

ORDINARY COUNCIL MINUTES

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

TUESDAY 11 OCTOBER 2011 at 6:30pm

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

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

1 APOLOGIES

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

MOTION

Moved Cr Murray/Cr Durant

304/11 RESOLVED

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

2 COMMUNITY CONSULTATION/PRESENTATIONS

2.1 PRESENTATION TO THE TAMWORTH REGIONAL COUNCIL BY THE MAYOR, CR COL MURRAY – FILE No SF1000

The Mayor, Cr Col Murray presented Council with a silk brocade depicting Panda Bears from Chaoyang District, Beijing, People's Republic of China and a painting from the Beijing Senior Performance and Vocational High School for Ethnic Minorities, that were received during the visit by the Delegation consisting of Cr Ray Tait, Cr Warren Woodley OAM and himself to the 2011 Beijing Central Business District International Business Festival from 13 September to 19 September 2011.

The Mayor formally recognised the work by Mr John Green and the Tamworth Sister City Committee in the Sister City Relationships that our region has with Chaoyang District Government and the Beijing Senior Performance and Vocational High School for Ethnic Minorities. The Mayor stated that the Committee must be commended for their achievements over the last 20 years and looks forward to a continuing relationship in the future.

2.2 ITEM 6.7 TAMWORTH REGIONAL HERITAGE ASSISTANCE FUND 2011/2012 – FILE No SF5123

Mr Greg Blaxland from St. Pauls Anglican Church, West Tamworth addressed Council and advised that he had not made any political donation or gift to any Councillor or Council employee.

Mr Blaxland spoke in relation to their Heritage Assistance Fund application for the Retreat Theatre. In 2009, the Church refurbished the north east wall of the Theatre spending \$70,000, with only \$10,000 being funded from Grants. Over the last two years, the old cottage has been refurbished to the value of \$20,000. These are two of

the oldest buildings in Tamworth and are situated where the New England Highway and the Oxley Highway intersect. At the present time, while the inside has been refurbished and the structure has been strengthened with the walls internally, the state of the Retreat Theatre is very poor externally. The Church feels that having already spent \$80,000 fixing these icons they do not have the funds to continue with the work and urge Council to increase the amount of funding. Mr Blaxland stated that the \$2,000 recommended to be allocated is not considered enough and the \$5,000 applied for in the application, would be more appropriate and requested Council reconsider the proposal.

2.3 ITEM 6.7 TAMWORTH REGIONAL HERITAGE ASSISTANCE FUND 2011/2012 – FILE No SF5123

Reverend Peter Stavert from St John's Anglican Church, Tamworth addressed Council and advised that he had not made any political donation of gift to any Councillor or Council employee.

Reverend Peter Stavert advised that the Church was built in 1880, and is a beautiful iconic building. Work is currently being undertaken on the brickwork around the outside and \$5,000 has been allocated to complete the next stage. The Church is requesting half of this amount through the Heritage Assistance Fund, the area of work is the front wall with high gables and is the focal point as you walk into the Church and would improve visual appearance for people attending Weddings or Baptisms.

2.4 PRESENTATION TO THE TAMWORTH REGIONAL COUNCIL BY THE MAYOR, CR COL MURRAY – FILE No SF1000

Mr John Green, Chairperson of the Tamworth Sister City Committee, addressed Council and stated that he has had a wonderful experience being Chairperson of the Sister City Committee since 1994. He further commented that it has been a combination of members of the Sister City Committee, the Oxley High School community and citizens of Tamworth that has assisted in strengthening the relationship with Chaoyang. The Chaoyang District Government has 27 Sister Cities of which Tamworth is the most active. Mr Green would like to challenge Council to encourage the business community to get involved and benefit from the friendship of this relationship.

3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

MOTION

Moved Cr Webb/Cr Tait

305/11 RESOLVED

That the Minutes of the Ordinary Meeting of the Council held on Tuesday 27 September 2011, copies of which were circulated be taken as read and confirmed as a correct record of the proceedings of the Meeting.

