

# ORDINARY COUNCIL



# MINUTES

held in the Barraba Office (former Council Chambers), 27 Alice Street, Barraba

**TUESDAY 23 NOVEMBER 2010 at 6:30pm**

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

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

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## **1 APOLOGIES**

Apologies were announced as having been received from:

Cr Warren Woodley, who was unable to attend the meeting due to illness.

Cr Russell Webb, who was unable to attend the meeting due to a personal business commitment.

### **MOTION**

**Moved Cr Juanita Wilson/Cr Ray Tait**

**439/10 RESOLVED**

That the apologies be accepted and Cr Warren Woodley and Cr Russell Webb be granted leave of absence from the Meeting.

## **2 COMMUNITY CONSULTATION**

Nil.

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

### **MOTION**

**Moved Cr Juanita Wilson/Cr Ray Tait**

**440/10 RESOLVED**

That the Minutes of the Ordinary Meeting of the Council held on Tuesday 9 November 2010, copies of which were circulated be taken as read and confirmed as a correct record of the proceedings of the Meeting.

## **4 DISCLOSURE OF INTEREST**

Cr Phil Betts declared a Non-Pecuniary Interest in Item 6.1 for reason that he is an alternate member of the Northern Joint Regional Planning Panel which will assess DA 0081/2011 in relation to a proposed major retail premises and subdivision bounded by Marius, Hill and Peel Streets, Tamworth. He stated that he had assessed his interest

in relation to the issues being dealt with and decided to stay in the Chamber and participate in the debate and voting.

Cr Paul Durant declared a Non-Pecuniary Interest in Item 6.1 for reason that he is a member of the Northern Joint Regional Planning Panel which will assess DA 0081/2011 in relation to a proposed major retail premises and subdivision bounded by Marius, Hill and Peel Streets, Tamworth. He stated that he had assessed his interest in relation to the issues being dealt with and decided to leave the Chamber while the debate and voting was undertaken.

## **5 MAYORAL MINUTE**

Nil.

## **OPEN COUNCIL REPORTS**

### **6 ENVIRONMENT & PLANNING**

**6.1 PROPOSED MAJOR RETAIL PREMISES (SUPERMARKET, THREE RETAIL TENANCIES, CAR PARKING AND LANDSCAPING) AND SUBDIVISION TO CREATE ONE NEW LOT ON LOT 1 DP 534154, LOTS A AND B DP 398476, LOT 6 DP 230958, LOTS 51 AND 52 DP 710142, LOT 467 DP 871160, LOT 16 AND 18 DP 758951, LOT A DP 339895, LOT B DP 396828, LOT 244 DP 1014012, LOT 42 DP 708583 BOUNDED BY MARIUS, HILL AND PEEL STREETS, TAMWORTH - FILE NO DA 0081/2011**

**DIRECTORATE: ENVIRONMENT, PLANNING AND ECONOMIC DEVELOPMENT**

**AUTHOR: David Lewis, Manager, Development and Approvals**

Cr Paul Durant declared a Non-Pecuniary Interest in this item for reason that he is a member of the Northern Joint Regional Planning Panel which will assess DA 0081/2011 in relation to a proposed major retail premises and subdivision bounded by Marius, Hill and Peel Streets, Tamworth. He stated that he had assessed his interest in relation to the issues being dealt with and decided to leave the Chamber while debate and voting is undertaken.

Cr Durant vacated the Chambers at 6:35pm.

#### **MOTION**

**Moved Cr Ray Tait/Cr Juanita Wilson**

#### **441/10 RESOLVED**

That in relation to DA 0081/2011 for Major Retail Premises (Supermarket, Three Retail Tenancies, Car Parking and Landscaping) and Subdivision to Create One New Lot on Lot 1 DP 534154, Lots A & B DP 398476, Lot 6 DP 230958, Lots 51 and 52 DP 710142, Lot 467 DP 871160, Lot 16 and 18 DP 758951, Lot A DP 339895, Lot B DP

396828, Lot 244 DP 1014012, Lot 42 DP 708583 bounded by Marius, Hill and Peel Streets, Tamworth, Council:

- (i) note the application is scheduled for determination by the Northern Joint Regional Planning Panel on 8 December 2010; and
- (ii) make a submission to the Northern Joint Regional Planning Panel recording Council's support of DA 0081/2011 for a proposed major retail premises (supermarket, three retail tenancies, car parking and landscaping) and subdivision to consolidate the overall development site for the following reasons:
  - the positive overall economic impact on commercial activity within the City, increased employment opportunities and expansion of higher order retail facilities offered within the Region;
  - the development site is appropriately zoned and the proposed development is consistent with the Council's endorsed retail hierarchy and will consolidate the role and function of the Tamworth Central Business District;
  - the proposed development will attract and encourage other retail development to locate within the Tamworth Central Business District;
  - the proposed development is beneficial to the overall retail environment and the community at large;
  - the availability of carparking has been considered and the proposed development will facilitate the upgrade of public car parking within the immediate vicinity of the development site.

**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 Phil Betts 3. Cr Ray Tait 4. Cr Helen Tickle 5. Cr James Treloar 6. Cr Juanita Wilson	Nil.

It should be noted that Cr Durant was not present during the debate and voting on this item.

Cr Paul Durant returned to the meeting at 6:42pm.

## 7 INFRASTRUCTURE AND SERVICES

### 7.1 ANNUAL DONATION PROGRAM 2010/2011 - FILE NO SF4551

**DIRECTORATE:** REGIONAL SERVICES

**AUTHOR:** Bruce Mercer, Manager Cultural and Community Services

#### **MOTION**

**Moved Cr Juanita Wilson/Cr Ray Tait**

#### **442/10 RESOLVED**

That, in relation to the report on the Annual Donations Program 2010/2011, under Section 356 of the Local Government Act, Council approve donations to the following Organisations in the amounts listed:

189th NSW West Tamworth Boys Brigade	\$1,000
Barraba Books, Birth and Beyond	\$250
Barraba Combined Pensioners and Senior Citizens	\$500
Barraba Golf Club	\$500
Barraba Home and Community Care Services	\$500
Barraba Pony Club	\$1,500
Barraba Potters and Craft Guild	\$500
Bendemeer Craft Centre Association	\$1,000
Bendemeer Pony Club	\$1,500
Bendemeer Pre School Inc	\$1,000
City of Tamworth Eisteddfod	\$3,000
Cocare Inc	\$500
Dungowan and District Tennis Club	\$754
Duri Branch, United Hospitals Auxiliary	\$500
Girl Guides, Tamworth District	\$1,000
Kootingal and District Pre School Inc	\$1,724
Lake Keepit Sailing Club Inc	\$500
Life Education NSW	\$1,000
Lynchwood Scout Camp	\$1,000
Manilla and District Garden Club	\$500
Manilla Born to Read	\$300
Manilla Community Development Committee	\$1,200
Manilla Community Preschool	\$478
Manilla Historical Society	\$1,000
Nandewar Historical Society	\$500
Niangala P & C	\$1,000
Nundle Amateur Swimming Club	\$250
Nundle Community Development Committee	\$1,000
Nundle CWA Art Exhibition Committee	\$500
Nundle CWA Pre School	\$400
Nundle Pony Club	\$300
Nundle School of Arts Memorial Hall	\$834
Nundle Old Church Boutique	\$1,000
OMNI Tamworth Regional Zone (Older Men New Ideas)	\$720
Oxley Dog Training Club	\$1,000
Scully Park Swimming and Life Saving Club	\$1,000
Senior Citizen Centre Committee of Tamworth Inc	\$1,000
St Peters Anglican Church, South Tamworth	\$1,000
Tamworth Birdwatchers Inc	\$1,000

Tamworth Broadcasting Society	\$500
Tamworth Clarinet Choir	\$1,500
Tamworth Community Men's Shed	\$2,000
Tamworth Croquet Club	\$1,500
Tamworth Disability Expo	\$500
Tamworth District Junior Rugby Union Inc	\$316
Tamworth Hillvue Scout Group	\$1,570
Tamworth Homeless Men's Support Group Inc	\$1,890
Tamworth Legacy	\$3,000
Tamworth Regional University of the 3rd Age	\$600
Tamworth Seniors Week Organising Committee	\$500
Tamworth Stroke Recovery Club	\$1,000
Tamworth Youth Care (Coledale)	\$1,025
TARMAC (Tamworth Area Radio Model Aircraft Club)	\$2,000
Woolomin Recreational Reserve Committee	\$5,000
Zonta Club of Tamworth Inc	\$1,000

Note: Cr Phil Betts requested that Council provide as much assistance as possible to small organisations in the submission of applications for funding under the Annual Donation Program.

