

ORDINARY COUNCIL MEETING



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

6:30PM TUESDAY 22 MARCH 2010

Order Of Business

- 1 APOLOGIES**
- 2 COMMUNITY CONSULTATION**
- 3 MINUTES OF PREVIOUS ORDINARY MEETING – 8 March 2011 TO BE CONFIRMED (Enclosed)**



- 4 DISCLOSURE OF INTEREST**

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

- 5 MAYORAL MINUTE 1**

OPEN COUNCIL REPORTS 1

- 6 ENVIRONMENT & PLANNING 1**

- 6.1 TAFE NSW NEW ENGLAND INSTITUTE STUDENT AND STAFF AWARDS 2011 -
SPONSORSHIP - FILE NO SF684 1
ANNEXURE ATTACHED 1

- 7 INFRASTRUCTURE AND SERVICES 3**

- 7.1 TAMWORTH REGIONAL LOCAL TRAFFIC COMMITTEE MEETING – MARCH 2011 -
FILE NO SF1387 3
- 7.2 11TH COFFS HARBOUR WASTE CONFERENCE - FILE NO SF1152 4
ANNEXURE ATTACHED 4
- 7.3 WASTE COLLECTION SERVICES – MULTIPLE UNIT RESIDENTIAL DEVELOPMENTS -
FILE NO SF5150 6
ANNEXURE ATTACHED 6
- 7.4 TAMWORTH REGIONAL COUNCIL WASTE MANAGEMENT WORKING GROUP MINUTES -
FILE NO SF3101 7
ANNEXURE ATTACHED 7

- 7.5 PART ROAD CLOSURE AND SALE OF LAND TO ROYAL FREEMASONS BENEVOLENT
INSTITUTION - FILE NO SF3803 9

- 7.6 NORTH TAMWORTH BEARS REQUEST FOR A COUNCIL MOWER - FILE NO LF 937 10

- 8 GOVERNANCE, STRATEGY AND FINANCE 12**

- 8.1 CONSTITUTIONAL RECOGNITION OF LOCAL GOVERNMENT - FILE NO SF867 12

8.2	COUNCIL INVESTMENTS FEBRUARY 2011 - FILE NO 3455	13
8.3	COMMUNITY DEVELOPMENT COMMITTEE - MINUTES - FILE NOS SF1907 & SF2965	18
	TABLED DOCUMENTS	18
9	REPORTS FROM DELEGATES	20
10	QUESTIONS AND MATTERS OF CONCERN	20
11	REPORTS TO BE CONSIDERED IN CLOSED COUNCIL	20
11.1	ACCESS TO COMMERCIAL PROPERTIES AT 15-17 EBSWORTH STREET TAMWORTH - FILE NOS LF6507 & SF110	20

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*
- *Any matter or function not within the delegable function of Principal Committees*
- *Matters referred from Principal Committees for determination*

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).

5 MAYORAL MINUTE

Nil.

OPEN COUNCIL REPORTS

6 ENVIRONMENT & PLANNING

6.1 TAFE NSW NEW ENGLAND INSTITUTE STUDENT AND STAFF AWARDS 2011 - SPONSORSHIP - FILE NO SF684

DIRECTORATE: ENVIRONMENT PLANNING AND ECONOMIC
DEVELOPMENT

AUTHOR: Petria Jukes, Community Planning and Development
Officer

ANNEXURE ATTACHED

RECOMMENDATION

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

- (i) approve the sponsorship proposal requesting \$1,500.00 inclusive of GST to be used to fund the Faculty of Business and Creative Services – Creative Arts Student Award; and*
- (ii) nominate a delegate to attend the Awards Event and present the Creative Arts Student Award on behalf of the Council.*

SUMMARY

The purpose of this report is to provide an overview of a sponsorship proposal from TAFE NSW New England Institute (TAFE) regarding its Student and Staff Awards 2011 (**ANNEXURE ATTACHED**). TAFE is seeking a sponsorship of \$1500.00 inclusive of GST from Council to fund the Creative Arts Student Award category.

The report also provides a summary of the event, details of the relevant student award and a summary of the sponsorship benefits offered in return for Council's sponsorship.

COMMENTARY

Tamworth Regional Council, having the largest Art Gallery in the New England North West Region has been approached by TAFE NSW New England Institute to sponsor the 'Faculty of Business and Creative Services – Creative Arts' Faculty Student Award for 2011.

This sponsorship offers Tamworth Regional Council the opportunity to:

- share in the success and reward students for outstanding academic and training excellence;

- promotes Council as a strong supporter of the creative arts / creative industries sector amongst a large cross section of the business, government and education community of the New England North West Region; and
- strengthens Council's connection with the TAFE NSW New England Institute.

