilson/Cr Treloar

375/11 RESOLVED

That Council endorse the following recommendations of the Tamworth Regional Local Traffic Committee meeting held on 19 October 2011:

39/2011 That 2P restrictions from 8.30am to 6.00pm Monday to Friday and 8.30am to 12.30pm Saturdays be imposed on both sides of Belmore Street between Bridge Street (Oxley Highway) and Reserve Place in Tamworth.

40/2011 That with regard to the installation of signs and markings at the concrete median island in Swan Street at the Manilla Road (MR 63) intersection in Tamworth:

(i) "All Traffic Left" signage be installed on the northern point of the median island in Swan Street; and

(ii) Ten metres of double barrier line (BB) be marked on the southern approach to the median.

41/2011 That with regard to proposed Restricted Access Vehicle (RAV) gazettal of Warral Duri Road from Werris Creek Road past the Warral silos to the property 1.4 kilometres south, approximately 10 kilometres south of Tamworth;

(i) Council approve the gazettal with a condition that all RAV access and egress to and from the site be undertaken via the gate on the northern side of the premises; and

(ii) refer the approval to the RTA for official gazetting.

42/2011 That with regard to proposed Restricted Access Vehicle (RAV) gazettal of Warral Bithramere Road from Werris Creek Road to the property 6.3 kilometres west, approximately 10 kilometres south of Tamworth:

(i) Council approve the proposed gazettal; and

(ii) refer the approval to the RTA for official gazetting.

43/2011 That No Parking restrictions replace 15 metres of the existing No Stopping restriction on the southern side of Jack Smyth Drive adjacent to the marked pedestrian crossing in front of the Australian Equine and Livestock Events Centre (AELEC) in Tamworth.

Chairperson

44/2011 That the installation of restricted parking "3P 8.30am to 6.00pm Monday to Friday" in 32 bays of the Community Centre carpark located between Darling and Bourke Streets in Tamworth as per Plan No. 19290 be endorsed.

45/2011 That 60 metres of BB line be installed through the mid block curve of Riverview Street in Tamworth.

46/2011 That with regard to the installation of a load limit and speed limit on the low level causeway over Moore Creek on the Moonbi Gap Road approximately 15 kilometres from Tamworth:

(i) a load limit of 10 tonnes be imposed under Section 15 of the Roads Act 1993;

(ii) a speed limit of 20km/h be imposed under Section 8.2.1 of the RTA Traffic Control at Worksites Manual 2010; and

(iii) appropriate warning signage is imposed in advance of the causeway advising of the impending load limit.

47/2011 That with regard to the proposed Event Approvals for November and December 2011 (Westpac Fun Run and Bike Ride, Creative Arts in Public Education Performances and the Commissioning of Council's Christmas Tree), the events be approved accordingly.

7.6 TAMWORTH REGIONAL LOCAL TRAFFIC COMMITTEE MEETING – 9 NOVEMBER 2011 – FILE NO SF1387

DIRECTORATE: **REGIONAL SERVICES**

AUTHOR: **Warren Faulkner, Manager Infrastructure Planning**

Moved Cr Webb/Cr Woodley

376/11 RESOLVED

That Council endorse the following recommendations of the Tamworth Regional Local Traffic Committee meeting held on 9 November 2011:

50/2011 That with regard to the 2012 Tamworth Country Music Festival Traffic Management Plan (TMP) including installation of all associated temporary road closures, regulatory devices, signs and markings:

(i) Council approve the TMP in its entirety;

(ii) Council endorse Police, RTA representatives and Council staff to monitor all temporary road closures for effectiveness during the Festival and should the need arise, amend any facet of the TMP, should they feel it is prejudicial to the safety of the motoring or pedestrian public;

(iii) Council note that the Local Traffic Committee supports the application to the Ministry of Transport (MoT) for a courtesy bus service during the 2012 Festival; and

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(iv) Council notes that a full report on traffic management during the Festival, including a review of public transport, will be placed before the February 2012 Local Traffic Committee meeting for discussion.