## 7.2 CRIME PREVENTION WORKING GROUP MINUTES - FILE NO SF2300

**DIRECTORATE:** REGIONAL SERVICES  
**AUTHOR:** Bruce Mercer, Manager Cultural and Community Services

### MOTION

Moved Cr Ray Tait/Cr Juanita Wilson

### 443/10 RESOLVED

That in relation to the Crime Prevention Working Group report Council:

- (i) receive and note the minutes of the Crime Prevention Working Group meeting held on 21 October 2010; and
- (ii) request the Director of Regional Services to submit a further report on options for how the pedestrian link between Kable Avenue and the Gipps Street car park via Bicentennial Park and the footbridge across the Peel River can be opened up to improve security.

Note: Cr Paul Durant requested advice of a timeline when Council could expect submission of the report on security improvement options for the pedestrian link between Kable Ave and the Gipps Car Park via Bicentennial Park and the foot bridge across the Peel River.

The Director Regional Services advised that it was proposed that a report on security would be submitted to a meeting of the Council should a meeting be held in January 2011.

## 7.3 TAMWORTH REGIONAL LOCAL TRAFFIC COMMITTEE MEETING- NOVEMBER 2010 – FILE NO SF 1387

**DIRECTORATE:** REGIONAL SERVICES

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

### MOTION

Moved Cr Ray Tait/Cr Helen Tickle

### 444/10 RESOLVED

That Council endorse the following recommendations of the Tamworth Regional Local Traffic Committee meeting held on 10 November 2010:

56/2010 That with regard to the Tamworth Country Music Festival Traffic Management Plan (TMP) including installation of all associated permanent and temporary road closures, regulatory devices, signs, markings and barriers:

- (i) Council note that the RTA Traffic Management Centre (TMC) are investigating traffic signal phasing in relation to taxi access and egress at the proposed new Brisbane Street taxi rank west of Treloar Lane;
- (ii) Council note that Council staff, Police and the RTA representatives will monitor the temporary road closures for effectiveness and will, if required, close or open any part of the TMP should they feel it is prejudicial to the safety of the motoring or pedestrian public; and
- (iii) a full report on traffic management during the Festival will be placed before the February 2011 Local Traffic Committee meeting for discussion.

57/2010 With regard to the unnamed laneway between Belmore and Denison Streets in Tamworth:

- (i) the section of the laneway travelling north-west that provides rear lane vehicular access to residents and businesses be restricted to No Parking;
- (ii) the section of the laneway travelling south-west to Belmore Street be signposted on the north-western side only No Parking; and
- (iii) all other existing restrictions remain as they are.

58/2010 That Event Approval be granted to the events proposed during November and December 2010.

59/2010 That with regard to regulatory devices proposed for the Bridge Street/Phillip Street intersection upgrade adjacent to McDonald's Restaurant in West Tamworth:

- (i) Council note that the RTA representative has confirm the RTA's approval of all parking restrictions on the Oxley Highway associated

with the works, including all No Stopping, No Parking and Loading Zones; and

- (ii) Council endorse the proposed concrete median island in Out Street to be amended to a linemarked device.

60/2010 That with regard to the proposed Restricted Access Vehicle (RAV) gazettal (25 mtr B-Doubles) of Regional Road 7718 from the Tamworth Regional Council (TRC) & Walcha Shire Council boundary west for a distance of approximately 10 kilometres:

- (i) Council approve the route and refer it to the RTA for listing in the State Gazettal Notices; and
- (ii) Council install appropriate signage at the termination of the route within the TRC area prohibiting any RAV travel west of the termination point.

