

# ORDINARY COUNCIL

# MINUTES

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

**TUESDAY 24 AUGUST 2010 at 6:30pm**

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

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

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## **1 APOLOGIES**

Nil.

## **2 COMMUNITY CONSULTATION**

Nil.

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

### **MOTION**

Moved Cr Ray Tait/Cr Juanita Wilson

### **279/10 RESOLVED**

That the Minutes of the Ordinary Meeting of the Council held on Tuesday 10 August 2010, copies of which were circulated be taken as read and confirmed as a correct record of the proceedings of the Meeting.

## **4 DISCLOSURE OF INTEREST**

Cr Warren Woodley declared a Non-Pecuniary Interest in Items 6.5 and 11.5 *Sale of Council Land - Marius Street Tamworth - File No LF 5957* for reason that a member of his family has investments in the adjoining property. He stated that he had assessed the interest in relation to the issues being dealt with and decided to leave the Chamber during debate and voting.

Cr Russell Webb declared a Non-Pecuniary Interest in Item 6.6 *Road Closure Application – Unformed Public Road off Appleby Lane, Appleby - File No LF6796* for reason that he has a lease and farming arrangement on the property. He stated that he had assessed the interest in relation to the issues being dealt with and decided to leave the Chamber during debate and voting.

Cr Ray Tait declared a Non-Pecuniary Interest in Item 6.6 *Road Closure Application – Unformed Public Road off Appleby Lane, Appleby - File No LF6796* for reason that Baiada Pty Ltd, the employer of his son, has an interest in Rostry Pty Ltd, the owner of the land benefited by a development consent requiring the road closure as a deferred commencement matter. He stated that he had assessed the interest in relation to the issues being dealt with and decided to leave the Chamber during debate and voting.

Cr Paul Durant declared a Non-Pecuniary Interest Item 6.6 *Road Closure Application – Unformed Public Road off Appleby Lane, Appleby - File No LF6796* for reason that Baiada Pty Ltd, the employer of his son, has an interest in Rostry Pty Ltd, the owner of the land benefited by a development consent requiring the road closure as a deferred commencement matter. He stated that he had assessed the interest in relation to the issues being dealt with and decided to leave the Chamber during debate and voting.

Cr Phil Betts declared a Non-Pecuniary Interest Item 6.6 *Road Closure Application – Unformed Public Road off Appleby Lane, Appleby - File No LF6796* for reason that he is a member of the Joint Regional Planning Panel. He stated that he had assessed the interest in relation to the issues being dealt with and decided to remain in the Chamber and participate in the debate and voting.

Cr Col Murray declared a Non-Pecuniary Interest Item 6.6 *Road Closure Application – Unformed Public Road off Appleby Lane, Appleby - File No LF6796* for reason that he is a member of the Joint Regional Planning Panel. He stated that he had assessed the interest in relation to the issues being dealt with and decided to stay in the Chamber and participate in the debate and voting.

## **5 MAYORAL MINUTE**

### **5.1 LATE MAYORAL MINUTE - GLENN INGLIS - FILE No SF809**

#### **MOTION**

**Moved Cr James Treloar /Cr Juanita Wilson**

#### **280/10 RESOLVED**

That the Mayoral Minute to record Council's gratitude for the leadership of Glenn Inglis since his appointment as General Manager and outlining his achievements be received and noted.

All councillors addressed the Council and conveyed their appreciation to the General Manager, Mr Glenn Inglis, for his record of outstanding achievement and leadership of the Council and the Community during his period of appointment as General Manager of Tamworth Regional Council.

## 6 OPEN COUNCIL REPORTS

### SUSPENSION OF STANDING ORDERS

#### MOTION

Moved Cr Warren Woodley/Cr Russell Webb

#### 281/10 RESOLVED

- (i) That the report in relation to Item 7.10 Refugee Welcome Zones - File No SF3180 be withdrawn pending supply of additional information and further community consultation; and
- (ii) That the report in relation to Item 8.8 Review Of General Policy Register - File No SF1384 be withdrawn to allow further review and consultation by Council.

### 6.1 PROPOSED TELSTRA FACILITIES AT KINGSWOOD, VICTORIA PARK, OXLEY VALE AND WESTDALE RESERVOIR SITES - FILE NO SF782, SF715, SF720 AND SF718

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

**AUTHOR:** Barbara Thomson, Acting Commercial Property Officer

#### MOTION

Moved Cr Warren Woodley/Cr Col Murray

#### 282/10 RESOLVED

That in relation to the proposed Telstra facilities at Kingswood, Victoria Park, Oxley Vale and Westdale reservoir sites Council:

- (i) authorise the General Manager to execute the Development Applications for the proposed Telstra facilities to provide consent, as owner of the land, to the lodgement of the applications for the purpose of assessment and determination of the applications; and
- (ii) request the General Manager to submit the Development Applications to Council for determination.