51/2011 That with regards to the proposed amendments to regulatory facilities in Tribe Street, adjacent to McCarthy Catholic College in Tamworth, Council:

(i) note that a road safety audit was undertaken at this site;

(ii) approve directional turning arrows be marked within the existing central turning lane;

(iii) approve an edgeline be marked along the school frontage commencing at the northern end of the bus bay and concluding at the part time children's crossing blister; and

(iv) advise the McCarthy Catholic College Principal that should the Principal require the removal of the 40km/h School Zone in Johnston Street, a written application must be made to the RTA in the first instance.

52/2011 That Event Approval be granted to the temporary road closure for a Street Christmas Party on 4 December and a moving event for the Annual Ulysses Salvation Army Toy Run on 3 December 2011.

7.7 Gallagher Road, Nemingha – File No RF234

DIRECTORATE: **REGIONAL SERVICES**
AUTHOR: **Warren Faulkner, Manager Infrastructure Planning**

Moved Cr Woodley/Cr Durant

377/11 RESOLVED

That in relation to the report "Gallagher Road, Nemingha", Council:

(i) adjourn the matter to a future Council Meeting; and

(ii) request the Director Regional Services organise an on site meeting for the Councillors and Member for Tamworth, Mr Kevin Anderson at a date to be determined.

7.8 Urban Tree Removal and Replacement Policy – File No SF270

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

Moved Cr Tait/Cr Webb

378/11 RESOLVED

In relation to the report "Urban Tree Removal and Replacement Policy", Council:

(i) note the submissions received during the 28 day public exhibition period;

(ii) amend Section 1 of the Urban Tree Removal and Replacement Policy to include the clause "Citizens will not be permitted to damage, remove or cause the removal of trees from Council controlled property and in such cases, Council may initiate legal action"; and

(iii) adopt the revised Urban Tree Removal and Replacement Policy and include the same in Council's General Policy Register.

8 GOVERNANCE, STRATEGY AND FINANCE

8.1 MANAGEMENT PLAN QUARTERLY PERFORMANCE AND BUDGET REVIEW TO 30 SEPTEMBER 2011 – FILE NO SF5104

DIRECTORATE: **GENERAL MANAGER**

AUTHOR: **Lisa Roberts, Manager Integrated Planning and Reporting**
Rick Sanderson, Acting Manager Financial Services

Moved Cr Tait/Cr Durant

379/11 RESOLVED

That the General Manager's Report – 2011-2012 Management Plan Quarterly Performance and Budget Review Statements to 30 September 2011 for Tamworth Regional Council be received and noted and the variations as listed in Enclosure 8.1 be approved.

8.2 SECTION 355 COMMITTEES – MINUTES – FILE NO SF2256

DIRECTORATE: **CORPORATE AND GOVERNANCE**

AUTHOR: **Melinda Heckrotte, Citizen Services Administration Officer**

Moved Cr Woodley/Cr Tait

380/11 RESOLVED

That in relation to the report "Section 355 Committees – Minutes", Council:

(i) receive and note the minutes of the Section 355 Committees listed below:

Minutes

Committee	Meeting Date
Tamworth Sister City Committee	14 September 2011
Nundle Australia Day Committee	10 September 2011
Nundle Australia Day Committee - AGM	10 September 2011
Bendemeer Grey Fergie Tractor Muster Committee	7 September 2011
Nundle Retirement Village Committee	5 September 2011
Nundle Retirement Village Committee- AGM	5 September 2011
Dungowan Recreation Ground Management Committee -AGM	24 August 2011
Loomberah War Memorial Hall - AGM	16 August 2011
Kootingal Recreational Reserve Committee	15 August 2011
Nundle Retirement Village Committee	1 August 2011
Bendemeer Grey Fergie Tractor Muster Committee	20 July 2011
Tamworth Regional Tidy Towns Committee	18 July 2011
Tamworth Sister City Committee	13 July 2011
Tamworth Regional Tidy Towns Committee	20 June 2011
Tamworth Sister City Committee	8 June 2011
Dungowan Hall Committee	16 May 2011
Tamworth Regional Tidy Towns Committee	16 May 2011
Bendemeer Grey Tractor Muster Committee	23 March 2011
Woolomin Recreation Reserve Committee	11 December 2010
Woolomin Recreation Reserve Committee	14 August 2010
Woolomin Recreation Reserve Committee (Special Meeting)	4 September 2010