#### **7.4 WELCOME TO COUNTRY AND ACKNOWLEDGMENT OF COUNTRY DRAFT POLICY - FILE No SF1282**

**DIRECTORATE: REGIONAL SERVICES**  
**AUTHOR: Bruce Mercer, Manager Cultural and Community Services**

#### **MOTION**

**Moved Cr James Treloar /Cr Paul Durant**

**445/10 RESOLVED**

That the report in relation to a draft policy for *Welcome to Country and Acknowledgement to Country* be deferred for further consideration and that the General Manager be requested to arrange a "Councillor Workshop" to allow Council to discuss and consider the full implications and application of the draft policy.

### **8 GOVERNANCE, STRATEGY AND FINANCE**

#### **8.1 AUSTRALIAN EQUINE & LIVESTOCK EVENTS CENTRE (AELEC) – MANAGEMENT COMMITTEE AND IMPROVEMENT WORKS - FILE No SF3680**

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

#### **MOTION**

**Moved Cr Phil Betts/Cr Ray Tait**

**446/10 RESOLVED**

That, in relation to the Australian Equine & Livestock Event Centre Management Committee established under section 355 of the Local Government Act 1993 to

exercise the function of strategic and operational management of AELEC and proposed upgrade works, Council:

- (i) appoint the following community members to the Australian Equine & Livestock Events Centre Management Committee:
  - Independent Chairperson – Rob Vickery;
  - Equine/Livestock Industry Representative – Wayne Biffin;
  - External Venue Specialist – Mike Rowland;
  - External Marketing/Sponsorship Specialist – Kyleen Partridge; and
  - External Entrepreneurial/Business Specialist – John Smyth;
- (ii) note the nominated representative from Tourism Tamworth Ltd on the Australian Equine & Livestock Events Centre Management Committee is Rebel Thompson;
- (iii) cease operation of the Australian Equine & Livestock Events Centre Interim Management Group on and from 31 December 2010; and
- (iv) approve the following upgrade works to be funded from the Australian Equine & Livestock Events Centre Reserve:

Item Description	Est. \$ Value
Retrofit faulty AELEC Fire Alarm System – 3 quotes currently being obtained	\$125,000
Improve useability of stadium stairs – 3 quotes currently being obtained	\$40,000
Improve ventilation in AELEC Stadium Arena – obtain ventilation Engineers Report – quote received from GHD – James McPherson	\$9,535
Install appropriate Gatehouse communications – telephone and surveillance camera	\$3,500
Install bollards at main entry to arena	\$2,500
Plant screening plants along New England Highway frontage and complete landscaping (including shade trees) around Campdraft Arena – awaiting final quotation from TRC’s Horticultural & Recreation. Division and 1 external quote	\$14,000
Improve PA System – obtain Acoustic Engineers Report – quote received from Acoustic Directions, Sydney	\$5,000

## **8.2 COUNCIL INVESTMENTS OCTOBER 2010 - FILE No SF3455**

**DIRECTORATE: CORPORATE AND GOVERNANCE**

**AUTHOR: Mark Crompton, Finance & Information Technology Manager**

### **MOTION**

**Moved Cr Paul Durant/Cr Juanita Wilson**

### **447/10 RESOLVED**

That the report on Council's Investments for the month of October 2010 be received and noted.

## **ADDITIONAL ITEM – TAMWORTH SPORTS DOME – FILE No SF5032**

Cr Ray Tait requested advice to all Councillors of capital expenditure to date in relation to Tamworth Sports Dome and any approved contract variations to date.

The Director Corporate and Governance advised that all Councillors would be circulated with the requested information.

## **8.3 TAMWORTH COUNTRY MUSIC FESTIVAL MANAGEMENT STRUCTURE - FILE No SF622**

**DIRECTORATE: CORPORATE & GOVERNANCE**

**AUTHOR: Stephen Bartlett, Director Corporate & Governance**

### **MOTION**

**Moved Cr James Treloar /Cr Paul Durant**

### **448/10 RESOLVED**

- (i) That Council adopt the Business Model and Management Structure for the Tamworth Country Music Festival as proposed in the body of this Report;
- (ii) That Council appoint the Mayor and General Manager, or his nominee, as Ex Officio Directors of the proposed non profit company limited by guarantee to be registered as Tamworth Country Music Festival Ltd;
- (iii) That Council adopt the Constitution Ltd, as identified in Annexure 8.3, for the proposed non profit company limited by guarantee to be registered as Tamworth Country Music Festival Ltd;
- (iv) That the General Manager be requested to make suitable financial provision in the current 2010/2011 Management Plan and Budget and the Draft 2011/2012 Management Plan and Budget for an initial operating budget for the proposed non profit company; and
- (v) That Council make application under section 358 of the Local Government Act 1993 for the consent of the Minister for Local Government to form a non profit company limited by guarantee to control and manage the annual Tamworth Country Music Festival.