4 DISCLOSURE OF INTEREST

Nil

5 LATE MAYORAL MINUTE

5.1 NATIONAL 2011 SAVEWATER! AWARDS – FILE NO SF2721

MOTION

Moved Cr Murray/Cr Treloar

306/11 RESOLVED

That in relation to the National 2011 Savewater! Awards being held on Friday 11 November 2011, in Melbourne, Council approve the attendance of the Mayor Cr Col Murray, the General Manager, Mr Paul Bennett, the Director Water Enterprises, Mr Bruce Logan and the Water Sustainability Officer Mr Ian Lobban at the Awards.

COUNCIL REPORTS

OPEN COUNCIL REPORTS

6 ENVIRONMENT AND PLANNING

6.1 CULTURAL DIVERSITY PROGRAM AREA – FILE NO SF650 AND SF5392

DIRECTORATE: PLANNING AND COMMUNITY SERVICES

AUTHOR: Petria Jukes, Community Planning and Development Officer

MOTION

Moved Cr Tait/Cr Tickle

307/11 RESOLVED

That in relation to the report “Cultural Diversity Program Area”, Council:

- (i) receive and note the report; and
- (ii) agree to a Councillor Workshop to further discuss the initiatives to be undertaken within the Cultural Diversity Program Area.

6.2 DWELLING ON LOT 34 DP 755322 NOWENDOC ROAD, NIANGALA – FILE NO DA0403/2011

DIRECTORATE: PLANNING AND COMMUNITY SERVICES

AUTHOR: Lucy Walker, Senior Development Assessment Planner

MOTION

Moved Cr Woodley/Cr Durant

That in relation to “Development Application No. DA0403/2011 for a dwelling on Lot 34 DP 755322 Nowendoc Road, Niangala” the application be determined by the refusal of consent for the following reasons:

- (i) the land does not satisfy the provisions of clause 4.2B of the Tamworth Regional Local Environmental Plan 2010 for a dwelling, specifically subclause 3(a) which requires compliance with the minimum lot size specified by the Lot Size Map;
- (ii) concurrence was not granted by the Director-General of Planning and Infrastructure pursuant to clause 4.6(4)(b) of the Tamworth Regional Local Environmental Plan 2010 for the reasons outlined in Appendix 1 to this Notice;
- (iii) the proposal is contrary to the objectives of the RU1 Primary Production Zone of the Tamworth Regional Local Environmental Plan 2010, specifically points 1, 2, 3 and 4;
- (iv) the proposal is contrary to the Planning Principles for Rural Development contained within the State Environmental Planning Policy (Rural Lands) 2008, specifically clauses (a), (b), (c) and (d); and
- (v) the site is not suitable for the development pursuant to 79C(1)(c) of the Environmental Planning and Assessment Act 1979, as the surrounding locality is comprised of dwellings on large rural holdings utilised for genuine agricultural pursuits and the proposal will prejudice future agricultural production .

AMENDMENT

Moved Cr Wilson/Cr Tait

AMENDMENT PASSED

THE AMENDMENT BECAME THE MOTION

308/11 RESOLVED

That in relation to “Development Application No. DA0403/2011 for a dwelling on Lot 34 DP 755322 Nowendoc Road, Niangala” the application be deferred for one month and Council request a letter be sent to the Director General and the Minister for Planning and Infrastructure expressing disappointed in relation to Council not being given the opportunity to merit assess applications that deserve the consideration.