## **6.2 LEASE TO CHALLENGE DISABILITY SERVICES OF SUITE 1B PARRY HOUSE - FILE No SF4861**

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

**AUTHOR:** Barbara Thomson, Acting Commercial Property Officer

### **MOTION**

**Moved Cr Russell Webb/Cr Ray Tait**

**283/10 RESOLVED**

That Council 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.

## **6.3 COLEDALE REVITALISATION PROJECT AND PARTNERSHIP WITH HOUSING NSW - FILE No SF4968**

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

**AUTHOR:** Genevieve Harrison, Manager, Strategic Planning

### **MOTION**

**Moved Cr Warren Woodley/Cr Ray Tait**

**284/10 RESOLVED**

That, in relation to the Coledale Revitalisation Project, the Mayor and General Manager be authorised to execute the "Memorandum of Understanding" between Housing NSW and Tamworth Regional Council.

## **6.4 EXPRESSION OF INTEREST TO PURCHASE COUNCIL LAND – 474 PEEL STREET TAMWORTH - FILE No LF4438**

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

**AUTHOR:** Chris Johnston, Manager Economic Development and Commercial Lands

### **MOTION**

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

**285/10 RESOLVED**

That Council 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.

## **6.5 SALE OF COUNCIL LAND - MARIUS STREET TAMWORTH - FILE No LF 5957**

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

**AUTHOR: Chris Johnston, Manager Economic Development and Commercial Lands**

Cr Warren Woodley declared a Non-Pecuniary Interest in this Item for reason that a member of his family has investments in the adjoining property.

Cr Warren Woodley left the Chambers at 7:17pm.

### **MOTION**

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

**286/10 RESOLVED**

That Council 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.

At 7:18pm Cr Warren Woodley returned to the meeting.

## **6.6 ROAD CLOSURE APPLICATION – UNFORMED PUBLIC ROAD OFF APPLEBY LANE, APPLEBY - FILE No LF6796**

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

**AUTHOR: Chris Johnston, Manager Economic Development and Commercial Lands**

Cr Russell Webb declared a Non-Pecuniary Interest in this Item for reason that he has a lease and farming arrangement on the property.

Cr Ray Tait declared a Non-Pecuniary Interest in this Item for reason that Baiada Pty Ltd, the employer of his son, has an interest in Rostry Pty Ltd, the owner of the land benefited by a development consent requiring the road closure as a deferred commencement matter.

Cr Paul Durant declared a Non-Pecuniary Interest in this Item for reason that Baiada Pty Ltd, the employer of his son, has an interest in Rostry Pty Ltd, the owner of the land benefited by a development consent requiring the road closure as a deferred commencement matter.

Crs Webb, Tait and Durant left the Chambers at 7:18pm.

Cr Phil Betts declared a Non-Pecuniary Interest in this Item for reason that he is a member of the Joint Regional Planning Panel. He stated that he had assessed the interest in relation to the issues being dealt with and decided to stay in the Chamber and participate in the debate and voting.

Cr Col Murray declared a Non-Pecuniary Interest in this Item for reason that he is a member of the Joint Regional Planning Panel. He stated that he had assessed the interest in relation to the issues being dealt with and decided to stay in the Chamber and participate in the debate and voting.

**MOTION**

**Moved Cr Phil Betts/Cr Juanita Wilson**

**287/10 RESOLVED**

That in relation to a request to close the unformed public road from Appleby Lane to the Peel River and bounded by Lot 161 and Lot 162 in DP 560748 and Lot 17 in DP 95993, Council authorise the making of an application to the Land and Property Management Authority for the closure of the road under terms as detailed in the report.

Crs Webb, Tait and Durant returned to the meeting at 7:19pm.

**7 INFRASTRUCTURE AND SERVICES**

**7.1 CRAIGENDS LANE SEWER MAINS UPGRADE ACQUISITION OF 3 METRE WIDE SEWER EASEMENT - FILE NO LF230**

**DIRECTORATE: WATER ENTERPRISES**  
**AUTHOR: Bruce Logan – Director Water Enterprises**

**MOTION**

**Moved Cr Col Murray/Cr Russell Webb**

**288/10 RESOLVED**

That Council 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 that would, if disclosed, confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct ) business.