#### **8.4 DEDICATION OF FIELD LANE AND TWO UNNAMED LANES AT KOOTINGAL AS PUBLIC ROADS FILE No RF1219**

**DIRECTORATE:** GENERAL MANAGERS OFFICE  
**AUTHOR:** Barbara Thomson, Acting Commercial Property Officer

**MOTION**

**Moved Cr Ray Tait/Cr Phil Betts**

**449/10 RESOLVED**

Council authorise the publication of a notice in the Government Gazette pursuant to section 16 of the Roads Act 1993 dedicating the lands shown as "Lane 20 Feet Wide" in DP 7303 as public road.

#### **8.5 CONTRACT WITH ACCESS ECONOMICS PTY LTD UNDER THE AUSTRALIAN GOVERNMENT STRENGTHENING BASIN COMMUNITIES PROGRAM – FILE No SF5076**

**DIRECTORATE:** CORPORATE AND GOVERNANCE  
**AUTHOR:** Peter Thompson General Counsel

**MOTION**

**Moved Cr Paul Durant/Cr Juanita Wilson**

**450/10 RESOLVED**

- (i) That Council enter into an agreement with Access Economics Pty Ltd for performance of the work funded by the Australian Government Department of the Environment, Water, Heritage and the Arts in relation to the Strengthening Basin Communities Program.
- (ii) That Council not invite tenders for the contract for the following reasons:-
  - a) Council is entering the contract on behalf of Namoi Councils as that group is not a legal entity.
  - b) The contract is for the benefit of all Namoi Councils and the contract works are not solely related to Tamworth Regional Council.
  - c) On the basis that the contract benefits all Namoi Councils, that group has conducted a public call process to identify interested contractors in performing the work.
  - d) The successful contractor has been selected by representatives of Namoi Councils following a public advertisement process.
  - e) Namoi Councils has confirmed the outcome for the public call process with Access Economics Pty Ltd and it would be unsatisfactory for Tamworth Regional Council to now call for fresh tenders to award a contract to the same or any other contractor.

## **8.6 AUSTRALIAN EQUINE AND LIVESTOCK EVENTS CENTRE – AGREEMENT WITH TAFE NSW – NEW ENGLAND INSTITUTE - FILE No SF 3402**

**DIRECTORATE:** GENERAL MANAGER  
**AUTHOR:** Peter Thompson General Counsel

### **MOTION**

**Moved Cr Phil Betts/Cr Paul Durant**

### **451/10 RESOLVED**

- (i) That Council enter into an agreement with TAFE NSW New England Institute in relation to the Australian Equine and Livestock Events Centre and authorise the General Manager to execute the Agreement on and behalf of Council; and
- (ii) That the AELEC Management Committee be requested to consider appropriate recognition of the TAFE NSW New England Institute's contribution of \$700,000 in the naming of the Education Facility located within the Centre.

## **8.7 KOOTINGAL ALCOHOL FREE ZONE - FILE No SF990**

**DIRECTORATE:** CORPORATE & GOVERNANCE  
**AUTHOR:** Stephen Bartlett Director Corporate & Governance

### **MOTION**

**Moved Cr Ray Tait/Cr Juanita Wilson**

### **452/10 RESOLVED**

That in accordance with section 644(B) of the Local Government Act 1993 Council renew the Kootingal Alcohol Free Zone for a period of four (4) years until 29 December 2014 in respect of the following public roads and footpaths:

- Denman Avenue (from boundary of school running south to include Sandy Creek Park area)
- Irvine Street
- Station Street (from Irvine Street to Gate Street)
- Field Lane (including two unformed lanes from Field Lane to Irvine Street)
- Gate Street.