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 Paul Durant 2. Cr Ray Tait 3. Cr Helen Tickle 4. Cr James Treloar 5. Cr Russell Webb 6. Cr Juanita Wilson	1. Cr Col Murray, Mayor 2. Cr Warren Woodley

6.3 PROPOSED ROAD NAME – STAGE 3 VALLEY VIEW ESTATE, TOWN OF KOOTINGAL – FILE No DA0483/2006, MOD 0012/2011 AND SF2771

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

MOTION

Moved Cr Durant/Cr Wilson

309/11 RESOLVED

That in relation to naming the new road created within the approved subdivision of Stage 3 of Valley View Estate, Lot 12 DP 1122021, off Orchid Drive, Kootingal, Council:

- (i) approve in principle, the road name Lily Close;
- (ii) advertise the proposed 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) serve notice of proposed names on Australia Post, the Department of Lands, Chief Executive of the Ambulance Service of NSW, NSW Fire Brigades, the NSW Rural Fire Service, NSW Police Force and State Emergency Service with sufficient particulars for identification of the road.

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 Paul Durant 3. Cr Ray Tait 4. Cr Helen Tickle 5. Cr James Treloar 6. Cr Russell Webb 7. Cr Juanita Wilson 8. Cr Warren Woodley	NIL

6.4 SPONSORSHIP OF COMMUNITY PROGRAMS – FILE No SF684

DIRECTORATE: PLANNING AND COMMUNITY SERVICES
AUTHOR: Petria Jukes, Community Planning and Development Officer

MOTION

Moved Cr Treloar/Cr Tickle

310/11 RESOLVED

That in relation to the report “Sponsorship of Community Programs”, Council:

- (i) support the Joblinkplus Midnight Basketball program by way of contribution to the hire of the Tamworth Sports Dome of up to \$1,000.00 for the term; and
- (ii) support the Tamworth Dramatic Society, working in collaboration with Tamworth Family Support Services, by way of contribution to the hire of the Capitol Theatre of up to \$500.00.

MATTER ARISING FROM THE REPORT – FILE No SF684

MOTION

Moved Cr Wilson/Cr Treloar

311/11 RESOLVED

That Council request the General Manager establish a policy for Council Sponsorship of Community Programs.

6.5 VICTORIA PARK MASTER PLAN PROJECT – FILE No SF5180

DIRECTORATE: PLANNING AND COMMUNITY SERVICES
AUTHOR: Nathan Bartlett, Strategic Planner

MOTION

Moved Cr Webb/Cr Tait

312/11 RESOLVED

That in relation to the report “Victoria Park Master Plan Project”, Council endorse the public exhibition of the Draft Victoria Park Master Plan and the associated Draft Plan of Management for the Oxley Reserve.

6.6 CRIME PREVENTION WORKING GROUP – FILE No SF2300

DIRECTORATE: PLANNING AND COMMUNITY SERVICES
AUTHOR: Petria Jukes, Community Planning and Development Officer

MOTION

Moved Cr Tait/Cr Woodley

313/11 RESOLVED

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

- (i) receive and note the Minutes of the 19 August 2011 Crime Prevention Working Group meeting; and
- (ii) endorse the revised Terms of Reference for the Crime Prevention Working Group, including amended membership and quarterly meeting schedule.

6.7 TAMWORTH REGIONAL HERITAGE ASSISTANCE FUND 2011/2012 – FILE No SF5123

DIRECTORATE: PLANNING AND COMMUNITY SERVICES
AUTHOR: Megan Purkiss, Strategic Planner

MOTION

Moved Cr Woodley/Cr Webb

314/11 RESOLVED

That in relation to the report “Tamworth Regional Heritage Assistance Fund”, the recommendations of Council’s Heritage Advisor be supported and that:

- (i) Offers of financial assistance be made to paint and/or repair, as required, the following properties:

1	1 Sandy Road, Kootingal	\$1,750
2	429 Peel Street, Tamworth	\$2,000
3	110-114 Manilla Street, 118 Manilla Street, 130-132 Manilla Street, 136-138 Manilla Street, Manilla	\$7,000
4	1622 Retreat Road (Longford Station), Bendemeer	\$8,000
5	102 Carthage Street, Tamworth	\$1,000
6	Cnr Bridge and Ebsworth Streets, Tamworth	\$2,000
7	77 Carthage Street, Tamworth	\$1,000
8	135 Manilla Street, Manilla	\$2,500
9	95 Denne Street, Tamworth	Nil
10	99 Queen Street, Barraba	\$2,810
11	Cnr Rowan and Court Streets, Manilla	Nil
12	76 Crown Street, Tamworth	Nil
13	31 Church Street, West Tamworth	Nil
14	76 Fitzroy Street Tamworth	\$1,000
15	67 Marius Street, Tamworth	Nil
16	73 Church Street, Tamworth	Nil
17	265-267 Peel Street, Tamworth	Nil
18	46A White Street Tamworth	\$1,000
19	79 Church Street, Tamworth	\$1,000
20	89 Upper Street, Tamworth	\$1,000
21	95 Carthage Street, Tamworth	\$1,000
22	122 Fitzroy Street, Tamworth	\$1,000
23	50 Fitzroy Street, Barraba	\$3,250
24	71 Queen Street, Barraba	Nil
25	85 Queen Street, Barraba	\$1,182
26	97 Jenkins Street, Nundle	Nil
27	82 Jenkins Street, Nundle	\$1,500
28	Rodney Street, Barraba	\$2,008
29	156 Carthage Street, Tamworth	Nil

- (ii) Should any applicants decline the offer of assistance, the funds be re-allocated to (in order of priority):

- 1 Repairs to the Retreat Store and Woolshed Complex at 1622 Retreat Road (Longford Station), Bendemeer;
- 2 Painting of the Retreat Theatre at the corner of Bridge and Ebsworth Streets; and
- 3 Painting of façade and awning of shop at 135 Manilla Street, Manilla;

- (iii) Council request the General Manager investigate alternative funding sources to assist the applications of the Retreat Theatre and 102 Carthage Street, Tamworth.

6.8 TAMWORTH REGIONAL DEVELOPMENT CONTROL PLAN 2010 – ANNUAL REVIEW 2011 – FILE NO SF4939

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

MOTION

Moved Cr Webb/Cr Tait

315/11 RESOLVED

That in relation to the 2011 Annual Review of the Tamworth Regional Development Control Plan 2010 (TRDCP), Council:

- (i) exhibit the proposed amendments for public comment in accordance with the requirements of the Environmental Planning & Assessment legislation; and
- (ii) request a further report be submitted at the completion of the exhibition period detailing any submissions received and presenting a recommendation for adoption or otherwise of the proposed amendments.

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 Paul Durant 3. Cr Ray Tait 4. Cr Helen Tickle 5. Cr James Treloar 6. Cr Russell Webb 7. Cr Juanita Wilson 8. Cr Warren Woodley	NIL

6.9 KOOTINGAL PRE-SCHOOL RELOCATION – FILE NO LF6332

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

MOTION

Moved Cr Tait/Cr Webb

316/11 RESOLVED

That in relation to the report “Kootingal Pre-School Relocation”, Council:

- (i) consent to relinquishing the portion of land detailed in this report from Council’s care and control as Trust Manager of Reserve R83740;

- (ii) agree to the Department of Primary Industries Crown Lands Division issuing a lease to the Kootingal Pre-School over the portion of Reserve R83740 detailed in this report; and
- (iii) authorise the General Manager write to the Department of Primary Industries Crown Lands Division advising Council's consent.

7 INFRASTRUCTURE AND SERVICES

7.1 NATIONAL LOCAL ROADS AND TRANSPORT CONGRESS – FILE NO SF4469

DIRECTORATE: REGIONAL SERVICES
AUTHOR: Murray Russell, Manager Operational Services

MOTION

Moved Cr Tait/Cr Wilson

317/11 RESOLVED

That in relation to the 2011 National Local Roads and Transport Congress, Council:

- (i) call on the Federal Government to:
 - a) recognise the successful delivery of the Roads to Recovery Program by local government since 2000;
 - b) continue the Roads to Recovery Program on a permanent basis to assist local government meet its responsibilities of providing access for its communities;
 - c) continue the Roads to Recovery Program with the current administrative arrangements; and
 - d) provide an increased level of funding under a future Roads to Recovery Program that recognises the shortfall of funding on local roads of \$1.2 billion annually.
- (ii) write to the Prime Minister, Leader of the Opposition, Minister for Infrastructure and Transport, Opposition Spokesperson for Transport, and the Member for New England to advise them of Council's support for a new Roads to Recovery Program; and
- (iii) approve and nominate Cr Tait and Cr Woodley to attend the Congress as Councillor representatives.

