

# ORDINARY COUNCIL



# MINUTES

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

**TUESDAY 22 MARCH 2011 at 6:30pm**

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

**IN ATTENDANCE:** The General Manager, Director Corporate and Governance, Director Commercial and Community Enterprise, Director Environmental & Planning and Economic Development, Director Regional Services and Director Water Enterprises.

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## **1 APOLOGIES**

Nil

## **2 COMMUNITY CONSULTATION**

### **2.1 TAMWORTH REGIONAL COUNCIL WASTE MANAGEMENT WORKING GROUP MINUTES - FILE NO SF3101**

Mr Geoff Webster, convenor of the Attunga Tip Working Group, addressed Council and stated that he had not made any political donation or gift to any councillor or Council employee. He stated that many residents believe that fortnightly rather than monthly openings would be more practical, and cost-effective. Mr Webster referred to line 4 on page 8 of the business paper, and stated that there was a significant community view that the recent depositing of soil from Tamworth to the Attunga tip, could produce the impervious lining barrier necessary for the future burying of local rubbish and save Council transport costs to the Forest Road landfill. This would mean that only recyclables would then require regular relocating.

Mr Bruce Crossing resident of Attunga, addressed Council and stated that he had made a \$50 political donation to Cr H Tickle. Mr Crossing stated that he supported the recommendations based on the outcome of the meeting between Council's Waste Management Working Group and the Attunga Tip Working Group. He also stated that Council should ensure that proper and appropriate community consultation be undertaken with any future changes that affect communities or citizens.

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

### **MOTION**

**Moved Cr Webb/Cr Durant**

### **70/11 RESOLVED**

That the Minutes of the Ordinary Meeting of the Council held on Tuesday 8 March 2011, copies of which were circulated be taken as read and confirmed, be adopted.

## **4 DISCLOSURE OF INTEREST**

Nil

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## **5 MAYORAL MINUTE**

Nil

## **OPEN COUNCIL REPORTS**

## **6 ENVIRONMENT & PLANNING**

### **6.1 TAFE NSW NEW ENGLAND INSTITUTE STUDENT AND STAFF AWARDS 2011 – SPONSORSHIP FILE No SF684**

**DIRECTORATE: ENVIRONMENT PLANNING AND ECONOMIC DEVELOPMENT**

**AUTHOR: Petria Jukes, Community Planning and Development Officer**

#### **MOTION**

**Moved Cr Durant/Cr Webb**

#### **71/11 RESOLVED**

That in relation to the TAFE NSW New England Institute Student and Staff Awards 2011 Sponsorship Proposal 2011, Council:

- (i) approve the sponsorship proposal requesting \$1,500.00 inclusive of GST to be used to fund the Faculty of Business and Creative Services – Creative Arts Student Award; and
- (ii) appoint Mayor Cr Col Murray as Council's delegate to attend the Awards Event and present the Creative Arts Student Award on behalf of Council.

## **7 INFRASTRUCTURE AND SERVICES**

### **7.1 TAMWORTH REGIONAL LOCAL TRAFFIC COMMITTEE MEETING – MARCH 2011 - FILE No SF1387**

**DIRECTORATE: REGIONAL SERVICES**

**AUTHOR: Murray Russell, Manager Civil Construction and Engineering Services**

#### **MOTION**

**Moved Cr Tait/Cr Tickle**

#### **72/11 RESOLVED**

That in relation to the report of the Tamworth Regional Local Traffic Committee – March 2011 meeting Council:

- (i) endorse the following recommendation of the Tamworth Regional Local Traffic Committee held on 9 March 2011:

- 5/2011 that with regard to the proposed regulatory signs and markings plan No. 18240 of the Tamworth Regional Sports Complex Indoor Sports Centre, subsequent to a site inspection by the RTA and Police representatives, it has been requested to defer the matter until the April 2011 meeting;
- 6/2011 that two (2) disabled parking bays be installed on the western side of Kable Avenue in front of West Diggers Club in place of the large oak tree removed during 2010; and
- 7/2011 that with regard to the Event Approvals for March and April 2011 all events be approved subject to written Police approval.