The TAFE NSW New England Institute submitted a sponsorship proposal on 17 February 2011 with the suggestion that support for the relevant category (Faculty of Business and Creative Services – Creative Arts Faculty Student Award) be provided, given Tamworth Regional Council is a leader within New England North West Creative Arts Sector as operator of the Region's largest Art Gallery.

The Institute Student and Staff Awards are now in their 12th Year and the 2011 Gala Event will be held at the Crossing Theatre, Narrabri on Saturday June 4th 2011. The purpose of the event is to present awards to students who have been nominated and selected based on their academic and personal achievement, overall attitude to learning and career and contribution to campus life.

The sponsorship request is for a total amount of \$1500.00 including GST which is used to fund a cash prize of \$1200.00 including GST for the winning student and \$300.00 including GST being allocated to the award plaque and other minor costs.

In return for sponsorship, Council will receive logo presence on promotional material (including the awards website until April 2012, as well as the program and electronic presentation at the event), opportunity for a representative of the Council to present the award at the gala event, two complimentary tickets to the event, verbal acknowledgement of sponsorship during the event, opportunities for advertising in the Northern Daily Leader supplement (additional cost) and acknowledgement in TAFE NSW New England Institute Annual Report as it relates to the institute Student and Staff Awards for 2011.

It is recommended that Council proceed to approve the sponsorship proposal in light of the benefits outlined in this report and as a positive investment in the creative arts/creative industries sector within the region.

(a) Policy Implications

Nil

(b) Financial Implications

Funds are available in the Community and Cultural Services Division budget to cover the cost of the sponsorship.

(c) Legal Implications

Nil.

(d) Community Consultation

Nil.

7 INFRASTRUCTURE AND SERVICES

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

DIRECTORATE: REGIONAL SERVICES

AUTHOR: Murray Russell, Manager Civil Construction and Engineering Services

RECOMMENDATION

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

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

5/2011 that with regard to the proposed regulatory signs and markings plan No. 18240 of the Tamworth Regional Sports Complex Indoor Sports Centre, subsequent to a site inspection by the RTA and Police representatives, it has been requested to defer the matter until the April 2011 meeting;

6/2011 that two (2) disabled parking bays be installed on the western side of Kable Avenue in front of West Diggers Club in place of the large oak tree removed during 2010; and

7/2011 that with regard to the Event Approvals for March and April 2011 all events be approved subject to written Police approval.

SUMMARY

The purpose of this report is to advise Council of recommendations made by the Tamworth Regional Local Traffic Committee, (TRLTC) at the electronic meeting held on Wednesday 9 March 2011.

COMMENTARY

Three (3) items were discussed at the meeting and it is proposed that Council adopt the recommendations:

5/2011 This recommendation deals with the proposed traffic management and parking on Jack Smyth Road adjacent to the Tamworth Indoor Sports Complex/Hockey carpark as well as the Tamworth Indoor Sports Complex carpark. Subsequent to a site inspection by the RTA and Police representatives, it has been requested to defer the matter for further discussion to the April 2011 Traffic Committee meeting;

6/2011 This recommendation deals with the request from the West Diggers Club for installation of disabled parking on the western side of Kable Avenue immediately adjacent to the Club where a large tree has been removed; and

7/2011 This recommendation pertains to events programmed for March and April 2011 and their specific Traffic Control Plans of the event, including Anzac Day marches at Tamworth, Manilla, Barraba, Attunga and Somerton.

Also, the Nundle Go For Gold Festival, two Horse Endurance events to be held in Manilla and Tamworth and the Manilla Central School walk-a-thon.

It is proposed that Council adopt the recommendations.

(a) Policy Implications

Nil.

(b) Financial Implications

Item 6/2011 Estimated expenditure of \$200. Funding is available through the RTA Regional Roads/Local Traffic Facilities allocation in the 2010/2011 budget.

(c) Legal Implications

Nil.

(d) Community Consultation

Nil.

7.2 11TH COFFS HARBOUR WASTE CONFERENCE - FILE NO SF1152

DIRECTORATE: REGIONAL SERVICES

AUTHOR: John Davis, Manager Waste and Cleaning Services

ANNEXURE ATTACHED

RECOMMENDATION

That Council consider whether any Councillors would like to nominate as delegates to attend the 11th Coffs Harbour Waste Conference to be held from 10 to 12 May 2011.