## 8.8 COMMUNITY DEVELOPMENT COMMITTEE - MINUTES - FILE No SF1907, SF2965, SF2586 & SF 2664

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

### MOTION

Moved Cr Phil Betts/Cr Paul Durant

### 453/10 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     | 18 August 2010   |
| Barraba Community Development Committee - AGM | 6 September 2010 |
| Barraba Community Development Committee       | 6 September 2010 |
| Manilla Community Development Committee       | 6 October 2010   |
| Barraba Community Development Committee       | 11 October 2010  |
| Kootingal Community Development Committee     | 11 October 2010  |
- (ii) That Council adopt the recommendation of the Barraba Community Development Committee at its Annual General Meeting held 6 September, 2010 to appoint the following persons as Office Bearers of the Barraba Community Development Committee:
- |                      |                    |
|----------------------|--------------------|
| Chairperson:         | Danny Ballard;     |
| Deputy Chairperson:  | John Bishton;      |
| Secretary:           | Paula McIver;      |
| Treasurer:           | Millie Webb;       |
| Publicity Officer:   | Sarah Marrett; and |
| Assistant Secretary: | Robin Chalmers;    |
- (iii) That Council adopt the recommendation of the Manilla Community Development Committee at its meeting held 6 October, 2010 to appoint Anthony Beale as a member of the Manilla Matters Sub-Committee of the Manilla Community Development Committee;
- (iv) That Council adopt the recommendation of the Barraba Community Development Committee at its meeting held 11 October, 2010 to accept the resignations of Bill McKid, David Kelly and Brian Fenn from the Barraba Community Development Committee; and
- (v) That Council under section 377 (1) of the Local Government Act 1993 adopt the recommendation of the Kootingal Community Development Committee at its meeting held 11 October, 2010 to withdraw the delegation of "Plan, co-ordinate and conduct the Pumpkin Festival" from the Kootingal Community Development Committee.

Note: Cr Phil Betts requested that Council adopt a practice, if not already in place, of forwarding a letter of appreciation to retiring members of community development committees.

## 8.9 SECTION 355 COMMITTEES - MINUTES - FILE NO SF2256

**DIRECTORATE: CORPORATE AND GOVERNANCE**

**AUTHOR: Jodie Archer, Section 355 Coordinator**

### **MOTION**

**Moved Cr Ray Tait/Cr Paul Durant**

### **454/10 RESOLVED**

- (i) That the minutes of the following Section 355 Committees listed below be received and noted:
- | Committee                                | Meeting Date      |
|--|-------------------|
| Tamworth Sister City Committee           | 11 August 2010    |
| Barraba Showground Management Committee  | 18 August 2010    |
| Grey Fergie Tractor Muster Committee     | 15 September 2010 |
| Tamworth Regional Tidy Towns Committee   | 20 September 2010 |
| Victoria Park Committee                  | 21 September 2010 |
| Kootingal Recreational Reserve Committee | 27 September 2010 |
| Nundle Australia Day Committee           | 16 October 2010   |
| Moore Creek Hall and Reserve Committee   | 18 October 2010   |
- (ii) That Council adopt the recommendation of the Tamworth Regional Tidy Towns Committee at its meeting held 20 September, 2010 to accept the resignation of Laurie Beattie from the Tamworth Regional Tidy Towns Committee;
- (iii) That Council adopt the recommendation of the Victoria Park Committee at its meeting held 21 September, 2010 to accept the resignation of its Chairperson Gary Chillingworth from the Victoria Park Committee and as Coordinator of the Friends of the Marsupial Park;
- (iv) That Council adopt the recommendation of the Victoria Park Committee at its meeting held 21 September, 2010 to accept John Green as Chairperson of the Victoria Park Committee;
- (v) That Council adopt the recommendation of the Victoria Park Committee at its meeting held 21 September, 2010 to accept Doreen Goddard as Secretary of the Victoria Park Committee;
- (vi) That Council adopt the recommendation of the Nundle Australia Day Committee at its Annual General Meeting held 16 October, 2010 to appoint the following persons as Office Bearers and Members of the Nundle Australia Day Committee:
- (vii) Chairman: Robert Schofield;  
Deputy Chairman: David Leonard;  
Secretary: David Leonard; and  
Members: Don Davis, Claire Lennon, Marcia Schofield, Jim Aspinall, Gerry Chan, Olive Warwick and Geoff Cummins; and
- (viii) That Council adopt the recommendation of the Moore Creek Hall and Reserve Committee at its Special Meeting held 18 October, 2010 to appoint the following persons as Office Bearers of the Moore Creek Hall and Reserve Committee:  
Chairperson: Steve Hawkins;  
Vice Chairperson: Peter Bell;  
Secretary: Phil Hetherington; and  
Treasurer and Booking Officer: Chris Williamson

## 9 REPORTS FROM DELEGATES

Nil.

