



TAMWORTH REGIONAL COUNCIL

ORDINARY COUNCIL MINUTES

of the **Meeting of Tamworth Regional Council** held in the **Council Chambers, 4th Floor Ray Walsh House, 437 Peel Street, Tamworth**

28 JULY 2020

**PAUL BENNETT
GENERAL MANAGER**

ORDINARY COUNCIL MINUTES

Meeting of Tamworth Regional Council held in the Council Chambers, 4th Floor Ray
Walsh House, 437 Peel Street, Tamworth
TUESDAY 28 JULY 2020 at 6:30PM

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PRESENT: Cr Col Murray (Mayor), Cr Phil Betts, Cr Charles Impey, Cr Jim Maxwell, Cr Mark Rodda, Cr Helen Tickle, Cr Russell Webb and Cr Juanita Wilson.

IN ATTENDANCE: The General Manager, Director Corporate and Governance, Acting Director Planning and Compliance, Director Business and Community, Director Regional Services and Director Water and Waste.

1 APOLOGIES AND LEAVE OF ABSENCE

An apology was announced as having been received from Cr Glenn Inglis who is unable to attend the Meeting due to being out of the city on personal business.

MOTION

Moved Cr Maxwell/Cr Betts

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

199/20 RESOLVED

2 COMMUNITY CONSULTATION

2.1 ITEM 7.1 - DEVELOPMENT APPLICATION No. DA2020-0074 FOR ADDITIONS TO EXISTING ANIMAL ESTABLISHMENT AT LOT 14 DP755334, BEING 144-162 KING GEORGE V AVENUE EAST TAMWORTH

Mr Cameron Collins addressed Council via phone link and was in opposition to the recommendation.

2.2 ITEM 7.1 - DEVELOPMENT APPLICATION No. DA2020-0074 FOR ADDITIONS TO EXISTING ANIMAL ESTABLISHMENT AT LOT 14 DP755334, BEING 144-162 KING GEORGE V AVENUE EAST TAMWORTH

Mr Steven Hill on behalf of Sixhills Group addressed Council via phone link and was in opposition to the recommendation.

3 MINUTES OF PREVIOUS MEETING SUBMITTED FOR APPROVAL

MOTION

Moved Cr Rodda/Cr Impey

That the Minutes of the Ordinary Meeting held on Tuesday, 14 July 2020, copies of which were circulated, be taken as read and confirmed as a correct record of the proceedings of the Meeting.

200/20 RESOLVED

4 DISCLOSURE OF INTEREST

Nil

5 MAYORAL MINUTE

Nil

6 NOTICE OF MOTION

Nil

OPEN COUNCIL REPORTS

7 ENVIRONMENT AND PLANNING

7.1 DEVELOPMENT APPLICATION NO. DA2020-0074 FOR ADDITIONS TO EXISTING ANIMAL ESTABLISHMENT AT LOT 14 DP 755334, BEING 144-162 KING GEORGE V AVENUE EAST TAMWORTH

DIRECTORATE: PLANNING AND COMPLIANCE
AUTHOR: Emma Briggs, Senior Development Assessment Planner

MOTION

Moved Cr Maxwell/Cr Tickle

That in relation to Development Application No. DA2020-0074 for Additions to Existing Animal Establishment at Lot 14 DP 755334, being 144-162 King George V Avenue East Tamworth consent, be refused for the following reasons:

- a) The current use of the site as a veterinary hospital is operating without development consent and includes the occupation and use of an unauthorised building contrary to the requirements of Clause 4.2 of the Environmental Planning & Assessment Act 1979.
- b) On the basis that the development application does not satisfy Clause 7.2 of the Tamworth Regional Local Environmental Plan 2010 in consideration of the following:
 - i. The proposal leads to an increase of flood risk to life and property which is inconsistent with the objectives of clause 7.2(1)(a).
 - ii. The proposal is not compatible with the land's classification as a "floodway" and a "high hazard hydraulic zone and is therefore inconsistent with the objectives of Clause 7.2(1)(b).
 - iii. It has not been demonstrated that the unauthorised land use and building will not result in any significant adverse impacts on flood behaviour and the environment, therefore the proposal is inconsistent with Clause 7.2(1)(c) and Clause 7.2(3)(b).
 - iv. The proposal is not compatible with the lands flood hazard (Floodway and high provisional hydraulic hazard) and is therefore inconsistent with the objectives of Clause 7.2(3)(a).
 - v. Based on the isolated location of the site and the identified flood hazard categorisation (Floodway and high provisional hydraulic

- hazard) the proposal is unable to incorporate measures to manage risk to life from a flood, therefore the proposal is inconsistent with Clause 7.2(3)(c).
- vi. The proposal has the potential to increase damage to the natural environment, and therefore is inconsistent with Clause 7.2(3)(d).
 - vii. The development has the potential to result in social and economic impacts to the community and therefore is inconsistent with Clause 7.2(3)(e).
- c) On the basis that the development application does not satisfy the site specific requirements for Development on Flood Affected Land in accordance with the Tamworth Regional Development Control Plan 2010.
 - d) The continued use of the development and use of the unauthorised building is not in the public interest based on the potential for increased risk to life and property as a result of the development being located in a floodway and high provisional hydraulic hazard flood zone.