COMMENTARY

The 11th Coffs Harbour Waste Conference will be held in Coffs Harbour NSW from 10 to 12 May 2011. This Conference is considered by most in the industry to be the premier waste management conference held in New South Wales. The conference will focus on practical waste management outcomes and will incorporate a comprehensive trade show. The conference will also include presentations from international and national leaders and will cover all the latest practical developments as well as case studies and panel discussions on waste management issues.

The Waste Conference will include over 60 presentations, 40 exhibitors, 350 attendees and 3 networking events. The opening day on the 10th May will include a pre-conference workshop on waste education and the conference welcome reception. The main conference program on the 11th and 12th May will include many topics relevant to local government. An outline of the Conference Program is attached (**refer Annexure**).

Councillors have not attended this conference in recent years, however with new State and National policy on waste management imminent, Council may wish to nominate Councilor delegates to attend. The last conference was attended by the Manager of Waste Services in the dual capacity as Councils representative as well as in the Executive Officer for the Northern Inland Regional Waste (NIRW) Group.

Council's delegates to the Waste Management Working Group are the Mayor, Cllr Murray and Cllr Tait.

It is anticipated that the Manager of Waste Services will attend the State forum for regional waste groups on Tuesday the 10th and also the conference sessions on the 11th and 12th May

(a) Policy Implications

Councillor(s) authorised to attend the 11th Coffs Harbour Waste Conference will attend the Conference in accordance with Council's policy relating to the *Payment of Expenses and Provision of Facilities to Councillors*.

Approval arrangements for councillor discretionary trips, attendance of councillors at conferences, seminars, forums, workshops, professional development programs and/or other significant expenses and facilities under this policy and for insurance purposes must be authorised by way of a formal resolution of an Ordinary Meeting of the Council.

(b) Financial Implications

Councillors have been allocated the sum of \$3,000 annually to specifically provide for attendance at Local Government sector conferences, workshops, industry working parties and community non Council functions and events. Authorisation of the attendance of councillors is by way of a resolution of the Council. Authorisation and the payment of the expenses involved will only be provided by Council where the conference, workshop or industry working party is directly related to the councillor's civic functions and responsibilities and/or the Local Government sector.

The cost of attending the conference varies based on the number of days in attendance and accommodation requirements.

Costs associated with the attendance of Tamworth Regional Council staff at the conference would be funded from this years Training/Conference budget.

(c) Legal Implications

Nil.

(d) Community Consultation

Nil.

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

DIRECTORATE: REGIONAL SERVICES

AUTHOR: John Davis, Manager Waste and Cleaning Services

ANNEXURE ATTACHED

RECOMMENDATION

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

SUMMARY

The implementation of the new waste services contract in September 2009 resulted in an increased number of wheelie bin services being provided at Multiple Unit Residential Developments (MURD's). Following requests from a number of landholders to reduce the number of bins being provided, Council investigated options to ensure appropriate numbers of waste services are provided to MURD's.

This report recommends adoption of the recently advertised draft policy that will guide the allocation of waste services to MURD's. The draft policy is attached (**refer Annexure**).

COMMENTARY

At its meeting on 8 February 2011, Council reviewed the Draft Policy and resolved to publicly exhibit the Draft Policy for review and submissions.

The exhibition period was undertaken between 11 February 2011 and 11 March 2011 in which time there were no submissions received relating to the Draft Policy.

The Draft Waste Collection Services – Multiple Unit Residential Developments Policy includes information on the following:

- when services are applied to MURD's and how the applicable charges will be applied;
- requirements for undertaking a review of service levels at specific locations;
- assessment criteria used in determining applications;
- authority for approval of applications.

(a) Policy Implications

The Waste Collection Services – Multiple Unit Residential Developments Policy will be included in Council's General Policy Register.

(b) Financial Implications

The estimated maximum loss of revenue to Council is about \$18,000. This amount will not have a significant impact upon Council's waste budget.

(c) Legal Implications

The policy allows Council to meet legislative requirements under the Local Government Act 1993 in relation to waste management obligations.

(d) Community Consultation

Draft Waste Collection Services – Multiple Unit Residential Developments Policy was publicly exhibited and advertised in the local media for 28 days. No submissions were received.

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

DIRECTORATE: REGIONAL SERVICES

AUTHOR: John Davis, Manager Waste and Cleaning Services

ANNEXURE ATTACHED

RECOMMENDATION

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

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

SUMMARY

Council’s Waste Management Working Group (WMWG) held a special meeting on 8 March 2011 to discuss the provision of waste services to the Attunga community.