**7.2 TRADE WASTE EFFLUENT IMPROVEMENT PLAN – VITERRA MALT (FORMERLY JOE WHITE MALTINGS) – GUNNEDAH ROAD, TAMWORTH- FILE NO SF2645**

**DIRECTORATE: WATER ENTERPRISES**  
**AUTHOR: Daniel Coe – Water Engineer**

**MOTION**

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

**289/10 RESOLVED**

That in relation to the report Trade Waste Effluent Improvement Plan – Viterra Malt (Formerly Joe White Maltings), Council:

- (i) continue to defer levying non compliant trade waste charges accumulated by Viterra Malt during the period stated in the agreed effluent improvement plan until the final item of the treatment system is installed; and
- (ii) request the Director of Water Enterprises prepare a further report for Council with recommendations if any of the following occurs;
  - if by 30 September 2010 the site is still not meeting Council's trade waste discharge requirements;
  - in the event the site meets Council's trade waste discharge requirements.

### **7.3 MEMBERSHIP OF THE MURRAY DARLING ASSOCIATION - FILE No SF4632**

**DIRECTORATE:** WATER ENTERPRISES  
**AUTHOR:** Bruce Logan – Director Water Enterprises

#### **MOTION**

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

**290/10 RESOLVED**

That Council not make application to be a member of the Murray Darling Basin Association at this time.

### **7.4 WESTDALE ALLIANCE UPDATE - FILE No SF3216**

**DIRECTORATE:** WATER ENTERPRISES  
**AUTHOR:** Nigel Thompson, Manager Water Augmentation

#### **MOTION**

**Moved Cr Warren Woodley/Cr Col Murray**

**291/10 RESOLVED**

That Council determine this matter in the part of the meeting which is closed to the public pursuant to section 10A(2) (c) of the Local Government Act 1993 on the grounds that the information would, if disclosed, confer a commercial advantage on a person with whom Council is conducting business.

## 7.5 PROGRESS REPORT - CONSTRUCTION OF TAMWORTH INDOOR SPORTS CENTRE - FILE NO T011/2010

**DIRECTORATE:** REGIONAL SERVICES  
**AUTHOR:** Murray Russell Manager Civil Construction and,  
Simon Haire Manager Parks, Gardens and Recreation

### MOTION

Moved Cr Warren Woodley/Cr Ray Tait

**292/10 RESOLVED**

That in relation to the Construction of Tamworth Indoor Sports Centre, Council note the progress report to mid August 2010 and request the Director Regional Services to submit a further progress report to Council in October 2010.

## 7.6 SPORTS CENTRE COMMITTEE CONSTITUTION - FILE NO SF3641

**DIRECTORATE:** REGIONAL SERVICES  
**AUTHOR:** Simon Haire Manager Parks, Gardens and Recreation

### MOTION

Moved Cr Warren Woodley/Cr Col Murray

**293/10 RESOLVED**

That in relation to management and operation of the new Tamworth Sports Centre Council:

- (i) establish the "*Tamworth Sports Centre Committee*" as a committee under section 355 of the Local Government Act 1993;
- (ii) delegate exercise of the following functions of the Council under section 377 (1) of the Local Government Act 1993 to the Tamworth Sports Centre Committee:
  - (a) Provide direction and advice on management of the Centre to Council staff;
  - (b) Provide recommendations on the management/use of the centre's facilities and services;
  - (c) Preparation and approval of a business plan for the centre;
  - (d) Preparation and approval of management/operational plans and other policies and procedures for the Centre;
  - (e) Marketing and promoting the venue to potential users;
  - (f) Hiring the venue including terms of hire and overseeing the use of the venue; and
  - (g) Provide adequate volunteers to operate the Centre as and when required.

- (iii) adopt the following Committee structure and membership for the Tamworth Sports Centre Committee:

Organisation	Delegates	
Tamworth Regional Council	3	One Councillor, the Director responsible for the Centre and the Chief Financial Officer of Council
Tamworth Basketball Association	2	Tamworth Basketball Executive representatives
Tamworth Netball Association	2	Tamworth Netball Executive representatives
Community Member	2	Appointed through Expression of Interest process
'Other Sport' Member	1	To be determined when required

- (iv) adopt the draft Tamworth Sports Centre Committee Constitution and Operating Guidelines as identified in ANNEXURE 7.6;
- (v) in accordance with Tamworth Sports Centre Committee Constitution, Cr Col Murray, the Director Regional Services and the Finance and IT Manager be appointed as members of the Committee;
- (vi) request the Tamworth Basketball Association and the Tamworth Netball Association to nominate two delegates and alternate delegates for appointment by Council as members of the Tamworth Sports Centre Section 355 Committee; and
- (vii) invite Expressions of Interest for community membership of the Tamworth Sports Centre Committee.

