

ORDINARY COUNCIL MEETING



Council Chambers, 4th Floor Ray Walsh House, 437 Peel Street

6:30PM TUESDAY 10 May 2011

Order Of Business

- 1 APOLOGIES**
- 2 COMMUNITY CONSULTATION**
- 3 MINUTES OF PREVIOUS ORDINARY MEETING – WEDNESDAY 27 APRIL 2011 TO BE CONFIRMED (Enclosed)**
- 4 DISCLOSURE OF INTEREST**

- Pecuniary Interest
- Non Pecuniary Conflict of Interest
- Political Donations



Minutes_Ordinary_Council_27_April_2011

5 MAYORAL MINUTE

OPEN COUNCIL REPORTS 1

6 ENVIRONMENT & PLANNING 1

- 6.1 INCREASE IN POULTRY PROCESSING FROM 90,000 TO 120,000 BIRDS PER DAY AND INCREASE IN PROCESSING HOURS FROM 11.5 HOURS PER DAY TO 16 HOURS PER DAY (2:30AM – 6:00PM) ON LOT 24 DP 832149, LOT 1 DP 799461, LOT 1 DP 81422, LOT 6 DP 557786 AND PART LOT 42 DP 1006078, OUT STREET, TAMWORTH - FILE NO DA0331/2011 1
- ANNEXURE ATTACHED 1**
- CONFIDENTIAL ENCLOSURE ENCLOSED 1**

7 INFRASTRUCTURE AND SERVICES 4

- 7.1 AGENDA APRIL 2011 LOCAL TRAFFIC COMMITTEE MEETING - ITEM 19/2011 - FILE NO SF 1387 4

8 GOVERNANCE, STRATEGY AND FINANCE 5

- 8.1 PROPOSAL FROM TELSTRA TO LEASE A PORTION OF LAND OF THE MOONBI RESERVOIR SITE OFF BETTS LANE FOR A TELECOMMUNICATIONS TOWER - FILE NO LF6240..... 5
- 8.2 PROPOSAL FROM TELSTRA TO LEASE A PORTION OF LAND OF THE KINGSWOOD RESERVOIR SITE FOR A TELECOMMUNICATIONS TOWER - FILE NO LF5623 9
- 8.3 2010-2011 GOODS AND SERVICE TAX – COUNCIL COMPLIANCE CERTIFICATE - FILE NO SF1088..... 11
- 8.4 TOURISM TAMWORTH LTD SIX MONTHLY PERFORMANCE REPORT – FILE NO SF1044 13
- ENCLOSURE ENCLOSED 13**
- 8.5 COMMUNITY DEVELOPMENT COMMITTEES - MINUTES - FILE NO SF2965, SF2586 & SF2664 14
- TABLED DOCUMENTS 14**

9	REPORTS FROM DELEGATES	15
10	QUESTIONS AND MATTERS OF CONCERN	15

Paul Bennett
General Manager

Council

Meeting Date: 2nd and 4th Tuesday of the month commencing at 6.30 p.m.

Matters determined by Ordinary meetings will include all those non-delegable functions identified in Section 377 of the Local Government Act as follows:

- *the appointment of a general manager*
- *the making of a rate*
- *a determination under section 549 as to the levying of a rate*
- *the making of a charge*
- *the fixing of a fee*
- *the borrowing of money*
- *the voting of money for expenditure on its works, services or operations*
- *the compulsory acquisition, purchase, sale, exchange or surrender of any land or other property (but not including the sale of items of plant or equipment)*
- *the acceptance of tenders which are required under this Act to be invited by the council*
- *the adoption of a management plan under section 406*
- *the adoption of a financial statement included in an annual financial report*
- *a decision to classify or reclassify public land under Division 1 of Part 2 of Chapter 6*
- *the fixing of an amount or rate for the carrying out by the council of work on private land*
- *the decision to carry out work on private land for an amount that is less than the amount or rate fixed by the council for the carrying out of any such work*
- *the review of a determination made by the council, and not by a delegate of the council, of an application for approval or an application that may be reviewed under section 82A of the [Environmental Planning and Assessment Act 1979](#)*
- *the power of the council to authorise the use of reasonable force for the purpose of gaining entry to premises under section 194*
- *a decision under section 356 to contribute money or otherwise grant financial assistance to persons*
- *the making of an application, or the giving of a notice, to the Governor or Minister*
- *this power of delegation*
- *any function under this or any other Act that is expressly required to be exercised by resolution of the council."*

Other matters and functions determined by Ordinary Council Meetings will include:

- *Notices of Motion*
- *Notices of Motion of Rescission*
- *Council Elections, Polls, Constitutional Referendums and Public Hearings/Inquiries*
- *Ministerial Committees and Inquiries*
- *Mayor and Councillors Annual Fees*
- *Payment of Expenses and Provision of Facilities to Mayor and Councillors*
- *Local Government Remuneration Tribunal*
- *Local Government Boundaries*
- *NSW Ombudsman*
- *Administrative Decisions Tribunal*
- *Delegation of Functions by the Minister*
- *Delegation of Functions to General Manager and Principal Committees*
- *Organisation Structure*
- *Code of Conduct*
- *Code of Meeting Practice*
- *Honesty and Disclosure of Interests*
- *Access to Information*
- *Protection of Privacy*
- *Enforcement Functions (statutory breaches/prosecutions/recovery of rates)*
- *Dispute Resolution*
- *Council Land and Property Development*
- *Annual Financial Reports, Auditors Reports, Annual Reports and Statement of the Environment Reports*
- *Performance of the General Manager*
- *Equal Employment Opportunity*
- *Powers of Entry*
- *Liability and Insurance*
- *Membership of Organisations*

Membership: All Councillors.
Quorum: 5 members
Chairperson: The Mayor
Deputy Chairperson: The Deputy Mayor

Community Consultation Policy

The first thirty (30) minutes of Open Council Meetings is available for members of the Public to address the Council Meeting or submit questions either verbally or in writing, on matters INCLUDED in the Business Paper for the Meeting.