7.2 BARRABA PIPELINE UPDATE – FILE NO SF5179

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

MOTION

Moved Cr Woodley/Cr Wilson

318/11 RESOLVED

That in relation to the report “Barraba Pipeline Update”, Council:

- (i) note that expenditure of funds on the preconstruction activities associated with the construction of the Split Rock Dam to Barraba pipeline is waiting on the signing of funding agreements between Council and the State and Australian Governments; and
- (ii) whilst waiting for the signing of the funding agreements Council agree to the following:
 - contract out the detailed design, including geotechnical analysis and preparation of a Review of Environmental Factors and, when that work is complete, prepare a separate contract for the construction of the pipeline based on the detailed design;
 - proceed with a formal open tender process for the awarding of the detailed design, Review of Environmental Factors and geotechnical analysis with award of the successful contractor subject to signing of the necessary funding agreements;
 - not contract out the Project Management of the project but, use in house resources and/or external resources as appropriate and available at the discretion of the Director Water Enterprises;
 - for the purposes of the detailed design agree to the connection of properties adjacent to the route of the pipeline, so that the design allows this to occur, however, a final decision on the connection of property along the pipeline route not be made until after a number of matters including, legal aspects, cost payable to connect, cost of raw water supplied, and which property can connect have been considered; and
 - prepare documentation to allow the detailed survey of the pipeline route and, call for quotations on the basis that work will not commence until after the necessary funding agreements have been signed.

8 GOVERNANCE, STRATEGY AND FINANCE

8.1 POLICY FOR THE PAYMENT OF EXPENSES AND PROVISION OF FACILITIES TO COUNCILLORS – FILE NO SF828

DIRECTORATE: CORPORATE AND GOVERNANCE
AUTHOR: Robert Charlesworth, Acting Director Corporate and Governance

MOTION

Moved Cr Treloar/Cr Woodley

319/11 RESOLVED

That Council confirm adoption of the Policy identified in the ANNEXURE attached to the report and forward a copy of Council's Payment of Expenses and Provision of Facilities to Councillors Policy to the Chief Executive Officer of the Division of Local Government, Department of Premier and Cabinet.

8.2 PUBLIC INTEREST DISCLOSURE POLICY – FILE NO SF1336

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

MOTION

Moved Cr Durant/Cr Tait

320/11 RESOLVED

That in relation to the report "Public Interest Disclosure Policy", Council adopt the Public Interest Disclosure Policy.

8.3 2010/2011 GENERAL PURPOSE AND SPECIAL PURPOSE FINANCIAL REPORTS – FILE NO SF4924

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

MOTION

Moved Cr Webb/Cr Tait

321/11 RESOLVED

That in relation to the report "2010/2011 General Purpose and Special Purpose Financial Reports" for the period ending 30 June 2011, Council:

- (i) present the Audited General Purpose and Special Purpose Financial Reports, together with the Auditors Reports at a Public Meeting to be held as part of Council's Meeting on 8 November 2011, in accordance with Section 419 (1) of the Local Government Act, 1993;