201/20 RESOLVED

COUNCILLORS WHO VOTED **FOR**
THE DECISION

1. Cr Charles Impey
2. Cr Jim Maxwell
3. Cr Col Murray
4. Cr Helen Tickle
5. Cr Juanita Wilson

COUNCILLORS WHO VOTED **AGAINST**
THE DECISION

1. Cr Phil Betts
2. Cr Mark Rodda
3. Cr Russell Webb

7.2 PROPOSED ROAD NAMES - FLINDERS STREET, WESTDALE SUBDIVISION - STAGE 4

DIRECTORATE: PLANNING AND COMPLIANCE
AUTHOR: Carolyn Tickle, Development Hub Supervisor

MOTION

Moved Cr Webb/Cr Impey

That in relation to the report “Proposed Road Names – Flinders Street, Westdale Subdivision – Stage 4”, Council:

- (i) approve in principle the road names ‘Bonney’ Street and ‘Baudin’ Street;
- (ii) advertise the proposed road names 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; and
- (iii) provided no submissions are made which object to the proposed road names proceed to publish adopted names in the Government Gazette and notify Australia Post, NSW Land and Property Information, Chief Executive of the Ambulance Services of NSW, NSW Fire Brigades, NSW Rural Fire Service, NSW Police Force, State Emergency Services and NSW Volunteer Rescue Association Incorporated with sufficient particulars for identification of the roads.

202/20 RESOLVED

7.3 PROPOSED RENAMING OF A SECTION OF BOURNES LANE, MOORE CREEK

DIRECTORATE: PLANNING AND COMPLIANCE
AUTHOR: Carolyn Tickle, Development Hub Supervisor

MOTION

Moved Cr Impey/Cr Maxwell

That in relation to the report “Proposed Renaming of a Section of Bournes Lane, Moore Creek”, Council:

- (i) approve in principle the proposed renaming of a section of Bournes Lane, Moore Creek;
- (ii) write to the affected land owners; and
- (iii) seek concurrence with the Geographical Names Board.

203/20 RESOLVED

8 INFRASTRUCTURE AND SERVICES

8.1 TAMWORTH GLOBAL GATEWAY PARK - STATUS AND FUNDING

DIRECTORATE: REGIONAL SERVICES
AUTHOR: Graeme McKenzie, Manager, Project Management and Engineering Services

Reference: Item 12.4 to Ordinary Council 11 February 2020 - Minute No 26/20
Item 7.3 to Ordinary Council 26 February 2019 - Minute No 33/19

MOTION

Moved Cr Tickle/Cr Wilson

That in relation to the report “Tamworth Global Gateway Park – Status and Funding”, Council receive the report.

204/20 RESOLVED

8.2 CO-PRINCIPAL PARTNER OF THE AWA STATE CONFERENCE, TAMWORTH 12-13 NOVEMBER 2020

DIRECTORATE: WATER AND WASTE
AUTHOR: Bruce Logan, Director Water and Waste

MOTION

Moved Cr Webb/Cr Betts

That in relation to the report “Co-Principal Partner of the AWA State Conference, Tamworth 12-13 November 2020”, Council agree:

- (i) to be Co-Principal Partners of the Conference, with Hunter H2O at a cost of \$5,000 excl GST; and
- (ii) provide the necessary funding 50% from the Water Reserve and 50% from the Wastewater Reserve.

205/20 RESOLVED

8.3 BUILDING BETTER REGIONS FUNDING FOR INTERMODAL ACCESS ROADS

DIRECTORATE: REGIONAL SERVICES
AUTHOR: Graeme McKenzie, Manager, Project Management and Engineering Services

MOTION

Moved Cr Wilson/Cr Betts

That in relation to the report “Building Better Regions Funding for Intermodal Access Roads”, Council:

- (i) approve the amount \$2,202,291 from the Westdale Land Reserve Fund to be Council’s contribution to Building Better Regions Fund funding of the Intermodal Access Roads project; and
- (ii) approve a further amount of \$100,000 from the Westdale Land Reserve to fund the project management costs for this project.