Members of the public will be permitted a maximum of three (3) minutes to address the Council Meeting. An extension of time may be granted if deemed necessary.

Members of the public seeking to represent or speak on behalf of a third party must satisfy the Council or Committee Meeting that he or she has the authority to represent or speak on behalf of the third party.

Members of the public wishing to address the Council meetings are requested to contact Council either by telephone 67675 444 prior to 12 noon the day of the Meeting or in person and register their intention to address the Council Meeting.

Members of the public will not be permitted to raise matters or provide information which involve:

- Personnel matters concerning particular individuals (other than Councillors);
- Personal hardship of any resident or ratepayer;
- Information that would, if disclosed confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business;
- Commercial information of a confidential nature that would, if disclosed:
 - - prejudice the commercial position of the person who supplied it, or
 - - confer a commercial advantage on a competitor of the Council; or
 - - reveal a trade secret;
- information that would, if disclosed prejudice the maintenance of law
- matters affecting the security of the Council, Councillors, Council staff or Council property;
- advice concerning litigation or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege;
- on balance, be contrary to the public interest.
- Members of the public will not be permitted to use Community Consultation to abuse, vilify, insult, threaten, intimidate or harass Councillors, Council staff or other members of the public. Conduct of this nature will be deemed to be an act of disorder and the person engaging in such behaviour will be ruled out of the order and may be expelled.

Disclosure of Political Donations or Gifts

If you have made a relevant planning application to Council which is listed for determination on the Council Business Paper you must disclose any political donation or gift made to any councillor or employee of the Council within the period commencing 2 years before the application is made and ending when the application is determined (Section 147(4) Environmental Planning and Assessment Act 1979).

If you have made a relevant public submission to Council in relation to a relevant planning application which is listed for determination on the Council Business Paper you must disclose any political donation or gifts made to any councillor or employee of the Council by you as the person making the submission or any associate within the period commencing 2 years before the submission is made and ending when the application is determined (Section 147(5) Environmental Planning and Assessment Act 1979).

OPEN COUNCIL REPORTS

6 ENVIRONMENT & PLANNING

6.1 INCREASE IN POULTRY PROCESSING FROM 90,000 TO 120,000 BIRDS PER DAY AND INCREASE IN PROCESSING HOURS FROM 11.5 HOURS PER DAY TO 16 HOURS PER DAY (2:30AM – 6:00PM) ON LOT 24 DP 832149, LOT 1 DP 799461, LOT 1 DP 81422, LOT 6 DP 557786 AND PART LOT 42 DP 1006078, OUT STREET, TAMWORTH - FILE No DA0331/2011

DIRECTORATE: ENVIRONMENT AND PLANNING

AUTHOR: David Koppers, Senior Development Assessment Planner

ANNEXURE ATTACHED

CONFIDENTIAL ENCLOSURE ENCLOSED

GENERAL MANAGER'S ADVISORY NOTE TO:

Councillors
Applicants
Persons making public submissions (written or verbal) Members of the Public

Record (Division) of Voting

In accordance with Section 375A(3) of the Local Government Act 1993, a Division is required to be called whenever a motion for a planning decision is put at a meeting of the Council or a Council Committee.

A DIVISION under Section 375A(3) of the Act is required on this Planning Application.

Relevant Planning Application

In accordance with Section 147(4) of the Environmental Planning and Assessment Act 1979, a person who makes a relevant planning application to Council is required to disclose the following reportable political donations and gifts (if any) made by a person with a financial interest in the application within the period commencing 2 years before the application is made and ending when the application is determined:

- (a) all reportable political donations made to any local councillor of the Council;
- (b) all gifts made to any local councillor or employee of the Council.

Relevant Public Submission

In accordance with Section 147(5) of the Environmental Planning and Assessment Act 1979, a person who makes a relevant public submission to Council in relation to a relevant planning application made to the Council is required to disclose the following reportable political donations and gifts (if any) made by the person making the submission or any associate of that person within the period commencing two years before the submission is made and ending when the application is determined:

- (a) all reportable political donations made to any local councillor of the Council;
- (b) all gifts made to any local councillor or employee of the Council.