(ii) adopt the recommendation of the Nundle Australia Day Committee at its Annual General Meeting held 10 September 2011, to appoint the following persons as Office Bearers of the Nundle Australia Day Committee:

Chairperson: Robert Schofield;
Deputy Chairperson: David Leonard;
Secretary: David Leonard;
Publicity Officer: Clare Lennon;

(iii) adopt the recommendation of the Nundle Retirement Village Committee at its Annual General Meeting held 5 September 2011, to accept the resignation of Ian Worley and Joy Warden from the Committee;

(iv) adopt the recommendation of the Nundle Retirement Village Committee at its Annual General Meeting held 5 September 2011 to appoint the following persons as Officer Bearers of the Nundle Retirement Village Committee:

Chairperson: Gordon Stewart;
Deputy Chairperson: Charles May;
Secretary: Gordon Stewart;

(v) adopt the recommendation of the Dungowan Recreation Ground Management Committee at its Annual General Meeting held 24 August 2011, to accept the resignation of Glenys Bundy as Secretary of the Committee;

(vi) adopt the recommendation of the Dungowan Recreation Ground Management Committee at its Annual General Meeting held 24 August 2011, to appoint the following persons as Office Bearers of the Dungowan Recreation Ground Management Committee:

Chairperson: Paul Tongue;
Deputy Chairperson: Joe Ferguson;

Chairperson

Treasurer: Ian Pittman;
Secretary: Suzanne O'Keefe;
Booking Officer: Suzanne O'Keefe;

(vii) adopt the recommendation of the Dungowan Recreation Ground Management Committee at its Annual General Meeting held 24 August 2011, to accept Robert Brady as a new member of the Dungowan Recreation Ground Management Committee;

(viii) adopt the recommendation of the Loomberah War Memorial Hall Committee at its Annual General Meeting held 16 August 2011, to appoint the following persons as Office Bearers of the Loomberah War Memorial Hall Committee:

President: Rachel Tongue;
Secretary/Treasurer: Rebecca Barwick;

(ix) adopt the recommendation of the Bendemeer Grey Fergie Tractor Muster Committee at its meeting held 23 March 2011, to accept Deon Heemskerk and Tiarni Sukadana as new members of the Bendemeer Grey Fergie Tractor Muster Committee;

(x) adopt the recommendation of the Bendemeer Grey Fergie Tractor Muster Committee at its meeting held 23 March 2011, to accept the resignation of Steve Conti as Treasurer of the Bendemeer Grey Fergie Tractor Muster Committee; and

(xi) adopt the recommendation of the Bendemeer Grey Fergie Tractor Muster Committee at its meeting held 23 March 2011, to appoint Tiarni Sukadana as Officer Bearer in the position of Treasurer of the Bendemeer Grey Fergie Tractor Muster Committee.

8.3 2012 Council Election – File No SF5297

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

Moved Cr Durant/Cr Webb

381/11 RESOLVED

That in relation to the report "2012 Council Election", Council resolve to retain the Electoral Commissioner to administer the 2012 ordinary election for Councillors.

8.4 TransGrid Easements at Tamworth Effluent Reuse Farm – File No LF5642

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

Moved Cr Woodley/Cr Tait

382/11 RESOLVED

That in relation to the relocation of TransGrid overhead power lines at the Tamworth Effluent Reuse Farm, Council authorise the affixing of the Seal of Council to the

Chairperson

Transfer Granting Easement, and associated documents, over Council owned Lot 3 in DP 787174 and Lot 162 in DP 789068.