## **7.2 11<sup>TH</sup> COFFS HARBOUR WASTE CONFERENCE - FILE NO SF1152**

**DIRECTORATE: REGIONAL SERVICES**

**AUTHOR: John Davis, Manager Waste and Cleaning Services**

### **MOTION**

**Moved Cr Webb/Cr Woodley**

### **73/11 RESOLVED**

That Cr Tait be appointed as Council's delegates to attend the 11<sup>th</sup> Coffs Harbour Waste Conference to be held from 10 to 12 May 2011.

## **7.3 WASTE COLLECTION SERVICES – MULTIPLE UNIT RESIDENTIAL DEVELOPMENTS - FILE NO SF5150**

**DIRECTORATE: REGIONAL SERVICES**

**AUTHOR: John Davis, Manager Waste and Cleaning Services**

### **MOTION**

**Moved Cr Treloar/Cr Tait**

### **74/11 RESOLVED**

That Council adopt the Draft Waste Collection Services – Multiple Unit Residential Developments Policy.

## **7.4 TAMWORTH REGIONAL COUNCIL WASTE MANAGEMENT WORKING GROUP MINUTES - FILE NO SF3101**

**DIRECTORATE: REGIONAL SERVICES**

**AUTHOR: John Davis, Manager Waste and Cleaning Services**

### **MOTION**

**Moved Cr Treloar/Cr Durant**

### **75/11 RESOLVED**

That in relation to the Report "Tamworth Regional Council Waste Management Working Group Minutes", Council:

- (i) receive and note the minutes of the special meeting of the Waste Management Working Group held 8 March 2011;
- (ii) endorse the implementation of 3 month trials for the management of waste in the Attunga locality including establishment of four common waste collection points and the opening of the Attunga landfill site for 4 hours each month to operate as a waste transfer facility; and
- (iii) request the Waste Management Working Group, through the Director of Regional Services, provide a further report following completion of the trials.

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

**DIRECTORATE: CORPORATE & GOVERNANCE**

**AUTHOR: Sylvia Elliott, Commercial Property Officer**

### **MOTION**

**Moved Cr Woodley/Cr Tickle**

### **76/11 RESOLVED**

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

## **7.6 NORTH TAMWORTH BEARS REQUEST FOR A COUNCIL MOWER - FILE No LF 937**

**DIRECTORATE: OFFICE OF THE GENERAL MANAGER**

**AUTHOR: General Manager – Paul Bennett**

### **MOTION**

**Moved Cr Woodley/Cr Webb**

### **77/11 RESOLVED**

That Council offer to provide the North Tamworth Bears Rugby League Club with a John Deere out-front Mower (TRC Plant No AF1788) on a long term loan basis as described in the report subject to:

- (i) The Club being responsible for the garaging, security, insurance and normal maintenance and running costs, whilst this item of Council plant is on loan to the Club,
- (ii) At times mutually convenient to both the Club and the Council, Council's Fleet Staff carries out an inspection of this item of plant twice a calendar year for safety reasons and/or professional advice to assist the Club in the maintenance of this mower,
- (iii) Council's Plant and Fleet Manager be delegated the responsibility of nominating the time when this item of plant is deemed unserviceable, at which time the mower be returned to Council for write-off and disposal.

## **8 CORPORATE & GOVERNANCE**

### **8.1 CONSTITUTIONAL RECOGNITION OF LOCAL GOVERNMENT - FILE No SF867**

**DIRECTORATE: CORPORATE & GOVERNANCE**

**AUTHOR: Robert Charlesworth, Administration & Governance Manager**

### **MOTION**

**Moved Cr Tait/Cr Woodley**

### **78/11 RESOLVED**

That Council declares its support for financial recognition of Local Government in the Australian Constitution so that the Federal Government has the power to fund Local Government directly and also for inclusion of Local Government in any new Preamble to the Constitution, if one is proposed, and call on all political parties to support a referendum by 2013 to change the Constitution to achieve this recognition.