Disclosure of Reportable Political Donations and Gifts

Planning Applications

Nil

Public Submissions

Nil

RECOMMENDATION

That in relation to DA0331/2011 for an Increase in Poultry Processing from 90,000 to 120,000 birds per day, and increase in processing hours from 11.5 hours per day to 16 hours per day (2:30am – 6:00pm) on Lot 24 DP 832149, Lot 1 DP 799461, Lot 1 DP 81422, Lot 6 DP 557786 and Part Lot 42 DP 1006078, Out Street, Tamworth, Council:-

- (i) note the application is scheduled for determination by the Northern Joint Regional Planning Panel on 13 May 2011; and*
- (ii) determine whether to make a submission to the Joint Regional Planning Panel in relation to the application.*

SUMMARY

The Joint Regional Planning Panel is the consent authority for the subject application pursuant to clause 13B(1)(E) of the State Environmental Planning Policy (Major Development) 2005 as designated development. The application will be determined by the Panel on 13 May 2011.

The assessment report prepared for consideration by the Joint Regional Planning Panel is attached in full for the information of Councillors (refer **ANNEXURE**). The report has been publicly available at www.jrpp.nsw.gov.au and www.tamworth.nsw.gov.au from Monday 2 May 2011. It is to be noted that the public submissions are included within the report as a **CONFIDENTIAL ENCLOSURE** and it is Council's practice that public submissions remain confidential.

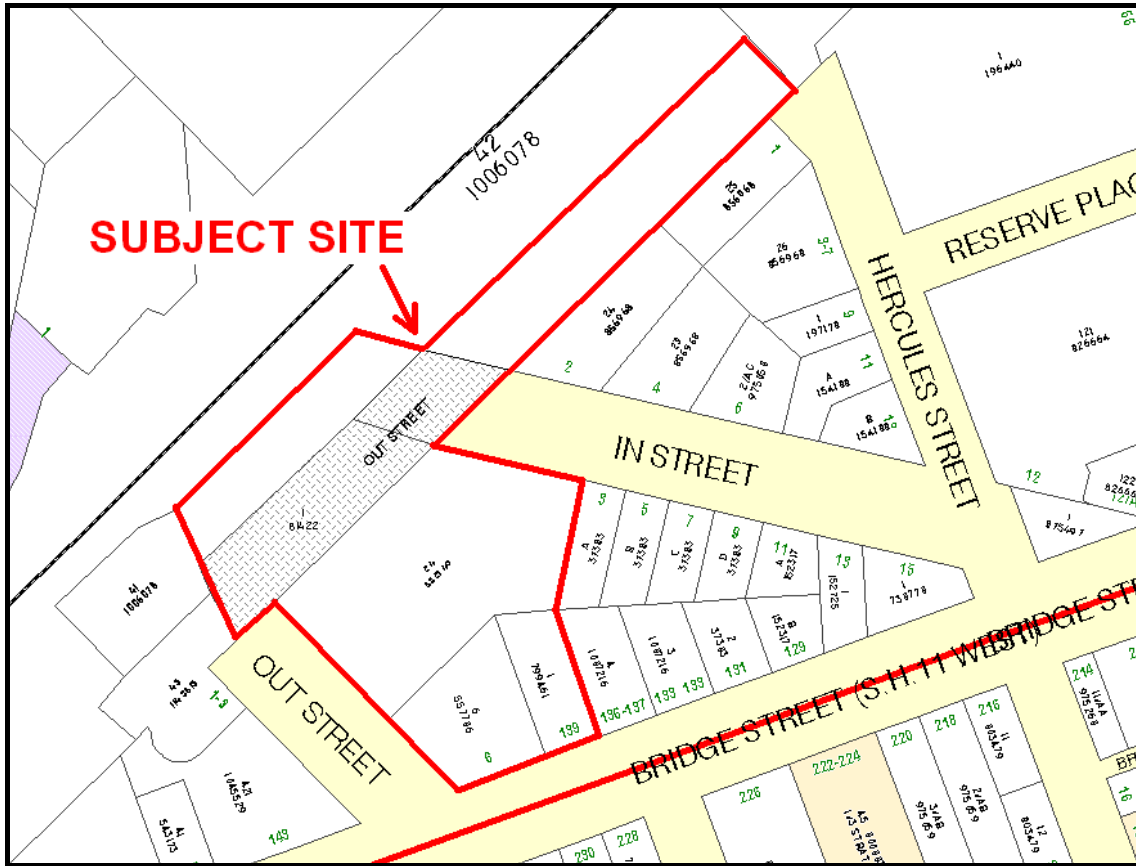
The Council, or elected representatives may make a submission to the Panel Secretariat up to seven (7) days before the meeting, being 6 May 2011.

Applicant: Baiada Poultry (Tamworth) Pty Ltd (c/o PSA Consulting)

Proposal: Increase Poultry Processing from 90,000 to 120,000 birds per day and increase in processing hours from 11.5 hours per day to 16 hours per day (2:30am – 6:00pm).

Location: Lot 24 DP 832149, Lot 1 DP 799461, Lot 1 DP 81422, Lot 6 DP 557786, Lot 41 DP 1006078 and Part Lot 42 DP 1006078 - Out Street, Tamworth.

Zone: IN1 – General Industrial
Tamworth Regional Local Environmental Plan 2010



(a) Policy Implications

Nil

(b) Financial Implications

Nil

(c) Legal Implications

Nil

(d) Community Consultation

Community consultation has been undertaken as described in the attached report.