206/20 RESOLVED

8.4 REMOVAL OF EARLY WARNING SYSTEM AT CHAFFEY DAM

DIRECTORATE: WATER AND WASTE
AUTHOR: Bruce Logan, Director Water and Waste

MOTION

Moved Cr Betts/Cr Impey

That in relation to the report “Removal of Early Warning System at Chaffey Dam”, Council receive and note the report.

207/20 RESOLVED

8.5 ALLOCATION OF ADDITIONAL GROUNDWATER TO THE SCOTT ROAD DRIFT WELLS

DIRECTORATE: WATER AND WASTE
AUTHOR: Bruce Logan, Director Water and Waste

MOTION

Moved Cr Betts/Cr Webb

That in relation to the report “Allocation of Additional Groundwater to the Scott Road Drift Wells”, Council:

- (i) agree to purchase 350 Megalitres of Peel Alluvium water on the temporary market and attach that water to the four Scott Road Drift Wells considered to be extracting Peel Alluvium groundwater; and
- (ii) fund this purchase of temporary water from the Water Reserve.

208/20 RESOLVED

8.6 REGULAR UPDATE ON DROUGHT RESPONSE AND WATER SUSTAINABILITY

DIRECTORATE: WATER AND WASTE
AUTHOR: Tracey Carr, Sustainability Coordinator
Reference: Item 8.9 to Ordinary Council 28 April 2020 - Minute No 105/20

MOTION

Moved Cr Rodda/Cr Maxwell

That in relation to the report “Regular Update on Drought Response and Water Sustainability”, Council receive and note the report.

209/20 RESOLVED

8.7 WASTE SUSTAINABILITY REGULAR UPDATE

DIRECTORATE: WATER AND WASTE
AUTHOR: Angela Dodson, Sustainability Officer
Reference: Item 8.3 to Ordinary Council 14 May 2019 - Minute No 152/19

MOTION

Moved Cr Wilson/Cr Betts

That in relation to the report “Waste Sustainability Regular Update”, Council receive and note the waste sustainability projects and activities listed in the report.

210/20 RESOLVED

8.8 POSSIBLE PROVISION OF AUTOMATED METER READING AND DATA MANAGEMENT TO TAMWORTH REGIONAL COUNCIL RETICULATED WATER SUPPLY AREAS

DIRECTORATE: WATER AND WASTE
AUTHOR: Daniel Coe, Manager Water and Waste
Reference: Item 8.2 to Ordinary Council 27 June 2017 - Minute No 190/17

MOTION

Moved Cr Webb/Cr Betts

That in relation to the report “Possible Provision of Automated Meter Reading and Data Management to Tamworth Regional Council Reticulated Water Supply Areas”, Council:

- (i) receive and note the report; and
- (ii) request that the item be presented again with the 2021/22 budget estimates for consideration.

AMENDMENT

Moved Cr Wilson/Cr Impey

That in relation to the report “Possible Provision of Automated Meter Reading and Data Management to Tamworth Regional Council Reticulated Water Supply Areas”,

Council:

- (i) receive and note the report; and
- (ii) make a final decision on this matter following consideration of tenders received, which are discussed in a further report to Council contained in this Business Paper and to be considered in that part of the Meeting closed to the public.

AMENDMENT PASSED

THE AMENDMENT BECAME THE MOTION

211/20 RESOLVED

9 GOVERNANCE, STRATEGY AND FINANCE

9.1 ANNUAL OPERATIONAL PLAN 2019/2020 BUDGET VARIATION REPORT - JUNE 2020

DIRECTORATE: CORPORATE AND GOVERNANCE
AUTHOR: Sherrill Young, Manager Financial Services
Reference: Item 9.1 to Ordinary Council 25 June 2020 - Minute No 204/19

MOTION

Moved Cr Rodda/Cr Tickle

That in relation to the report "Annual Operational Plan 2019/2020 Budget Variation Report – June 2020", Council note and approve the variations to the existing budget included in the attached Annexure.

212/20 RESOLVED

9.2 COUNCIL INVESTMENTS JUNE 2020

DIRECTORATE: CORPORATE AND GOVERNANCE
AUTHOR: Sherrill Young, Manager Financial Services

MOTION

Moved Cr Wilson/Cr Betts

That in relation to the report "Council Investments June 2020", Council receive and note the report.

213/20 RESOLVED

9.3 2020 LOCAL GOVERNMENT NSW CONFERENCE

DIRECTORATE: CORPORATE AND GOVERNANCE
AUTHOR: Karen Litchfield, Manager Governance

MOTION

Moved Cr Betts/Cr Wilson

That in relation to the report "2020 Local Government NSW Conference", Council:

- (i) determine issues that are important to Tamworth Regional Council for motions to be drafted and request a further report to be prepared for approval;
- (ii) authorise the Mayor, Deputy Mayor, Councillor Wilson and Councillor Maxwell to attend the Local Government NSW Annual Conference as Voting Delegates together with the General Manager; and
- (iii) nominate Councillor Tickle to attend the Conference as an observer in accordance with Council's Policy for the attendance of observers.