The meeting was attended by seven representatives of the Attunga Tip Working Group. Minutes of the meeting are attached (**refer Annexure**). The Mayor, Clr Murray, was in attendance as the Acting Chairman of the WMWG. Councillors Betts and Wilson were also in attendance at the meeting.

This report provides recommendations from the WMWG which are based on the outcome of consultation with the Attunga Tip Working Group.

COMMENTARY

The meeting discussed the implications the closure of the Attunga landfill had upon the community and what options existed to provide alternate waste disposal arrangements within the locality.

Consensus was reached on the following points:

- The Attunga landfill is no longer available for burying of waste on site;
- A trial of common waste collection points (including recycling) should be initiated using wheelie bins placed at locations accessible for residents who reside beyond the boundary of the current waste collection service. Four trial locations were nominated at Inlet Road, Magnesite Road, Lower Somerton Road and Dam Flat Road;
- The Attunga landfill site should be opened for 4 hours on one Sunday afternoon in each month. The site shall be supervised and accommodate acceptance of a limited range of waste materials including:
 - Bulky general waste – to be placed into a large ‘skip’ bin for removal from the site;
 - Scrap metal and whitegoods – suitable for recycling;
 - Batteries; and
 - Tyres

Greenwaste, timber waste and demolition waste (concrete, bricks, etc.) will not be accepted.

The financial implications of the proposed arrangements were discussed. The financial implications were noted to be substantially less than the cost of operating the Attunga facility as a landfill and more aligned to Council’s objective of developing a financially sustainable network of waste services for the region.

The group agreed to undertake a 3 month review of the proposed trials to evaluate the effectiveness of the respective waste management systems.

(a) Policy Implications

Nil.

(b) Financial Implications

The annual recurrent cost for the provision and servicing of four common waste (and recycling) collection points will be about \$4,500. The cost of implementing the trial can be funded from within Councils current waste management budget.

The annual operating cost of reopening the Attunga site as a supervised waste transfer facility for 4 hours per month will be about \$15,000. The cost of implementing the trial can be funded from within Councils current waste management budget.

(c) Legal Implications

Nil.

(d) Community Consultation

This recommendation is based on the outcome of consultation with the Attunga Community at a public meeting held on 3 March 2011 and subsequent consultation with the Attunga Tip Working Group on the 8 March 2011.

Further consultation will be undertaken with the Attunga Tip Working Group about the location of common waste collection points as well as mechanisms for effectively communicating with the Attunga community about the new waste arrangements.

A 3 month review of the waste management trials in the Attunga locality will be undertaken in consultation with the Attunga Tip Working Group.

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

DIRECTORATE: CORPORATE & GOVERNANCE

AUTHOR: Sylvia Elliott, Commercial Property Officer

RECOMMENDATION

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

SUMMARY

This report seeks Council's authorisation for the affixing of the Seal of Council to the Contract of sale for the land that was created by the part road closure of Ann Newman Lane in East Tamworth.

COMMENTARY

Council at its meeting of 21 October 2008 considered a request from Innovation Planning Australia on behalf of the Royal Freemasons Benevolent Institution for the closure of part of Ann Newman Lane, Tamworth and the purchase of that land from Council.

Council resolved to authorise the making of an application to the Land and Property Management Authority for the closure of part of Ann Newman Lane Tamworth, and for the Mayor and General Manager to enter into negotiations for the sale of the land parcel that is created by that road closure, to the Royal Freemasons Benevolent Institution.

The road closure process is now complete and the closed section of Ann Newman Lane has been registered as Lot 1 in DP1145830 and transferred to Council's ownership in Fee Simple title. Lot 1 is classified Operational land.

An independent valuation of the land was conducted in November 2010 and formed the basis of negotiations for the sale of the land. The sale price, terms and conditions were agreed upon in December 2010. The Contract of sale of the land has been prepared by Council's solicitor in accordance with the terms and conditions of Council's resolution and is required to be executed under Seal of Council.

Accordingly, it is recommended that Council authorise the affixing of the Seal of Council to the Contract of Sale documents.

(a) Policy Implications

Nil

(b) Financial Implications

All costs associated with the road closure have been at the expense of the Royal Freemasons Benevolent Institution. Similarly, all costs associated with the sale of the land are to be at the expense of the Royal Freemasons Benevolent Institution.

(c) Legal Implications

The Contract for the sale of Lot 1 is required to be executed under the Seal of Council.

The Local Government (General) Regulation 2005, Clause 400(4), requires that the Seal of Council must not be affixed to a document unless the document relates to the business of Council and the Council has resolved (by resolution specifically referring to the document) that the Seal be so affixed.