7 INFRASTRUCTURE AND SERVICES

7.1 AGENDA APRIL 2011 LOCAL TRAFFIC COMMITTEE MEETING - ITEM 19/2011 - FILE No SF 1387

DIRECTORATE: REGIONAL SERVICES

AUTHOR: Murray Russell, Manager Civil Construction and Engineering Services

(Reference: Minute No 98/11 - Ordinary Council 27 April 2011, Item 7.1)

RECOMMENDATION

That Council endorse Item 19/2011 – Brisbane and Raglan Streets Tamworth Proposed Installation of Traffic Control Devices at Calrossy School from the Tamworth Regional Local Traffic Committee meeting held on 13 April 2011:

19/2011 *That with regard to regulatory facilities adjacent to Calrossy School in Brisbane and Raglan Street in Tamworth:*

- (i) “All Traffic Left” signage be installed on the exit of the school in Brisbane Street preventing any filtered right hand turns at any time from the school grounds;*
- (ii) the existing restricted 35 metre bus zone on the western side of Raglan Street immediately north of Brisbane Street be relocated north of its existing location;*
- (iii) the aforementioned bus zone be replaced with a restricted No Parking Zone – 8.00am-9.30am and 2.30pm-4.00pm School Days;*
- (iv) a raised concrete pedestrian refuge be installed in the north-western leg of Raglan Street at the Brisbane Street intersection to improve pedestrian amenity for off-campus students’ access to school accommodation; and*
- (v) Council write to the RTA requesting available funding for the installation of the pedestrian refuge in the 2011/12 year.*

SUMMARY

The purpose of this report is to advise Council of a recommendation made by the Tamworth Regional Local Traffic Committee Meeting held on Wednesday 13 April 2011. One particular recommendation, namely “19/2011” was deferred from Council Meeting held on 27 April 2011, for consideration at Council’s Ordinary Meeting on 10 May 2011.

COMMENTARY

The reason for such deferral was that Cr Juanita Wilson declared a Non Pecuniary Conflict of Interest in Item 7.1 Tamworth Regional Local Traffic Committee Meeting – April 2011, recommendation No 19/2011 for the reason that Calrossy Girls School is her employer.

As there were only five Councillors present at the Ordinary Council Meeting on 27 April 2011, Cr Wilson's declaration meant there were less than five Councillors present to vote on the recommendations within the whole report.

Council resolved to adopt all the Recommendations from the referenced Traffic Committee Meeting, save and except Recommendation 19/2011.

Hence, this particular item is once again resubmitted to Council for determination.

Further Information

As a result of an incident in Brisbane St where a school child was struck by a vehicle, Council received a request for a marked pedestrian crossing to be installed in front of the school. Council's Traffic Officer discussed this matter with the parent of the child and the Principal of the Calrossy School and advised that the pedestrian crossing did not meet the RTA warrant. The Local Traffic Committee considered other measures that could assist to improve pedestrian and vehicle access and egress to and from the school grounds.

(a) Policy Implications

Nil

(b) Financial Implications

Estimated expenditure of \$1,000. Funding will be requested through the RTA Regional Roads/Local Traffic Facilities allocation in the 2011/2012 budget.

(c) Legal Implications

Nil

(d) Community Consultation

Nil

8 GOVERNANCE, STRATEGY AND FINANCE

8.1 PROPOSAL FROM TELSTRA TO LEASE A PORTION OF LAND OF THE MOONBI RESERVOIR SITE OFF BETTS LANE FOR A TELECOMMUNICATIONS TOWER - FILE NO LF6240

DIRECTORATE: CORPORATE & GOVERNANCE

AUTHOR: Sylvia Elliott, Commercial Property Officer

RECOMMENDATION

That in relation to the report, Proposal from Telstra to lease a portion of land of the Moonbi Reservoir site off Betts Lane for a telecommunications tower, Council:

- (i) agree to lease a portion of land to Telstra on terms detailed in the report for the purposes of the construction and operation of a communications facility subject to any future development application for the facility being approved; and*
- (ii) provide owner's consent to the lodgement of the Development Application; and*
- (iii) resolve that the Seal of Council be affixed to the lease documents between Telstra and Council for the Moonbi Reservoir site.*