## 8.2 COUNCIL INVESTMENTS FEBRUARY 2011 - FILE No 3455

DIRECTORATE: CORPORATE AND GOVERNANCE  
AUTHOR: Mark Crompton, Finance & Information Technology  
Manager

### MOTION

Moved Cr Durant/Cr Woodley

### 79/11 RESOLVED

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

## 8.3 COMMUNITY DEVELOPMENT COMMITTEE - MINUTES - FILE NOS SF1907 & SF2965

DIRECTORATE: CORPORATE AND GOVERNANCE  
AUTHOR: Jodie Archer, Section 355 Coordinator

### MOTION

Moved Cr Webb/Cr Woodley

### 80/11 RESOLVED

- (i) That Council receive and note the minutes of the following Community Development Committee meetings:

<u>Committee</u>	<u>Date</u>
Bendemeer Community Development Committee	12 October 2010
Bendemeer Community Development Committee	19 October 2010
Barraba Community Development Committee	7 February 2011; and

- (ii) That Council adopt the recommendation of the Barraba Community Development Committee at its meeting held 7 February, 2011 to accept the removal of Terry Fitsummons, Paul Strachan and Jenny Simpson as members of the Barraba Community Development Committee due to extended non attendance.

## 9 REPORTS FROM DELEGATES

Nil

## 10 QUESTIONS AND MATTERS OF CONCERN

### 10.1 BELMORE AND SCULLY PARK – EQUIPMENT STORAGE - PF12, SF5041

Cr Wilson referred to Council meeting held on 8 February where she raised the issue of the storage of equipment at both Belmore and Scully Parks. She requested the Director Regional Services provide an update on the removal of this equipment. The Director Regional Services advised that an investigation of alternate sites was currently being undertaken and he would advise councillors of the outcome.

## **10.2 WOOLOMIN ROADSIDE ADDRESSES - SF187**

Cr Wilson advised that she had been approached by citizens regarding the roadside addresses of properties within the Woolomin area. She stated that there appears to be a conflict with the numbering system and requested the General Manager investigate.

## **10.3 ANZAC DAY ARRANGEMENTS - SF1350**

Cr Wilson requested councillors be advised of the venues and times of regional Anzac Day ceremonies to enable Councillors to attend.

## **10.4 ADDITIONAL ITEM - FREEMAN OF THE CITY - SF1548**

Cr Wilson requested that an additional item be raised in Closed Council as the business is of a kind referred to in Section 10A (2)(a) of the Act and should be dealt with in a part of the meeting closed to the media and public as it deals with personal matters concerning particular individuals other than councillors.

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

Cr Treloar advised that he would be raising a question in Closed Council on this matter as the business is of a kind referred to in Section 10A (2)(c) of the Act and should be dealt with in a part of the meeting closed to the media and public as it deals with information that would if disclosed confer a commercial advantage on a person with whom the Council is conducting or proposed to conduct business.

## **10.6 WAIVING OF FEES – PIRATES RUGBY FOOTBALL CLUB - FILE No LF1677**

Cr Tickle referred to a request from the Pirates Rugby Football Club for the waiving of water charges. The Mayor advised that he had requested the Director Water Enterprises investigate all the issues in relation to this matter and report to Council.

## **10.7 POLICY ON TREE REPLACEMENT - FILE No SF270**

Cr Woodley asked the Mayor if Tamworth Regional Council had a formal policy on tree replacement. The Director Regional Services advised that Council does not have a formal policy on replacing removed trees however it is current practice, where appropriate, to replant.

## **10.8 REMOVAL OF TREES AT THE NEW PEDESTRIAN LIGHTS – MARIUS STREET - FILE No SF270**

Cr Woodley advised that he had received an email from a Council staff member regarding the removal of trees in Marius Street at the new pedestrian lights and asked the General Manager why the trees were removed. The Director Regional Services replied that the trees were removed for safety reasons.