(d) Community Consultation

Nil

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

DIRECTORATE: OFFICE OF THE GENERAL MANAGER

AUTHOR: General Manager – Paul Bennett

RECOMMENDATION

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

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

SUMMARY

Council has received a letter from the North Tamworth Bears Rugby League Club requesting that Council donate a mower for their grounds (Jack Woolaston Oval) maintenance. By donating a mower Council will assist the club to maintain their facility without the financial burden of purchasing grounds maintenance equipment which is beyond their financial means.

Jack Woolaston Oval is owned by Council and leased to the North Tamworth Rugby League Football Club.

Council issues a number of mowers to 355 Committees to maintain other sporting and park areas including Barraba Sportsground, Bendemeer, Kootingal Recreation Ground, Dungowan Recreation Ground and Niangala.

COMMENTARY

Given the proactive and co-operative attitude of this Club towards future development of the Tamworth region, it would be a positive gesture to assist the club with their request for a mower by way of reciprocation.

The club also has extensive membership and engages a significant proportion of our local community in its activities. The Club also makes this facility available for use by other community groups including many schools and sporting bodies. The presentation of their facility is exemplary and this adds to the amenity of the Tamworth region.

The request is for an “out-front” style mower with a six foot – 1800mm cutting width.

Council currently has an example of this type of mower scheduled for disposal. The mower is a John Deere unit (plant number AF 1788) and has a forecast residual value of \$1,500 exclusive of GST.

This unit could be provided to the North Tamworth Bears on a long term loan basis, rather than as a donation, without ownership transferring from Council to the club. The North Tamworth Bears would then assume responsibility for garaging, security, insurance and normal maintenance/running costs whilst the mower is on loan to them.

Given the use that the mower will get at the club it should provide them with a reasonable service life before repairs become uneconomic.

The loan of the mower to the club will not affect the plant replacement program and it will not have an adverse financial impact on Council or any of its programs.

The club would need to organise appropriate public liability insurance and ensure that only trained/qualified staff operated or maintained the mower.

(a) Policy Implications

Nil.

(b) Financial Implications

Plant Reserve will be impacted by approximately \$1,500.00. This will not adversely affect the replacement program as savings can be made in other areas to offset this cost.

(c) Legal Implications

Nil.

(d) Community Consultation

Nil.

8 GOVERNANCE, STRATEGY AND FINANCE

8.1 CONSTITUTIONAL RECOGNITION OF LOCAL GOVERNMENT - FILE NO SF867

DIRECTORATE: CORPORATE & GOVERNANCE

AUTHOR: Robert Charlesworth, Administration & Governance Manager

RECOMMENDATION

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

SUMMARY

The objective of this report is to advise Council on the progress of the Australian Local Government Association's (ALGA's) campaign for a referendum on the Constitutional Recognition of Local Government and an invitation from the current President of the ALGA Cr Genia McCaffery for Council to become directly engaged in the campaign for constitutional recognition.

COMMENTARY

Following the 2010 Federal Election Prime Minister Gillard committed to holding a dual referendum on the constitutional recognition of Local Government and the recognition of Indigenous Australians. The referendum will most likely be held in conjunction with the 2013 Federal Election. The challenge for Local Government is to:

- ensure the referendum is held;
- ensure that the type of recognition sought meets Local Government requirements; and
- make sure councils have a positive result in the referendum.

The ALGA has devoted considerable resources over the past three years to develop a case for constitutional reform and the need for reform following the decision of the High Court in "*Pape v Federal Commissioner of Taxation*". In that case the High Court set out the limitations of the Australian Government's powers and, in doing so, clearly indicated that the Australian Government does not have the power to fund Local Government directly.

The form of financial recognition of Local Government proposed by the ALGA, which will not impact on the relationship between Local and State Governments, has been endorsed by the NSW Local Government Association and all other State and Territory Local Government Associations.

The ALGA believes that it is now important this position also be endorsed by all councils to demonstrate to Federal and State Governments, Oppositions and Political Parties that this position has widespread support within Local Government.

The President of the ALGA has written to all councils requesting they pass a resolution endorsing the position that a referendum be held in 2013 to change the constituent to allow direct funding of Local Government bodies by the Commonwealth Government and also requesting councils write to the Prime Minister, the Leader of the Opposition and Local Federal Members of Parliament advising them of Councils support for recognition.

It is the ALGA's intention that a Constitutional Declaration for Councils will be submitted for signature by Council representatives at the conclusion of the 2011 National General Assembly of Local Government on 22 June 2011.

(a) Policy Implications

Nil.

(b) Financial Implications

Nil.