SUMMARY

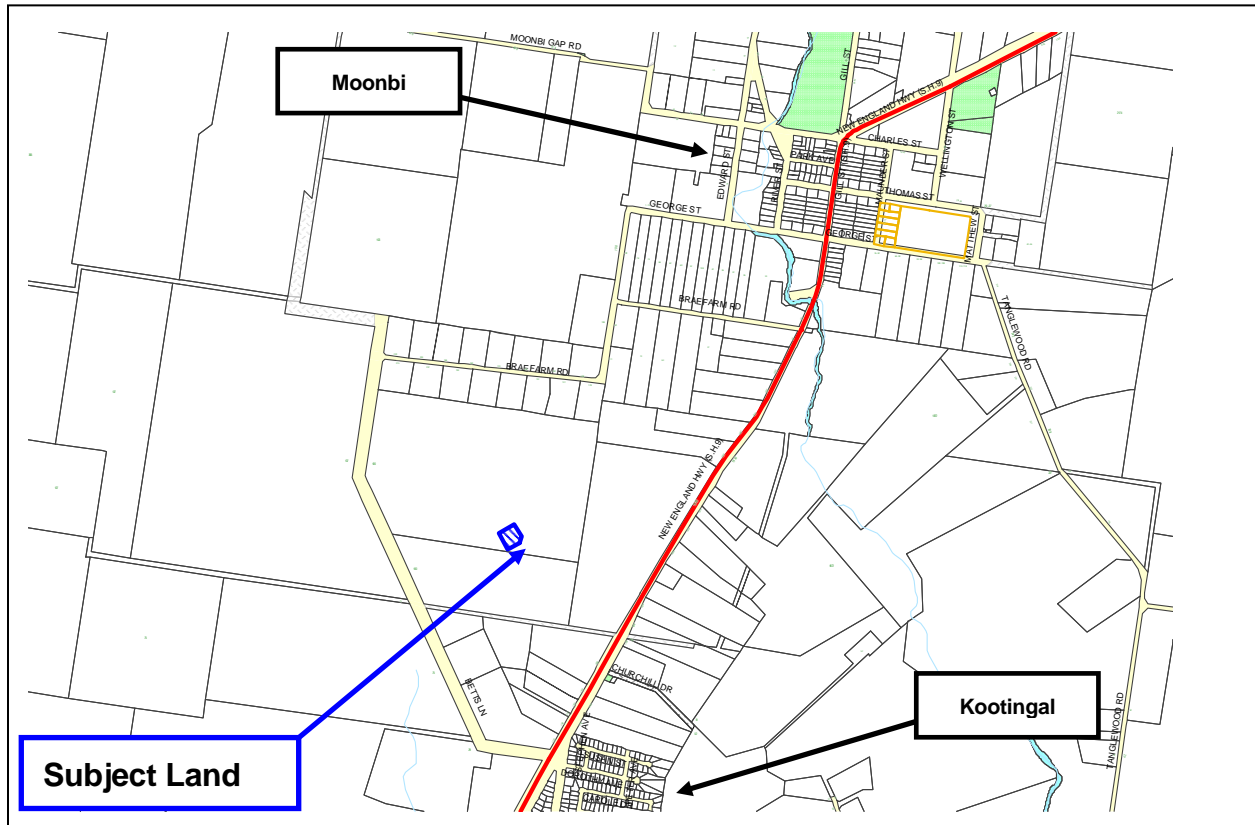
Council has been approached by Telstra Corporation's consultant KAW for Aurecon, proposing the installation of a telecommunications tower and its associated facilities at the Moonbi Reservoir site off Betts Lane, Moonbi. As owner of the site Council must decide whether it is prepared to lease the site of the proposed tower to Telstra and provide owner's consent to lodgement of a Development Application.

COMMENTARY

Telstra Corporation has enquired through its consultant KAW for Aurecon, for Council's consent to make a Development Application to construct a telecommunications tower and its associated facilities on a portion of the Moonbi Reservoir site, and then to lease that portion of land from Council.

It should be noted that by agreeing to lease a portion of land to Telstra, Council is not agreeing to the development proceeding. Rather, as the property owner, by agreeing to lease, Council is allowing a Development Application to be lodged for the proposed tower on Council land. The Development Application will be assessed in accordance with the relevant statutory requirements under the Environmental Planning and Assessment Act 1979. Council will then be asked to determine whether the development should proceed and any conditions that are to be imposed.

The Moonbi Reservoir site is located off Betts Lane, and is accessed via a Right of Way in favour of Council. The terms of the Right of Way empower Council to grant access over the Right of Way to a third party. A map locating the site in relation to the townships of Moonbi and Kootingal, is reproduced below for the information of Council:



Council's Director for Water Enterprises agreed in principle to the proposal provided the following conditions are complied with:

- *The site is surveyed to ensure that the new tower and associated infrastructure and buildings are contained within the Council owned land; and*
- *Council's underground assets in the area must be located on site such that the tower and associated infrastructure is located clear of any Council infrastructure, either above or below ground, and such that Council can gain access to its infrastructure for maintenance as required; and*
- *Electricity for the installation shall be separately metered from that supplied to Council's reservoirs; and*
- *An annual lease fee may be charged for the use of Council's asset; and*
- *Security fencing and access gates will be constructed so that there is no need for staff visiting the tower to gain access to Council's reservoir.*

If Council agrees to lease the site then the above conditions may be included in the lease documentation as well as being addressed in the Development Application process. Should however, Council reject the Development Application, then the agreement to lease the site would lapse.

Negotiations on the lease over the land have been conducted subject to the Development Application being approved. The proposed terms of the lease for Council's consideration are as follows:

LESSEE	Telstra Corporation
LEASE TERM	Twenty (20) years
LEASE DOCUMENTS	Four (4) x Five (5) years
LEASE FEE	\$14,003.00 per annum, plus GST
RENT REVIEW	Annual CPI adjustment

The proposed terms of the lease are considered reasonable. It is therefore recommended that Council agree to lease the portion of land at Moonbi Reservoir site to Telstra as detailed in this report.

(a) Policy Implications

Nil

(b) Financial Implications

All costs associated with the Development Application and any future lease will be at the expense of Telstra Corporation.

(c) Legal Implications

If the Development Application is approved, a lease agreement will be prepared between Telstra Corporation and Council for the site.

The Seal of Council will be required to be affixed to the lease documents.

The Local Government (General) Regulation, section 400(4), requires that the Seal of Council must not be affixed to a document unless the document relates to the business of the Council and the Council has resolved by specific resolution referring to the document that the Seal be so affixed.