- (ii) record as an opinion of the Council that the General Purpose Financial Reports for Tamworth Regional Council for the period ending 30 June 2011:
- (a) has been prepared in accordance with:
 - the Local Government Act 1993 (as amended) and Regulations made thereafter;
 - the Australian Accounting Standards and professional pronouncements; and
 - the Local Government Code of Accounting Practice and Financial Reporting.
 - (b) the General Purpose Financial Report presents fairly the Council's operating result and financial position for the year;
 - (c) the General Purpose Financial Report accords with the Council's accounting and other records; and
 - (d) the signatories do not know of anything that would make the General Purpose Financial Report false and misleading in any way.
- (iii) record as an opinion of the Council that the Special Purpose Financial Reports for Tamworth Regional Council for the period ending 30 June 2011:
- (a) have been prepared in accordance with:
 - the NSW Government Policy Statement "Application of National Competition Policy to Local Government";
 - the Division of Local Government Guidelines "Pricing & Costing for Council Businesses: A Guide to Competitive Neutrality";
 - the Local Government Code of Accounting Practice and Financial Reporting; and
 - the NSW Office of Water Best Practice Management of Water Supply and Sewerage Guidelines.
 - (b) the Special Purpose Financial Reports present fairly the operating result and financial position for each of the Council's declared Business Activities for the year;
 - (c) the Special Purpose Financial Reports accord with the Council's accounting and other records; and
 - (d) the signatories do not know of anything that would make the Special Purpose Financial Reports false and misleading in any way.

8.4 LOCAL GOVERNMENT ASSOCIATION OF NSW ANNUAL CONFERENCE 2011 SHOALHAVEN – FILE No SF4657

DIRECTORATE: CORPORATE AND GOVERNANCE
AUTHOR: Robert Charlesworth, Acting Director Corporate and Governance

MOTION

Moved Cr Treloar/Cr Webb

322/11 RESOLVED

That Cr Ray Tait be authorised to attend the 2011 Local Government Association of NSW Annual Conference to be held in Shoalhaven from 23 to 26 October 2011, as an observer in accordance with Council's Policy for the attendance of observers.

8.5 DISCLOSURE OF INTEREST RETURNS – FILE No SF5031

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

MOTION

Moved Cr Wilson/Cr Webb

323/11 RESOLVED

That it be noted all Councillors and designated persons have completed and lodged Disclosure of Interests Returns within three months of 30 June 2011, in accordance with Section 449(3) of the Local Government Act 1993 and that the Department of Local Government be advised accordingly.

8.6 NUNDLE ARTS COUNCIL – FILE No SF2140

DIRECTORATE: CORPORATE AND GOVERNANCE
AUTHOR: Kay Burnes, Section 355 Committee Co-ordinator

MOTION

Moved Cr Durant/Cr Wilson

324/11 RESOLVED

That in relation to the report "Nundle Arts Council", Council:

- (i) disband the Nundle Arts Council established under Section 355 of the Local Government Act 1993 and withdraw the delegation under Section 377 of the Act to submit recommendations to Council for arts and cultural development of the town of Nundle and its environs; and
- (ii) request the Acting Director of Corporate and Governance inform the last known Chairperson and Treasurer of the Nundle Arts Council of the outcome from this report. A copy of such notice is to be forwarded to the Nundle Community Development Committee for their information.

8.7 CONSTITUTIONAL RECOGNITION OF LOCAL GOVERNMENT DISCUSSION PAPER – FILE NO SF867

DIRECTORATE: OFFICE OF THE GENERAL MANAGER
AUTHOR: Karen Litchfield, Manager Administration and Customer Service

MOTION

Moved Cr Woodley/Cr Webb

325/11 RESOLVED

That in relation to the report “Constitutional Recognition of Local Government Discussion Paper”, Council:

- (i) receive and note the report; and
- (ii) advise the General Manager on any comments to be made to the Expert Panel on Constitutional Recognition of Local Government prior to 4 November 2011.

8.8 DESTINATION 2036 OUTCOMES REPORT – FILE NO SF5312

DIRECTORATE: OFFICE OF THE GENERAL MANAGER
AUTHOR: Karen Litchfield, Manager Administration and Customer Service

MOTION

Moved Cr Webb/Cr Durant

326/11 RESOLVED

That in relation to the report “Destination 2036 Outcomes Report”, Council:

- (i) receive and note the report; and
- (ii) advise the General Manager on any comments to be made to the Division of Local Government prior to 4 November 2011.