## **7.7 WELCOME TO COUNTRY AND ACKNOWLEDGEMENT OF COUNTRY DRAFT POLICY - FILE No SF1282**

**DIRECTORATE: REGIONAL SERVICES**

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

### **MOTION**

**Moved Cr Warren Woodley/Cr Col Murray**

### **294/10 RESOLVED**

- (i) That Council give approval for the Tamworth Regional Council Draft Welcome to Country and Acknowledgment of Country Policy to be placed on public exhibition for 28 days; and
- (ii) That following the public exhibition period, the Regional Services Director be requested to submit a further report to Council on the community feedback and an updated Draft Policy for consideration and adoption.

## **7.8 TAMWORTH REGIONAL COUNCIL CULTURAL PLAN 2010 - 2015 - FILE No SF4145**

**DIRECTORATE: REGIONAL SERVICES**

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

### **MOTION**

**Moved Cr Warren Woodley/Cr Juanita Wilson**

### **295/10 RESOLVED**

- (i) That Council adopt the Tamworth Regional Council Cultural Plan 2010 – 2015; and
- (ii) That the Tamworth Regional Council Cultural Plan 2010 – 2015 be referred to future Management Plan processes for budget consideration.

## **7.9 WAIVING OF FEES PROGRAM - FILE No SF2620**

**DIRECTORATE: REGIONAL SERVICES**

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

### **MOTION**

**Moved Cr Paul Durant/Cr Russell Webb**

### **296/10 RESOLVED**

That the report on activation of the "Request for Donation in Lieu of Payment of Council Fees" Policy for the 2009-10 financial year be received and noted.

## **7.10 REFUGEE WELCOME ZONES - FILE No SF3180**

**DIRECTORATE: REGIONAL SERVICES**

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

This Report was withdrawn by the General Manager pending submission of additional information and further community consultation.

## **7.11 NSW RURAL FIRE SERVICE – SERVICE LEVEL AGREEMENT – 1 JULY 2010 -FILE No SF200**

**REPORT FROM: DIRECTOR REGIONAL SERVICES**

**Actioning Officer: Jason Stratford – Local Emergency Management Officer**

### **MOTION**

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

### **297/10 RESOLVED**

- (i) That Council enter into a Service Level Agreement with the NSW RFS for the period commencing 1 July 2010 – 30 June 2013, subject to the modification, addition or deletion of clauses as detailed in this report;

- (ii) That the Seal of the Council be affixed to the Service Level Agreement documentation between Council and the NSW RFS; and
- (iii) That Cr Russell Webb and Cr Ray Tait be appointed as Council's delegates to the NSW Rural Fire Service Liaison Committee.

## **7.12 TAMWORTH REGIONAL LOCAL TRAFFIC COMMITTEE MEETING – AUGUST 2010 FILE NO SF1387**

**DIRECTORATE:** REGIONAL SERVICES  
**AUTHOR:** Murray Russell Manager Civil Construction and Engineering Services

### **MOTION**

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

**298/10 RESOLVED**

That the recommendations in respect of Items 37/2010, 39/2010, 41/2010 and 42/2010 of the Tamworth Regional Local Traffic Committee Meeting held 11 August 2010 be adopted with the exception that in relation to Item 39/2010 Council request the Director Regional Services undertake further consultation with affected residents prior to implementation of Item (i) of the recommendation and Item 43/2010 be referred back to the next Meeting of the Committee for further consideration in relation to the following:

Item 43/2010 With regard to the practice of parked vehicles being displayed for sale on the western side of the New England Highway between Calala Lane and Wilburtree Street, Tamworth that the Traffic Committee give further consideration to options other than no parking restrictions.

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

### **8.1 COUNCIL INVESTMENTS JULY 2010 - FILE NO SF3455**

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

### **MOTION**

**Moved Cr Paul Durant/Cr Col Murray**

**299/10 RESOLVED**

That the report on Council Investments for the month of July 2010 be received and noted.