(d) Community Consultation

Nil. However, community consultation will take place if or when a Development Application is received by Council.

8.2 PROPOSAL FROM TELSTRA TO LEASE A PORTION OF LAND OF THE KINGSWOOD RESERVOIR SITE FOR A TELECOMMUNICATIONS TOWER - FILE No LF5623

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

RECOMMENDATION

That in relation to the report, Proposal from Telstra to lease a portion of land of the Kingswood Reservoir site for a telecommunications tower, Council:

- (i) agree to lease a portion of land to Telstra on terms detailed in the report for the purposes of the construction and operation of a communications facility subject to the conditions of Development Consent DA0124/2011 being satisfied; and*
- (ii) resolve that the Seal of Council be affixed to the lease documents between Telstra and Council for the portion of land at the Kingswood Reservoir site.*

SUMMARY

This report seeks Council's consent to enter into a lease agreement with Telstra over a portion of land at Council's Kingswood Reservoir site for the construction and operation of a telecommunications tower and its associated facilities.

COMMENTARY

Council at its meeting 24 August 2010 authorised the General Manager to:

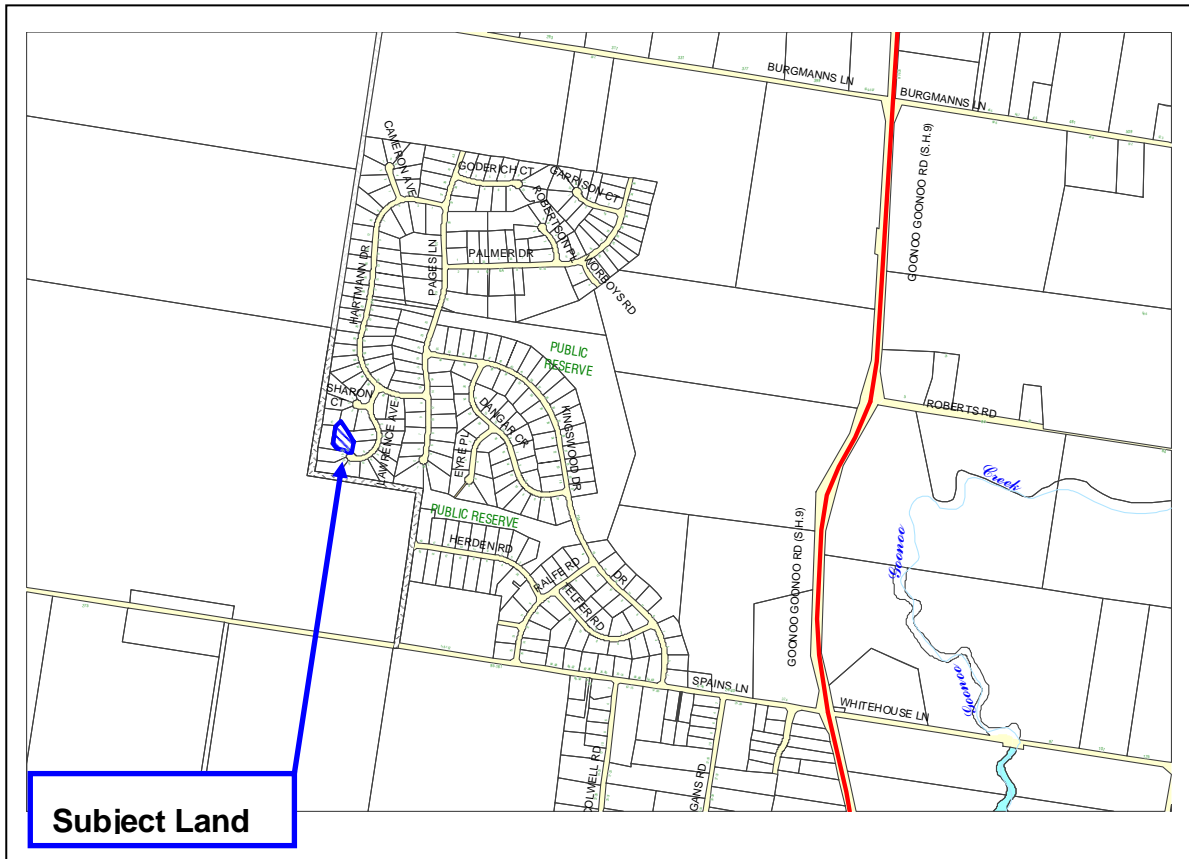
- (i) provide consent as owner to the Development Application for the proposed Telstra facility at Kingswood Reservoir; and
- (ii) subject to development approval, negotiate a formal lease agreement over the subject land.

Development Application No. DA0124/2011 for a Communications Facility at Kingswood Reservoir was determined by the granting of conditional consent. The planning assessment conducted by the Environment and Planning Directorate considered matters including location, visual amenity, technological hazards and impact on infrastructure.

There were no objections to the Development Application received by Council.

Kingswood Reservoir is located in Lawrence Avenue, Kingswood and a map showing the location of the site in relation to the village of Kingswood is reproduced above for the information of Council.