8.5 COUNCIL INVESTMENTS OCTOBER 2011 – FILE NO SF4917

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

Moved Cr Tait/Cr Durant

383/11 RESOLVED

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

8.6 TAMWORTH COUNTRY MUSIC FESTIVAL CAVALCADE – FILE NO SF5163

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

Moved Cr Tickle/Cr Webb

384/11 RESOLVED

That Council abolish the entry fee for the Tamworth Country Music Festival Cavalcade.

8.7 'GOOD SPORTS' PROGRAM – FILE NO SF2539

DIRECTORATE: **BUSINESS AND ECONOMIC DEVELOPMENT**
AUTHOR: **Lindsay Burrows, Sport Development Project Officer**

Moved Cr Durant/Cr Tait

385/11 RESOLVED

That in relation to the report "Good Sports' Program", Council agree to renew its Community Partner membership with the Australian Drug Foundation's 'Good Sports' program for 2011-2014.

8.8 PROPOSED TELECOMMUNICATIONS FACILITIES ON VARIOUS COUNCIL ASSETS FOR THE NATIONAL BROADBAND NETWORK – FILE NO LF5598

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

Moved Cr Treloar/Cr Tait

386/11 RESOLVED

That in relation to the proposed installation of Telecommunications Facilities at Moore Creek South, Kingswood Reservoir, Kootingal Waste Depot and Murroon Reservoir for the National Broadband Network, Council authorise the General Manager to:

(i) provide owners consent to any Development Application for the proposed National Broadband Facility at the Road Reserve at Moore Creek South;

Minutes

Chairperson

(ii) negotiate agreements with NBN Co. Limited for use of the land at each of the sites for the purposes of constructing telecommunications facilities, subject to prudent commercial conditions and to ensure the installations do not adversely affect Council's existing and future installations on the sites, and subject to any future development application in relation to the proposal being approved; and

(iii) affix the Seal of Council to any agreement between NBN Co Limited and Council for the sites.

8.9 TRANSFER OF DELEGATED FUNCTION FROM THE BENDEMEER COMMUNITY DEVELOPMENT COMMITTEE TO THE GREY FERGIE TRACTOR MUSTER COMMITTEE – FILE NO SF1907 AND SF4675

DIRECTORATE: **CORPORATE AND GOVERANCE**
AUTHOR: **Melinda Heckrotte, Citizen Services Administration Officer**

Moved Cr Webb/Cr Tickle

387/11 RESOLVED

That in relation to the report "Transfer of Delegated Function from the Bendemeer Community Development Committee to the Grey Fergie Tractor Muster Committee", Council:

(i) approve the removal of the function of operation of the Bendemeer community mower from the Bendemeer Community Development Committee; and

(ii) delegate the function of operation of the Bendemeer community mower to the Grey Fergie Tractor Muster Committee.

8.10 VILLAGE IMPROVEMENT FUND PROGRAM 2011/2012 – FILE NO SF5331

DIRECTORATE: **CORPORATE AND GOVERNANCE**
AUTHOR: **Paul Newall, Community Facilities Coordinator**

Moved Cr Woodley/Cr Wilson

388/11 RESOLVED

That in relation to the report "Village Improvement Fund Program 2011/2012", Council allocate funds totalling $53,916 to the following:

Attunga Sport and Recreation	
New boundary fence at recreation ground	$4,375
Loomberah Hall	
Sand and seal floors in Hall	$3,281
Tamworth Tidy Towns	
Construct Path in Baringa Park	$3,500
Kootingal Community Development Committee	
Pathway in Garden Street Park	$4,500
Watering system in Garden Street Park	$5,410

Chairperson

Victoria Park	
Landscaping and machinery at Botanic Garden	$5,000
Landscaping of Miniature Railway	$5,000
Woolbrook Community Development Committee	
Sheltered Seating and Tourist Information Board	$6,500
Hanging Rock Community Development Committee	
Signage for historical sites	$10,000
Attunga Tennis Club	
Demolition of Club House	$6,350

9 REPORTS FROM DELEGATES

9.1 2011 NATIONAL LOCAL ROADS AND TRANSPORT CONGRESS – FILE NO SF240

DIRECTORATE: **REGIONAL SERVICES**

AUTHOR: **Peter Resch, Director Regional Services**

Moved Cr Woodley/Cr Wilson

389/11 RESOLVED

That the Delegate's report "2011 National Local Roads and Transport Congress" be received and noted.