8.9 TOURISM TAMWORTH LTD WIND-UP – FILE NO SF5399

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

MOTION

Moved Cr Tait/Cr Durant

327/11 RESOLVED

That in relation to the report titled “Tourism Tamworth Ltd Wind-up”, Council:

- (i) note the contents of the report; and
- (ii) authorise the Seal of the Council to be affixed to all necessary documents associated with the wind-up of Tourism Tamworth Ltd.

9 REPORTS FROM DELEGATES

9.1 CULTURAL DEVELOPMENT PROGRAM AND YOUTH PROGRAM DEVELOPMENT – MELBOURNE 4 OCTOBER 2011 AND 5 OCTOBER 2011 – FILE NO SF4145

Cr Murray presented a Delegates Report to Council on his attendance at two one day Conferences in Melbourne on the 4 and 5 October 2011. The first Conference “Culture – A new way of thinking for Local Government” was an international one day conference on how the inclusion of Cultural, as well as social, environmental and economic policies strengthens local governance.

The second day was a Youth Hub Visit – Visy Cares Hub (Operated by the Youth Junction Inc. – Australian Bureau for Integrated Youth Services). This was an opportunity to participate in tailored workshops and site tour of a youth specific hub to witness combined integrated service provision and recreation in a youth specific environment, allowing the opportunity to gain an insight into the mechanics of establishing and delivering a successful co-located and integrated youth service with a multi agency presence.

Cr Murray stated that the Conferences were interesting and challenged his way of thinking regarding cultural issues and believes this enhanced his understanding of cultural development.

9.2 LOCAL AREA HEALTH ADVISORY COMMITTEE – FILE NO SF3013

Cr Tickle attended a meeting of the Local Area Health Advisory Committee on the 10 October 2011. Cr Tickle advised that the tendering process has been completed for Stages 1 and 2 and the successful tenderers have been notified and that there will be public announcement in the near future. Stage 1 is the \$41.7 million Regional Cancer Care Centre and Stage 2 in the \$220 million Tamworth Hospital Redevelopment.

A presentation was also given at the meeting on a Falls Prevention Program. It was highlighted that 65% of admissions for falls are in the over 60's age bracket.

10 QUESTIONS AND MATTERS OF CONCERN

10.1 TAMWORTH LOCAL FEATURED IN COUNTRY STYLE – FILE NO SF806

Cr Wilson identified that Mark Ferguson, son of Brian and Rosemary Ferguson in Tamworth, featured in this month's Country Style magazine. Mark was born and raised in Tamworth and the feature details how much he loved growing up in Tamworth with our sense of community. The article transferred the idea of what Councillors try to achieve in the community in terms of providing a place that gives the opportunity for children to be successful in relation to education, sporting and culture and where you are supported and have a place in the community. Cr Wilson encouraged the Councillors to read the article because this is what we, as a Council, are endeavouring to achieve.

10.2 PARKING CHANGES – FILE NO SF155

Cr Woodley made reference to the new parking changes that are being introduced and requested the parking officers to be patient with citizens while coming to terms with the adjustments. Cr Woodley explained that people get into habits in relation to where they park and that they may forget to look at the signs.

10.3 FOREST ROAD PETITION – FILE NO RF208

Cr Webb tabled a petition from residents at Forest Hills requesting improvements to upgrade the bridge and repair Forest Road. Cr Webb stated that the concerned citizens have indicated that the road is starting to show signs of wear due to the increased traffic and request Council undertake remedial action.

Cr Tait advised that Council staff are investigating with the RTA the speed zones on Forest Road due to the increased traffic and the turn off at the land fill.