Negotiations on the lease over the portion of land have been conducted subject to the conditions of consent being satisfied. The proposed terms of the lease for Council's consideration are set out below:



LESSEE	Telstra Corporation
LEASE TERM	Twenty (20) years
LEASE DOCUMENTS	Four (4) x Five (5) years
LEASE FEE	\$14,003.00 per annum, plus GST
RENT REVIEW	Annual CPI adjustment

The proposed terms of the lease are considered reasonable. It is therefore recommended that Council agree to lease the portion of land at Kingswood Reservoir to Telstra as detailed in this report.

(a) Policy Implications

Nil

(b) Financial Implications

All costs associated with the lease preparation and registration will be at the expense of Telstra Corporation.

(c) Legal Implications

The Seal of Council will be required to be affixed to the lease documents.

The Local Government (General) Regulation, section 400(4) requires that the Seal of Council must not be affixed to a document unless the document relates to the business of the Council and the Council has resolved by specific resolution referring to the document that the Seal be so affixed.

(d) Community Consultation

Nil

**8.3 2010-2011 GOODS AND SERVICE TAX – COUNCIL COMPLIANCE
CERTIFICATE - FILE NO SF1088**

DIRECTORATE: CORPORATE AND GOVERNANCE

AUTHOR: Rick Sanderson, Acting Financial Services Manager

RECOMMENDATION

That to assist compliance with Section 114 of the Commonwealth Constitution, Tamworth Regional Council certifies that:

- (i) voluntary GST has been paid by Tamworth Regional Council for the period 1 May 2010 to 30 April 2011;*
- (ii) adequate management arrangements and internal controls were in place to enable the Council to adequately account for GST liabilities and recoup all GST input tax credits eligible to be claimed; and*
- (iii) no GST non-compliance events by the Council were identified or raised with the Australian Taxation Office.*

SUMMARY

The purpose of this report is to comply with statutory requirements in relation to Goods and Services Tax (GST) for the period ending 30 April 2011 for Tamworth Regional Council.

COMMENTARY

Council is required to supply a Certificate of Confirmation to assist compliance with Section 114 of the Commonwealth Constitution to the Department of Local Government in place of the Audit Review Report. The current Certificate is for the period 1 May 2010 to 30 April 2011 and is due to be received by the Department by 31 May 2011.

The Certificate is to be signed by the Mayor, one other Councillor, the General Manager and the Responsible Accounting Officer. It is suggested that the one other Councillor be the Deputy Mayor of the Tamworth Regional Council.

Council's responsibilities in relation to GST extend to developing and maintaining internal controls which should ensure compliance and reduce the risk of cash flow issues and under/over payment of GST.

All Business Activity Statements (BAS) in that period were completed and submitted on time. The total GST refunded from the Australian Tax Office (ATO) for BAS returns lodged during that period was \$6,272,808.00.

The ATO did contact Council regarding the May 2010 refund due to it being in excess of \$1,000,000. This was due to Capital Expenditure and of particular significance was the Tamworth Wastewater Augmentation. Copies of invoices were provided and the refund was processed and interest paid by the ATO.

There have been no changes to the GST control systems for the time frame under review. Relevant finance staff members have attended GST training courses and review monthly GST newsletters as a means of ensuring internal controls capture any relevant legislation changes.

Staff Certification

The General Manager, Mr Paul Bennett, and the Responsible Accounting Officer, Mr Rick Sanderson, certify that to the best of their knowledge:

- Voluntary GST has been paid by Tamworth Regional Council for the period 1 May 2010 to 30 April 2011.
- Adequate management arrangements and internal controls were in place to enable the Council to adequately account for GST liabilities and recoup all GST input tax credits eligible to be claimed.
- No outstanding GST matters raised by or to the ATO and no fines or penalties have been raised by the ATO in relation to Council's Business Activity Statements and compliance with GST.

(a) Policy Implications

Nil

(b) Financial Implications

Council has complied with all GST requirements for the period 1 May 2010 to 30 April 2011.

(c) Legal Implications

Failure to comply with the requirements of GST Legislation and the requirement for GST certification could result in fines and additional audit/certification requirements.

(d) Community Consultation

Not Required.

8.4 TOURISM TAMWORTH LTD SIX MONTHLY PERFORMANCE REPORT – FILE NO SF1044

DIRECTORATE:

COMMERCIAL & COMMUNITY ENTERPRISES

AUTHOR:

Mark Crompton, Executive Manager, Business Strategy & Operations

ENCLOSURE ENCLOSED

RECOMMENDATION

That the Tourism Tamworth Ltd Six Monthly Performance Report for the period October 2010 to March 2011, incorporating a Financial Report for the period ending 31 March 2011 be received and noted.

SUMMARY

The purpose of this report is to submit the Tourism Tamworth Ltd Six Monthly Performance Report for the period October 2010 to March 2011 in accordance with performance reporting requirements of the Tourism Tamworth Ltd Deed of Agreement.

COMMENTARY

The Six Monthly Tourism Tamworth Ltd report provides a report on the tourism, marketing and promotions strategies with the respect to actions and activities undertaken during the period October 2010 to March 2011. This period included the staging of the 2011 Jayco Tamworth Country Music Festival.

It should be noted that the Tourism Tamworth Ltd Deed of Agreement for the period 1 July 2009 to 30 June 2011 has not been executed. The comments provided by Tourism Tamworth Ltd are those of Tourism Tamworth Ltd and have not been analysed in detail having regard to the performance criteria included in the Agreement.