10 QUESTIONS AND MATTERS OF CONCERN

10.1 TRAFFIC STUDY FOR BRIDGE STREET – FILE NO RF62

Cr Durant questioned whether the traffic study in relation to parking for business in Bridge Street has been undertaken. The Director Regional Services advised that the RTA has undertaken a traffic study and identified Manilla Road between Bligh Street and Tribe Street as an area of concern.

10.2 COUNCIL EMPLOYEE COMMENDATIONS – FILE NO SF875

Cr Wilson requested the Mayor write letters of commendation to Council employees Mr Cameron MacFarlane for his continued work at the swimming pools and Mr Michael Dubois for receiving the National Aviation Personality of the Year Award.

10.3 WOOLBROOK BRIDGE – FILE NO SF2401

Cr Wilson questioned whether the Woolbrook Bridge has been tested by Council in the past. The Director Regional Services advised that Council routinely load tests the bridges, however, in this instance the bridge was tested by Walcha Council who then advised Council of the need to retest the bridge and apply a load limit. The Director Regional Service further advised that a report will be presented to Council advising of the outcomes of the testing program and load limits to the undertaken.

Minutes

10.4 BPAY REFERENCE NUMBERS ON RATES AND WATER ACCOUNTS – FILE NO SF5330

Cr Tait raised concern over the changing BPay Reference numbers on the rates and water notices and further advised that it can cause confusion for some citizens. Cr Tait requested the General Manager to investigate whether the system can be changed to ensure the same BPay Reference numbers on each bill.

10.5 TAMWORTH SISTER CITY ESSAY COMPETITION REPORT – FILE NO SF998

Cr Webb raised an issue in relation to Tamworth Sister City Essay Competition and whether the report will be presented to Council at the December Meeting. The Manager Administration and Customer Service advised that the report will be presented at the Council Meeting to be held on 13 December 2011.

10.6 LETTER FROM THE MINISTER OF CLIMATE CHANGE – FILE NO SF3957

Cr Webb expressed disappointment in the letter of response received from the Minister of Climate Change in relation to Council's concerns on a Carbon Price and the flow on effects to Council's budget.

10.7 APPOINTMENT OF ROBERT CHARLESWORTH AS DIRECTOR CORPORATE AND GOVERNANCE – FILE NO SF875

Cr Woodley offered congratulations to Mr Robert Charlesworth who has been appointed as the Director Corporate and Governance. Cr Woodley wished Mr Charlesworth success in the new role.

11 REPORTS TO BE CONSIDERED IN CLOSED COUNCIL

MOTION

Moved Cr Webb/Cr Wilson

390/11 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 EFFLUENT REUSE FARM OPERATIONS – FILE NO SF3217

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.

Chairperson

11.2 Tender No T016/2012 – Design and Construction of Extensions to the Passenger Terminal Building at Tamworth Regional Airport – File No T016/2012

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.

11.3 Provision of Hygienic Services to Tamworth Regional Council Facilities – File No SF1259

DIRECTORATE: **CORPORATE AND GOVERNANCE**
AUTHOR: **Paul Newall, Community Facilities Co-ordinator**

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 commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it, or confer a commercial advantage on a competitor of the council, or reveal a trade secret.

11.4 Supply and Delivery of Bulk CRS Grade Bitumen – File No SF5475

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

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 commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it, or confer a commercial advantage on a competitor of the council, or reveal a trade secret.

11.5 Supply and Delivery of Reinforced Concrete Stormwater Pipe – File No SF5475

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

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 commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it, or confer a commercial advantage on a competitor of the council, or reveal a trade secret.

Chairperson

11.6 SUPPLY AND DELIVERY OF GENERAL HARDWARE – FILE NO SF5475

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

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 commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it, or confer a commercial advantage on a competitor of the council, or reveal a trade secret.