11 REPORTS TO BE CONSIDERED IN CLOSED COUNCIL

MOTION

Moved Cr Woodley/Cr Durant

328/11 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 COMMERCIAL OPPORTUNITY AT THE TAMWORTH SPORTS DOME AND PROPOSED LEASE TO RURAL FIT – FILE NO E072/2011

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

The Council will determine this matter in part of the meeting closed to the public pursuant to Section 10A(2)(d) of the Local Government Act 1993 on the grounds that the matter and information is commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

11.2 BOURNES LANE RESERVOIR SITE – FILE NO LF23243

DIRECTORATE: WATER DIRECTORATE
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.

11.3 LATE REPORT – COUNTRY MUSIC ASSOCIATION OF AUSTRALIA AND THE TAMWORTH COUNTRY MUSIC FESTIVAL – FILE NO SF5163

DIRECTORATE: BUSINESS AND ECONOMIC DEVELOPMENT
AUTHOR: Paul Sullivan – Director Business and Economic Development
Peter Thompson, General Counsel

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.

At 7:56pm, 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 COMMERCIAL OPPORTUNITY AT THE TAMWORTH SPORTS DOME AND PROPOSED LEASE TO RURAL FIT – FILE NO E072/2011

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

MOTION

Moved Cr Treloar/Cr Tait

329/11 RESOLVED

That in relation to the report “Commercial Opportunity at the Tamworth Sports Dome and Proposed Lease to Rural Fit”, Council:

- (i) support the Tamworth Sports Dome Committee’s endorsement of Rural Fit Physiology and Sport Science’s submission to Council’s Expression of Interest for the Commercial Opportunity at the Tamworth Sports Dome;
- (ii) enter into a lease agreement with Rural Fit Exercise Physiology and Sport Science for the “multi-purpose” rooms and “utility” rooms within the Tamworth Sports Dome on terms detailed in this report; and
- (iii) authorise the affixing of the Seal of Council to the lease documents.

12.2 BOURNES LANE RESERVOIR SITE – FILE NO LF23243

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

MOTION

Moved Cr Woodley/Cr Durant

330/11 RESOLVED

That in relation to the report “Bournes Lane Reservoir Site”, Council:

- (i) allocate \$399,500 from the water reserve to cover the cost of the construction of the access road, payment for the acquisition, legal and other costs associated with the purchase of the site; and
- (ii) commit to completion of the construction of the access road within 6 months of the date of Council’s resolution.

12.3 LATE REPORT – COUNTRY MUSIC ASSOCIATION OF AUSTRALIA AND THE TAMWORTH COUNTRY MUSIC FESTIVAL – FILE NO SF5163

DIRECTORATE: BUSINESS AND ECONOMIC DEVELOPMENT
AUTHOR: Paul Sullivan, Director, Business and Economic Development
Peter Thompson, General Counsel

MOTION

Moved Cr Treloar/Cr Tait

331/11 RESOLVED

That, in relation to the Tamworth Country Music Festival, the Country Music Association of Australia (CMAA) and the Country Music Awards of Australia, Council:

- (i) authorise the Mayor and General Manager to enter into an Agreement with the Country Music Association of Australia on the term identified in the body of the report;
- (ii) authorise the “wet hire” of the Tamworth Regional Entertainment and Conference Centre to the CMAA;
- (iii) approve the funding of the TRECC “wet hire” up to an amount described in the body of the report to be paid from sponsorship and ticket sales to the Awards Ceremony;
- (iv) engage the services of appropriately skilled and experienced service providers to deliver the “wet hire” services pursuant to s55(3)(i) of the Local Government Act 1993 for the reason that the CMAA have advised that the organisation of the Country Music Awards at the 2012 Country Music Festival must proceed immediately and there is insufficient time to undertake a tender process; and
- (v) create an internal restricted asset to hold its share of profit for servicing the agreement in future years.

13 RESOLUTIONS PASSED IN CLOSED COUNCIL

At 8:01pm 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 8:02pm.

Cr Col Murray
Chairperson
8 November 2011

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Minutes