A copy of the Six Monthly Performance Report is attached (refer **ENCLOSURE**) for Council's perusal and information.

(a) Policy Implications

Nil

(b) Financial Implications

The Tourism Tamworth Ltd Six Monthly Performance Report also incorporates a Financial Report for the period ending 31 March 2011.

(c) Legal Implications

Nil

(d) Community Consultation

Nil

8.5 COMMUNITY DEVELOPMENT COMMITTEES - MINUTES - FILE NO SF2965, SF2586 & SF2664

DIRECTORATE: CORPORATE AND GOVERNANCE

AUTHOR: Katie Alchin – Section 355 Administration Officer

TABLED DOCUMENTS

RECOMMENDATION

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

<u>Committee</u>	<u>Date</u>
Barraba Community Development Committee	4 April, 2011
Manilla Community Development Committee	6 April, 2011
Kootingal Community Development Committee	11 April, 2011

- (ii) That Council adopt the recommendation of the Barraba Community Development Committee at its meeting held 4 April 2011, to accept Julie Fenwick, Norm Little and Margaret Savage as members of the Barraba Community Development Committee.

- (iii) That Council adopt the recommendation of the Manilla Community Development Committee at its meeting held 6 April 2011, to accept Norma Russell as a member of the Manilla Community Development Committee.

SUMMARY

The purpose of this report is to table the minutes of the meetings of the Community Development Committees and consider the items for adoption, as recommended by the committees.

COMMENTARY

- (i) The minutes of the following Community Development Committee meetings are tabled for Council's information. These Committees are:

<u>Committee</u>	<u>Date</u>
Barraba Community Development Committee	4 April, 2011
Manilla Community Development Committee	6 April, 2011
Kootingal Community Development Committee	11 April, 2011

- (ii) The minutes of the Barraba Community Development Committee's meeting held 4 April, 2011 recommend the following:

Membership

That Council appoint Julie Fenwick, Norm Little and Margaret Savage as members of the Barraba Community Development Committee.

- (iii) The minutes of the Manilla Community Development Committee's meeting held 6 April, 2011 recommend the following:

Membership

That Council appoint Norma Russell as a member of the Manilla Community Development Committee.

(a) Policy Implications

It is a policy decision of Council to maintain Community Development Committees and practices having regard to Council's community governance structure and Section 355 of the Local Government Act.

(b) Financial Implications

Nil.

(c) Legal Implications

Section 355 of the Local Government Act 1993 enables the Council to appoint a committee to exercise a function on its behalf by way of a Committee of Council. This is used in conjunction with Section 377 of the Act to formally delegate functions to the appointed committee.

(d) Community Consultation

Community Consultation is not required.

9 REPORTS FROM DELEGATES

Nil

10 QUESTIONS AND MATTERS OF CONCERN

CLOSED COUNCIL
Confidential Reports
(Section 10A(2) of The Local Government Act 1993)

Where it is proposed to close part of the Meeting, the Chairperson will allow members of the public to make representations to or at the meeting, before any part of the meeting is closed to the public, as to whether or not that part of the meeting should be closed to the public.

The Chairperson will check with the General Manager whether any written public submissions or representations have been received as to whether or not that part of the meeting should be closed to the public.

The grounds on which part of the Council meeting may be closed to public are listed in Section 10A(2) of the Local Government Act 1993 and are as follows:

- (a) personnel matters concerning particular individuals other than Councillors,
- (b) the personal hardship of any resident or ratepayer,
- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business,
- (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret,
- (e) information that would, if disclosed, prejudice the maintenance of law,
- (f) matters affecting the security of the council, councillors, council staff or council property,
- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.
- (h) during the receipt of information or discussion of information concerning the nature and location of a place or an item of Aboriginal significance on community land.

Section 10A(3) of the Act provides that Council, or a Committee of the Council of which all the members are councillors, may also close to the public so much of its meeting as comprises a motion to close another part of the meeting to the public.

Section 10B(3) of the Act provides that if a meeting is closed during discussion of a motion to close another part of the meeting to the public (as referred to in section 10A(3) of the Act), the consideration of the motion must not include any consideration of the matter or information to be discussed in that other part of the meeting (other than consideration of whether the matter concerned is matter referred to in section 10A(2) of the Act).

Section 10B(1) of the Act provides that a meeting is not to remain closed to the public during the receipt of information or the discussion of matters referred to in section 10A(2):

- (a) except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and
- (b) if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret - unless the Council or committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

For the purpose of determining whether the discussion of a matter in an open meeting would be contrary to the public interest section 10B(4) of the Act states it is irrelevant that:

- (a) a person may interpret or misunderstand the discussion, or
- (b) the discussion of the matter may:
 - (i) cause embarrassment to the Council or committee concerned, or to councillors or to employees of the council, or
 - (ii) cause a loss of confidence in the Council or committee.

Resolutions passed in Closed Council

It is a requirement of Clause 253 of the Local Government (General) Regulation 2005 that any resolution passed in Closed Council, or Committee be made public as soon as practicable after the meeting has ended. At the end of Closed Council or Committee meeting, the Chairperson will provide a summary of those resolutions passed in Closed Council or Committee.