(c) Legal Implications

Nil.

(d) Community Consultation

N/A.

8.2 COUNCIL INVESTMENTS FEBRUARY 2011 - FILE NO 3455

DIRECTORATE: CORPORATE AND GOVERNANCE

AUTHOR: Mark Crompton, Finance & Information Technology Manager

RECOMMENDATION

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

SUMMARY

The amount invested at 28 February 2011 when compared to 31 January 2011 has decreased by \$2,369,093.72.

The most significant outgoings were:

Company	Amount	Description
United Group Water	\$1,136,951.40	Sewer Augmentation Scheme Part A
National Australia Bank	\$1,229,398.59	Loan Repayment
Exeloo RBA Pty Ltd	\$ 106,425.00	Prefabricated toilet structure for ANZAC park
Country Energy	\$ 198,479.54	Electricity Charges
Realm Agribusiness Pty Ltd	\$ 225,115.05	Sewer Augmentation Effluent Reuse contract payment
LGSS – Superannuation Pool B	\$ 188,699.44	Employee Superannuation
Allianz	\$ 741,361.26	Workers Compensation
Tourism Tamworth	\$ 205,285.30	January to March contribution
Local Government Super Pool A	\$ 180,227.15	Employee Superannuation
Commonwealth Bank of Australia	\$ 189,962.87	Loan Repayment

TAMWORTH REGIONAL COUNCIL INVESTMENT REGISTER 28-02-2011										
Financial Institution	IFRS Classification	Investment Type	Date Invested	Due Date	No of Days	Interest Rate	NAB Cheque A/C Interest Rate	Market Value at 31/01/2011	Market Value at 28/02/2011	% of Amount Invested
Bankwest	Held to Maturity	TD	21/09/2010	22/03/2011	182	6.00%	4.35%	5,000,000.00	5,000,000.00	4.93%
NAB	Held to Maturity	TD	24/11/2010	24/03/2011	120	5.98%	4.60%	6,000,000.00	6,000,000.00	5.91%
NAB	Held to Maturity	TD	6/10/2010	4/04/2011	180	6.00%	4.35%	3,000,000.00	3,000,000.00	2.96%
Bankwest	Held to Maturity	TD	19/10/2010	19/04/2011	182	5.91%	4.35%	3,000,000.00	3,000,000.00	2.96%
Bankwest	Held to Maturity	TD	20/10/2010	19/04/2011	181	5.96%	4.35%	7,000,000.00	7,000,000.00	6.90%
Westpac	Held to Maturity	TD	3/11/2010	3/05/2011	181	5.89%	4.35%	10,000,000.00	10,000,000.00	9.85%
St George	Held to Maturity	TD	16/11/2010	17/05/2011	182	6.15%	4.60%	3,000,000.00	3,000,000.00	2.96%
Westpac	Held to Maturity	TD	16/11/2010	17/05/2011	182	6.15%	4.60%	2,000,000.00	2,000,000.00	1.97%
NAB	Held to Maturity	TD	15/12/2010	15/06/2011	182	6.22%	4.60%	5,000,000.00	5,000,000.00	4.93%
St George	Held to Maturity	TD	21/12/2010	21/06/2011	182	6.12%	4.60%	3,000,000.00	3,000,000.00	2.96%
St George	Held to Maturity	TD	20/01/2011	19/07/2011	180	6.01%	4.60%	5,000,000.00	5,000,000.00	4.93%
Westpac	Held to Maturity	TD	25/01/2011	26/07/2011	182	6.08%	4.75%	10,200,000.00	10,200,000.00	10.05%
NAB	Held to Maturity	TD	25/01/2011	26/07/2011	182	6.30%	4.75%	20,000,000.00	20,000,000.00	19.70%
Bankwest	Held to Maturity	TD	2/02/2011	2/08/2011	181	6.03%	4.75%	9,500,000.00	7,000,000.00	6.90%
FIG-Deutsche Bank Guarantee Basis Note-T	Held to Maturity	FRN	29/02/2008	30/11/2014	2,466	90d BBSW+100		500,000.00	500,000.00	0.49%
FIG-Deutsche Bank Guarantee Basis Note-N	Held to Maturity	FRN	23/02/2008	23/11/2012	1,735	90d BBSW+100		500,000.00	500,000.00	0.49%
FIG-ANZ-Fixed Senior Bank Bond	Held to Maturity	Bank Bond	22/08/2008	22/04/2013	1,704	7.60%		4,000,000.00	4,000,000.00	3.94%
NAB-Professional Fund	Held to Maturity	On Call	15/11/2007					7,179,296.61	7,310,202.89	7.20%
TOTAL								\$ 103,879,296.61	\$ 101,510,202.89	100.00%

I, Mark L Crompton, Tamworth Regional Council Finance Manager (Responsible Accounting Officer) certify as required under Section 16 (1) (b) of the Local Government (Financial Management) Regulations 1999, that Council's investments have been made in accordance with the Local Government Act 1993, Regulations and Tamworth Regional Council Investment Policy.