## 10 QUESTIONS AND MATTERS OF CONCERN

### 10.1 MARIUS STREET BETWEEN WHITE AND FITZROY STREET PEDESTRIAN CROSSING – FILE NO SF242

Cr Phil Betts referred to an accident on Tuesday 23 November 2010 at approximately 11:30am at the pedestrian crossing in Marius Street between White and Fitzroy Streets where a young mother and her children using the crossing were struck by a motor vehicle and injured. Cr Phil Betts requested that the accident be referred to the next meeting of the Tamworth Traffic Committee for review of safety considerations in conjunction with the Roads and Traffic Authority and Tamworth Police.

### 10.2 TAMWORTH REGIONAL BOTANIC GARDENS – FILE NO PF24

Cr Ray Tait requested advice from the Director Regional Services of repairs to the dam at the Regional Botanic Gardens and the installation of a dam liner. The question was taken on notice and the Director Regional Services advised Councillors would be informed of the status of remedial works.

## 11 REPORTS TO BE CONSIDERED IN CLOSED COUNCIL

### MOTION

Moved Cr Phil Betts/Cr Juanita Wilson

455/10 **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 NEW MANILLA DEPOT - FILE NO SF2585

DIRECTORATE: REGIONAL SERVICES

AUTHOR: George Shearman, Manager Plant and Fleet Services

### MOTION

Moved Cr Ray Tait/Cr Paul Durant

456/10 **RESOLVED**

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.

At 7:40pm, 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 NEW MANILLA DEPOT - FILE NO SF2585

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

#### MOTION

Moved Cr Ray Tait/Cr Paul Durant

457/10 **RESOLVED**

That in relation to the New Manilla Depot, Council:

- (i) authorise the acquisition of the land under terms as detailed in confidence in the report;
- (ii) authorise the affixing of the Seal of Council to the Contract for the sale/purchase of the land, the Transfer documents, and all associated land exchange documents;
- (iii) upon acquisition classify the land as Operational land pursuant to section 31 of the Local Government Act 1993;
- (iv) give public notice of the classification of the land in accordance with Section 34 of the Local Government Act 1993; and
- (v) authorise the funding to be drawn from "Plant Reserve" funds.

## 13 RESOLUTIONS PASSED IN CLOSED COUNCIL

At 7:50pm 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.

### ADDITIONAL ITEM - MARIUS STREET BETWEEN WHITE AND FITZROY STREET PEDESTRIAN CROSSING – FILE NO SF242

The Mayor and Chairperson, Cr Col Murray, referred to an accident on Tuesday 23 November 2010 at approximately 11:30am at the pedestrian crossing in Marius Street between White and Fitzroy Streets adjacent to the Tamworth Regional Conservatorium

of Music where a young mother and her children using the crossing were struck by a motor vehicle and injured.

The Mayor ruled as Chairperson that the matter was of great urgency in accordance with Clause 19 (iii)(b) of the Tamworth Regional Council Code of Meeting Practice and advised that he would accept a Motion in relation to any action proposed by Council to prevent a recurrence of the accident.

**MOTION**

**Moved Cr Ray Tait/Cr Paul Durant**

**458/10 RESOLVED**

That in negotiations with the NSW Roads and Traffic Authority in relation to the safety of pedestrians using the mid block Marius Street pedestrian crossing between White and Fitzroy Streets and adjacent to the Tamworth Regional Conservatorium of Music, Council express its strong view that the pedestrian crossing is unsafe for use by pedestrians and that the pedestrian crossing should be relocated to the intersection of Marius and White Streets adjacent to the roundabout.

**Closure:** There being no further business the Ordinary Meeting of Council concluded at 7:50pm.

Chairperson of the meeting at which these minutes were adopted, Title of Chairperson  
Chairperson  
Date at which these minutes will be adopted

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