## **10.9 FLOOD STUDY FOR BENDEMEER AND MANILLA - FILE No SF2423**

Cr Murray requested a report from the General Manager in relation to the timeframe for completion of the flood studies for Bendemeer and Manilla as the delay was affecting proposed development applications.

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

### **MOTION**

**Moved Cr Tickle/Cr Durant**

### **81/11 RESOLVED**

That the confidential reports as listed below be considered in a meeting closed to the public in accordance with Section 10A(2) of the Local Government Act 1993:

## **11.1 ACCESS TO COMMERCIAL PROPERTIES AT 15-17 EBSWORTH STREET TAMWORTH - FILE Nos LF6507 & SF110**

**DIRECTORATE: CORPORATE & GOVERNANCE**

**AUTHOR: Chris Johnston, Manager Commercial Lands**

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.

## **ADDITIONAL ITEM - FREEMAN OF THE CITY - SF1548**

The Council will determine this matter in part of the meeting closed to the public pursuant to Section 10A (2)(a) of the Act and should be dealt with in a part of the meeting closed to the media and public as it deals with personnel matters concerning particular individuals other than councillors.

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

The Council will determine this matter in part of the meeting closed to the public pursuant to Section 10A (2)(c) of the Act and should be dealt with in a part of the meeting closed to the media and public as it deals with information that would if disclosed confer a commercial advantage on a person with whom the Council is conducting or proposed to conduct business.

At 6.55pm, the Chairperson offered the opportunity to members of the public to make representations as to whether any part of the Council Meeting should not be considered in Closed Council.

There was no response from the public. The General Manager advised the Chairperson that no written public submissions or representations had been received as to whether or not part of the meeting should be closed to the public.

The Chairperson advised that it is a requirement of clause 253 of the *Local Government (General) Regulation 2005* that any resolution passed in Closed Council, be made public as soon as practicable after the meeting has ended.

At the end of Closed Council meeting and upon resumption into Open Council, the Chairperson will provide a summary of those resolutions passed in Closed Council.

## **12 CLOSED COUNCIL REPORTS**

### **12.1 ACCESS TO COMMERCIAL PROPERTIES AT 15-17 EBSWORTH STREET TAMWORTH - FILE NOS LF6507 & SF110**

**DIRECTORATE: CORPORATE & GOVERNANCE**

**AUTHOR: Chris Johnston, Manager Commercial Lands**

#### **MOTION**

**Moved Cr Tickle/Cr Durant**

#### **82/11 RESOLVED**

That in relation to the provision of access to commercial properties at 15-17 Ebsworth Street Tamworth, Council authorise the affixing of the Seal of Council to the Deed of Agreement and associated documents between Council, the owners Lots 1 to 4 in SP 63996 and the owners of Lot 3 in DP 702812 for the transfer of land and construction of access serving the properties at 15-17 Ebsworth Street.

#### **ADDITIONAL ITEM - FREEMAN OF THE CITY - SF1548**

Council discussed general matters in relation to the processes and procedures in granting Freeman of the City status to members of the public. The General Manager advised that he would supply Councillors with current protocols.

#### **ADDITIONAL ITEM - PART ROAD CLOSURE AND SALE OF LAND TO ROYAL FREEMASONS BENEVOLENT INSTITUTION - FILE NO SF3803**

Cr Treloar noted that the part road closure and sale of land to Royal Freemasons Benevolent Institution was initiated as part of a proposed development and further negotiations and exchanges of contract should take into consideration the progress of the proposed Development Application.

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

At 7.10 pm the meeting moved back into Open Council.

In accordance with clause 253 of the *Local Government (General) Regulation 2005* the Chairperson provided a summary of the resolutions passed in Closed Council.

**Closure:** There being no further business the Ordinary Meeting of Council concluded at 7.15 pm

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