Signed.....


COMMENTARY

Council's Banker, National Australia Bank has provided the Bank's Monthly Business Survey & Economic Outlook for March 2011.



March 2011

Key Themes

February was another month of natural and man-made disasters for the world economy and markets. These included the earthquake in the Canterbury Province of New Zealand and the political uprisings in the Middle East and North Africa.

In Australia, the outlook continues to be one of an accelerating economy with growth projected to be around 4% by early 2012. For now though, the economy appears to be pretty soft, as the expected boom in business investment, centred on minerals and energy, is still at a fledgling stage. Also, underlying inflation looks set to be near the middle of the 2-3% RBA inflation target band for the rest of the year.

Modest inflation and soft growth means there is no pressure on the RBA to hike rates at present and we have delayed our next rate hike call to August (previously May), to be followed by a second 25bps hike to 5.25% in November.

For borrowers, market rates for three years have come down and it will start to be attractive to fix funding costs if 3-yr swap rates fall below 5.25% (currently around 5.3%). The underlying fundamentals for the Aussie dollar remain robust and we expect the currency to rise to a peak of 1.0500 by mid-year.

Growth weak in short-term

The December quarter national accounts reported growth of 0.7% in the quarter and 2.7% for 2010. While there were solid contributions from inventories and machinery & equipment spending. It was clear that the heavy rains late last year took their toll on primary industry growth with both farm GDP(-1.0%) and mining output (-3.1%) declining in the December quarter. Together these industries detracted 0.3% from GDP in Q4.

The weakness in recent activity has been evident in the monthly NAB Business Surveys. Business conditions fell into negative territory in January (index of -6) following the floods, and only marginally improved in February to an index of -2. Retail, wholesale, manufacturing and construction are all doing it tough, while conditions have recovered strongly in mining. Recreation services are also performing well.

Food prices will rise sharply in the March quarter following the reduction in supplies of fresh fruit and vegetables. We anticipate a ballpark impact of around .75% on the March quarter CP1.

But medium term outlook strong

Beyond the March quarter, the resource boom should combine with the flood reconstruction effort to create a surge in business investment. The latest ABS survey points to mining capital expenditure growing by over 50% in 2010-11 and then almost doubling from this high base in 2011-12. The income and wealth effects of the terms of trade boost from mid-2010 will continue to flow through.

Following the GDP release we have revised our GDP forecasts. We now expect GDP growth of 2.5% in 2011 (previously 2.4%) and 3.7% in 2012 (previously 3.9%).

In recent weeks, speeches given by RBA officials have focussed on the mining boom, which will see strong investment and growth that will require careful management from the RBA. With little overall spare capacity, the economy cannot cope with ongoing above trend growth across the economy. But working in Australia's favour is the exchange rate that is helping the economy to adjust to the high terms of trade and also the caution being shown by households at present. The household savings rate is at a two-decade high, which is helping to contain the inflationary pressures in the economy.

Despite the fall of 10k in February's employment data, the labour market remains tight. There were 48k full-time jobs created in February, and the unemployment rate is at 5.0%. Indeed, the past year has seen 300k jobs created across Australia (at a 2.7% year-on-year pace) and leading indicators such as job vacancies point to further jobs growth ahead.

Unemployment is expected to trend lower towards 4½% over the next year as the investment boom puts further strain on labour resources. Skilled labour shortages will intensify, and wage pressures will rise. We have already seen the Wage Price Index rise in recent quarters, with a 1.0% increase in Q4 2010 for an annual rate of 3.9%.

The current softness in the economy means that the RBA is under no pressure to raise interest rates in the near-term. The retail sector remains weak and housing activity is slowing. Credit growth is also soft. However, the risk of higher prices remains, which will keep the RBA on inflation alert. Food prices will rise strongly in the March quarter, while rising petrol prices will start to pressure prices further down the line. As consumer demand strengthens, the risk of unacceptably high inflation in 2012 will bring the RBA back into action.

We expect the RBA will need to raise the cash rate again by August, with a further rise in November taking the cash rate to 5.25% by the end of the year.