11.7 GROUND WATER LICENCES IN BARRABA – FILE NO SF1884

ADDITIONAL ITEM

Cr Treloar advised that he wished to raise an item in Closed Council in relation to the Ground Water Licences in Barraba, on the grounds of Section 10A(2)(c) of the Local Government Act 1993 which relates to information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

* * * *

At 7:57pm, 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 EFFLUENT REUSE FARM OPERATIONS – FILE NO SF3217

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

MOTION

Moved Cr Tait/Cr Woodley

391/11 RESOLVED

That in relation to the report "Effluent Reuse Farm Operations" Council:

(i) receive and note the report; and

Chairperson

(ii) adopt the recommendations as detailed in the body of this confidential report.

12.2 Tender No T016/2012 – Design and Construction of Extensions to the Passenger Terminal Building at Tamworth Regional Airport – File No T016/2012

DIRECTORATE: **BUSINESS AND ECONOMIC DEVELOPMENT**
AUTHOR: **Michael Dubois**

MOTION

Moved Cr Durant/Cr Tait

392/11 RESOLVED

That in relation to the report "Tender No T016/2012 – Design and Construction of Extensions to the Passenger Terminal Building at Tamworth Regional Airport", Council:

(i) accept the tender from National Buildplan Group Pty Ltd for the design and construction price, including the environmental options as detailed in the report; and

(ii) authorise the affixing of the Seal of Council to a design and construct contract between National Buildplan Group Pty Ltd and Tamworth Regional Council.

12.3 Provision of Hygienic Services to Tamworth Regional Council Facilities – File No SF1259

DIRECTORATE: **CORPORATE AND GOVERNANCE**
AUTHOR: **Paul Newall, Community Facilities Co-ordinator**

MOTION

Moved Cr Durant/Cr Wilson

393/11 RESOLVED

That in relation to the report "Provision of Hygienic Services to Tamworth Regional Council", Council accept the recommendation from the Regional Procurement Initiative to award the tender for 'Provision of Hygienic Services' to San Serve Pty Ltd, trading as, Country Hygiene.

12.4 Supply and Delivery of Bulk CRS Grade Bitumen – File No SF5475

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

MOTION

Moved Cr Betts/Cr Wilson

394/11 RESOLVED

That in relation to the report "Supply and Delivery of Bulk CRS Grade Bitumen", Council:

Chairperson

(i) award this tender as a single Source tender to Downer EDI Works Pty Ltd for the Supply and Delivery of Bulk CRS grade Bitumen from 1 January 2012 to 31 December 2014; and

(ii) that provision be allowed for a 12 month extension based on satisfactory supplier performance which may take this tender through to December 2015.

12.5 Supply and Delivery of Reinforced Concrete Stormwater Pipe – File No SF5475

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

MOTION

Moved Cr Woodley/Cr Durant

395/11 RESOLVED

That in relation to the report Supply and Delivery of Reinforced Concrete Stormwater Pipe, Council:

(i) award this tender as a single source tender to Holcim (Australia) Pty Ltd T/a Humes from 1 January 2012 to 31 December 2014; and

(ii) that provision be allowed for a 12 month extension based on satisfactory supplier performance which may take this tender through to December 2015.

12.6 Supply and Delivery of General Hardware – File No SF5475

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

MOTION

Moved Cr Woodley/Cr Betts

396/11 RESOLVED

That in relation to the report Supply and Delivery of General Hardware, Council:

(i) award this tender as a single source tender to J.Blackwood Pty Ltd from 1 January 2012 to 31 December 2014; and

(ii) that provision be allowed for a 12 month extension based on satisfactory supplier performance which may take this tender through to December 2015.

12.7 Additional Item: Ground Water Licences in Barraba – File No SF1884

Discussion was held in relation to the Ground Water Licences in Barraba. No motions or resolutions were put forward on this matter.

Minutes

Chairperson

13 RESOLUTIONS PASSED IN CLOSED COUNCIL

At 8.05pm 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 8.06pm.

Cr Col Murray
Chairperson
13 December 2011

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Minutes