214/20 RESOLVED

10 COMMUNITY SERVICES

10.1 DRAFT TAMWORTH REGIONAL MUSEUMS COLLECTION POLICY

DIRECTORATE: BUSINESS AND COMMUNITY
AUTHOR: Bridget Guthrie, Director Tamworth Regional Gallery and Museums

MOTION

Moved Cr Tickle/Cr Wilson

That in relation to the report "Draft Tamworth Regional Museums Collection Policy", Council:

- (i) endorse the Draft Tamworth Regional Museums Collection Policy and advertise the proposed policy for a period of 28 days for public comments prior to formal adoption by Council; and
- (ii) request a further report following the review period to consider any public comments on the Draft Tamworth Regional Museums Collection Policy.

215/20 RESOLVED

10.2 CRIME PREVENTION WORKING GROUP MEETING - 7 FEBRUARY 2020

DIRECTORATE: PLANNING AND COMPLIANCE
AUTHOR: Gino Tiberi, Crime Prevention and Development Compliance Officer

MOTION

Moved Cr Webb/Cr Impey

That in relation to the report "Crime Prevention Working Group Meeting – 7 February 2020", Council receive and note the Minutes of the Crime Prevention Working Group Meeting held 7 February 2020.

216/20 RESOLVED

11 REPORTS TO BE CONSIDERED IN CLOSED COUNCIL

At 8:01pm, the Chairperson offered the opportunity to members of the public to make representations as to whether any part of the Council Meeting should not be considered in Closed Council.

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 asked any members of the Council whether any part of the Council Meeting should not be considered in Closed Council.

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MOTION

Moved Cr Maxwell/Cr Betts

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.

217/20 RESOLVED

11.1 TENDER T086/2019 - TAMWORTH REGIONAL COUNCIL AUTOMATED METER READING AND DATA MANAGEMENT TO TAMWORTH REGIONAL COUNCIL RETICULATED WATER SUPPLY AREAS – FILE NO

DIRECTORATE: WATER AND WASTE

AUTHOR: Daniel Coe, Manager Water and Waste

Reference: Item 8.2 to Ordinary Council 27 June 2017 - Minute No 190/17

2 CONFIDENTIAL ENCLOSURES ENCLOSED

Council will determine this matter in part of the Meeting closed to the public pursuant to Section 10A(2) (d)ii 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 competitor of Council.

12 CLOSED COUNCIL REPORTS

12.1 TENDER T086/2019 - TAMWORTH REGIONAL COUNCIL AUTOMATED METER READING AND DATA MANAGEMENT TO TAMWORTH REGIONAL COUNCIL RETICULATED WATER SUPPLY AREAS – FILE NO

DIRECTORATE: WATER AND WASTE

AUTHOR: Daniel Coe, Manager Water and Waste

Reference: Item 8.2 to Ordinary Council 27 June 2017 - Minute No 190/17

MOTION

Moved Cr Tickle/Cr Wilson

That in relation to the report “Tender T086/2019 - Tamworth Regional Council Automated Meter Reading and Data Management to Tamworth Regional Council Reticulated Water Supply Areas”, Council:

- (i) In accordance with S. 178 (1) of the Local Government (General) Regulation 2005 (NSW), accept the Conforming Tender from Taggle Pty Ltd for an Automated Meter Reading and Data Management system to Tamworth Regional Council Water Supply Areas, including:
 - a. the concept and detailed design of the AMR system for all of Council’s

- water supplies - Attunga, Barraba, Manilla, Nundle, and Tamworth (including Moonbi/Kootingal);
- b. complete a meter replacement program including the replacement of all 20 and 25mm water meters and any other meter of any size (excluding raw water production meters) not suitable for AMR retrofitting;
 - c. design and install a reliable communication network to provide data capture for all Tamworth Regional Council water supplies areas including any communication licensing requirements to operate same;
 - d. supply a customer interface solution including leak and high usage alert capacity
 - e. sign a Service Level Agreement for 10 – 15 years to provide data management to meter data including data checking and cleansing processes and provide an interface with Council's business system TechnologyOne; and
 - f. sign an Operation and Maintenance Agreement to maintain and replace AMR devices as required for the first two years with an option of an additional one year.

218/20 RESOLVED

13 RESOLUTIONS PASSED IN CLOSED COUNCIL

MOTION

Moved Cr Maxwell/Cr Betts

That Council move into Open Council.

219/20 RESOLVED

At 8:03pm 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 8:04pm.

Cr Col Murray, Chairperson

Tuesday, 11 August 2020

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