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(a) Policy Implications

All of Council's investments are held in accordance with the 'Tamworth Regional Council Investment Policy' except for direct investments which exceed the maximum percentage allowable with one financial institution as per the table below. This variation is in accordance with Section 4(e) of Council's Investment Policy.

For the Month of February 2011									
Investment	Rating	\$Amount invested as at 28/02/2011	% of Total Investments	Maximum Percentage per institution or credit rating classification	% Excess Investment per institution	\$ value of investments with less than 12 months to maturity	\$ value of Investments maturing in one to five years		
ANZ	A1+ Short	4,000,000.00	3.94%	30.00%	0.00%	0.00	4,000,000.00		
Bankwest	A1+ Short	25,000,000.00	24.63%	30.00%	0.00%	25,000,000.00			
CBA	A1+ Short	0.00	0.00%	30.00%	0.00%		0.00		
INAB	A1+ Short	41,310,202.89	40.70%	30.00%	10.70%	41,310,202.89	0.00		
St George	A1+ Short	8,000,000.00	7.88%	30.00%	0.00%	8,000,000.00			
Westpac	A1+ Short	22,200,000.00	21.87%	30.00%	0.00%	22,200,000.00			
Sub Total A1+ Short to AAA Long		\$ 100,510,202.89	99.01%	100.00%		\$ 96,510,202.89	\$ 4,000,000.00		
Citibank P/L	A1 Short	0.00	0.00%	10.00%	0.00%	0.00			
LGFS	A1 Short	0.00	0.00%	10.00%	0.00%	0.00			
FIG-Deutsche Bank Guarantee Basis Note-AA Long	AA Long	1,000,000.00	0.99%	10.00%	0.00%		1,000,000.00		
Sub Total A1 Short to AA Long		\$ 1,000,000.00	0.99%	100.00%		\$ -	\$ 1,000,000.00		
Sub Total A2 Short to A Long		\$ -	0.00%	5.00%	0.00%	0.00	0.00		
Sub Total AA to CCC Long		\$ -	0.00%	20.00%	0.00%	\$ -	\$ -		
Total of all Investments		\$ 101,510,202.89	100.00%	0.00%	0.00%	\$ -	\$ -		
						\$ 96,510,202.89	\$ 5,000,000.00		
						95.00%	5.00%		As a% of total investments
						100.00%	40.00%		Maximum Permissible

¹ The General Manager or his delegated representative is authorised to approve variations to Council's investment policy if the investment is to Council's advantage or due to revised legislation.

(b) Financial Implications

The total budget for investment income in 2010/2011 (excluding Developer Contribution investment income) is \$4,549,000.00.

Investment income to Date	\$2,739,687.76
Accrued Interest to Date	\$1,246,839.93
Total Investment Income to Date	\$3,986,527.69
This represents	88% of budget.

(c) Legal Implications

All of Council’s investments are held in accordance with the ‘Tamworth Regional Council Investment Policy’ which accords with the requirements of the:

- Local Government Act 1993 – Section 625
- Local Government Act 1993 – Order (of Minister) dated 16 November 2000;
- The Trustee Amendment (Discretionary Investments) Act 1997 – Sections 14A(2), 14C(1) & 2;
- Local Government (General) Regulation 2005 – Clauses 212 & 215;

Local Government Code of Accounting Practice & Financial Reporting - Update No. 15 dated June 2007.

(d) Community Consultation

Nil.

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

DIRECTORATE: CORPORATE AND GOVERNANCE

AUTHOR: Jodie Archer, Section 355 Coordinator

TABLED DOCUMENTS



CDC Minutes

RECOMMENDATION

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

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

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

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>
Bendemeer Community Development Committee	12 October 2010
Bendemeer Community Development Committee	19 October 2010
Barraba Community Development Committee	7 February 2011

- (ii) The minutes of the Barraba Community Development Committee's meeting held 7 February, 2011 recommended the following:

Membership:

That Council accept the removal of Terry Fitsummons, Paul Strachan and Jenny Simpson as members of the Barraba Community Development Committee due to extended non attendance.

(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

Community Development Committees are maintained under the Citizen Services Division.

(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

11 REPORTS TO BE CONSIDERED IN CLOSED COUNCIL

RECOMMENDATION

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 ACCESS TO COMMERCIAL PROPERTIES AT 15-17 EBSWORTH STREET TAMWORTH - FILE NosLF6507 & SF110

DIRECTORATE: CORPORATE & GOVERNANCE

AUTHOR: Chris Johnston, Manager Commercial Lands

That Council determine this matter in 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.

SUMMARY

This report provides a summary of purchase negotiations in relation to the above access.

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.