## **8.2 DELEGATIONS OF FUNCTION – GENERAL MANAGER - FILE No SF831**

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

### **MOTION**

**Moved Cr Phil Betts/Cr Juanita Wilson**

### **300/10 RESOLVED**

That in accordance with Section 377 of the Local Government Act 1993 Council Delegate the Functions of the Council identified in Annexure 8.2 to the General Manager, Paul Anthony Bennett, on and from take up of the position of General Manager of Tamworth Regional Council by Mr Bennett commencing on 6 September 2010.

## **8.3 AIRSERVICES AUSTRALIA – TEMPORARY CONTROL TOWER FACILITIES - FILE No SF293**

**DIRECTORATE:** CORPORATE AND GOVERNANCE  
**AUTHOR:** Michael Dubois, Business Manager

### **MOTION**

**Moved Cr Warren Woodley/Cr Russell Webb**

### **301/10 RESOLVED**

That Council approve the signing of a Deed of Licence for the temporary occupation of the Old Control Tower Facilities by AirServices Australia for the period that the New Control Tower air conditioning is being upgraded.

## **8.4 AUSTRALIAN AIRPORTS ASSOCIATION CONFERENCE - FILE No SF451**

**DIRECTORATE:** CORPORATE AND GOVERNANCE  
**AUTHOR:** Michael Dubois, Business Manager

### **MOTION**

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

### **302/10 RESOLVED**

That no Councillor Delegate attend the Australian Airports Association Conference to be held in Adelaide on 25 - 28 October 2010.

## **8.5 AUSTRALIAN INTERNATIONAL AIR SHOW – MARCH 2011 – AVALON AIRPORT - FILE No SF310**

**DIRECTORATE:** CORPORATE AND GOVERNANCE  
**AUTHOR:** Michael Dubois, Business Manager

### **MOTION**

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

### **303/10 RESOLVED**

That Council approve the participation of Tamworth Regional Airport at the Australian International Airshow to be held at Avalon Airport, Victoria in March 2011 as part of the NSW Industry and Investment Stand.

## **8.6 COMMUNITY DEVELOPMENT COMMITTEE - MINUTES - FILE No SF1868, SF2637 & SF 2664**

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

### **MOTION**

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

### **304/10 RESOLVED**

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

<u>Committee</u>	<u>Date</u>
Woolbrook Community Development Committee	22 July 2010
Nundle Community Development Committee	2 August 2010
Kootingal Community Development Committee	9 August 2010; and

(ii) That Council adopt the recommendation of the Woolbrook Community Development Committee at its meeting held 22 July, 2010 to postpone the 2010 Woolbrook Spring Festival until 2011 due to upgrade works both at Woolbrook Hall and Woolbrook Sportsground.

## **8.7 SECTION 355 COMMITTEES - MINUTES - FILE No SF2256**

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

### **MOTION**

**Moved Cr Phil Betts/Cr Col Murray**

### **305/10 RESOLVED**

(i) That the minutes of the following Section 355 Committees listed below be received and noted:

<u>Committee</u>	<u>Meeting Date</u>
Kootingal Recreational Reserve Committee	19 October 2009
Tamworth Regional Tidy Towns Committee	19 April 2010
Bendemeer Grey Fergie Tractor Muster Committee	28 April 2010
Tamworth Sister City Committee	9 June 2010
Kootingal Recreational Reserve Committee	21 June 2010
Tamworth Sister City Committee	14 July 2010
Victoria Park Committee	20 July 2010;

- (ii) That Council adopt the recommendation of the Kootingal Recreational Reserve Committee at its meeting held 19 October, 2009 to accept Lyn Eccleston as a member of the Kootingal Recreational Reserve Committee; and
- (iii) That Council note the recommendation of the Victoria Park Committee at its meeting held 20 July, 2010 to form the Children's Playground Sub Committee with additional information to be provided to Council in regard to the delegated function/s of this sub committee.

### **8.8 REVIEW OF GENERAL POLICY REGISTER - FILE NO SF1384**

**DIRECTORATE: CORPORATE AND GOVERNANCE**

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

This report was withdrawn by the General Manager to allow further review and consultation by Council.

### **8.9 2009/2010 MANAGEMENT PLAN QUARTERLY PERFORMANCE AND BUDGET REVIEW STATEMENTS TO 30 JUNE 2010 – FILE NO SF3891**

**DIRECTORATE: GENERAL MANAGER**

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

#### **MOTION**

**Moved Cr Col Murray/Cr Phil Betts**

#### **306/10 RESOLVED**

That General Manager's Report titled "2009/2010 Management Plan Quarterly Performance and Budget Review Statements to 30 June 2010" for Tamworth Regional Council be received and noted and the variations as listed in the Annexure be approved.

## **9 REPORTS FROM DELEGATES**

### **9.1 LOCAL GOVERNMENT ASSOCIATION OF NSW AND SHIRES ASSOCIATION – ONE ASSOCIATION CONVENTION - SF865**

Cr James Treloar reported that the General Manager and he attended the *One Association Convention held in Sydney 16 August 2010*. He advised that the Local Government Association of NSW and the Shires Association of NSW met and voted overwhelmingly in support of forming a new association to represent NSW Local Government.

Over 260 representatives gathered at the *One Association Convention* chaired by the Hon Richard Torbay MP and there was a consensus that the current NSW Associations should join together to form a single strong and united industry body.

Both existing Associations will now take this overwhelming majority vote in favour of forming one association to their upcoming Local Government Association and Shires Association Conferences.

## **10 QUESTIONS AND MATTERS OF URGENCY**

### **10.1 FEDERAL ELECTION OUTCOMES – FILE No SF857**

Cr Warren Woodley requested the Mayor send a formal congratulatory letter to Mr Tony Windsor MP on his recent re-election to the Federal seat of New England and invite him to address Council on the future of the Region.

### **10.2 RAILWAY PARK MAINTENANCE – FILE No RF580**

Cr Warren Woodley requested the Director Regional Services to contact Country Energy in relation to the rehabilitation of the area of the Park disturbed by the laying of cables. The Director Regional Services advised that he would investigate and inform Cr Woodley of the outcome.

### **10.3 LANDSCAPING AELEC – FILE No SF2865**

Cr Helen Tickle requested the Director Regional Services investigate the possibility of landscaping the AELEC's frontage to the New England Highway in order to screen the parking/camping area and requested a report be submitted to Council.

### **10.4 GRANT FUNDING MARSUPIAL PARK – FILE No SF4580**

#### **MOTION**

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

#### **307/10 RESOLVED**

- (i) That Council approve an allocation of \$50,000 from the Local Works Reserve for the development of an adventure playground at Marsupial Park subject to approval of dollar for dollar funding from the Sport and Recreation Facility Grant Program by Friends of Marsupial Park; and
- (ii) That Council supply a letter of support to the Friends of Marsupial Park for a grant application through the Sport and Recreation Facility Grant Program.

### **10.5 FOOTPATH PROGRAM – FILE No SF4653**

Cr Ray Tait requested the Director Regional Services supply a report to Council on the current footpath program. The Director Regional Services advised that Council no longer has individual programs for infrastructure but that all Assets are identified in an Asset Management Plan and Council will have the opportunity to prioritise maintenance and construction on a case by case basis upon completion and submission of Asset Management Plans to Council.

### **10.6 RYDA AUSTRALIA AT TAREE 7 – 9 SEPTEMBER 2010 – FILE No SF242**

Cr Ray Tait advised that a Road Safety Education Program aimed at equipping young people with the knowledge to stay safe is being held in Taree 7 - 9 September 2010 and requested the Director Regional Services consider arranging for Council's Road Safety Officer to attend.

### **10.7 ROAD MAINTENANCE UPDATE – FILE No SF4140**

Cr Col Murray requested a report from the Director Regional Services on the impact that the current wet weather is having on the 2010/2011 budget allocation for Road Maintenance.

### **10.8 PENSIONER REBATES – FILE No LF723**

Cr Paul Durant tabled a letter from Local Member concerning pensioner discounts available on property rates and requested a report be submitted to Council.

At **8:25pm**, the Chairperson offered the opportunity to members of the public to make representations as to whether any part of the Council Meeting should not be considered in Closed Council.

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

The Chairperson advised that it is a requirement of clause 253 of the *Local Government (General) Regulation 2005* that any resolution passed in Closed Council, be made public as soon as practicable after the meeting has ended. At the end of Closed Council meeting and upon resumption into Open Council, the Chairperson will provide a summary of those resolutions passed in Closed Council.

## 11 CLOSED COUNCIL REPORTS

### 11.1 CRAIGENDS LANE SEWER MAINS UPGRADE - ACQUISITION OF 3 METRE WIDE SEWER EASEMENT - FILE NO LF230

**DIRECTORATE:** WATER ENTERPRISES  
**AUTHOR:** Bruce Logan – Director Water Enterprises

#### **MOTION**

**Moved Cr Warren Woodley/Cr Russell Webb**

#### **308/10 RESOLVED**

That in relation to the report Craigends Lane Sewer Mains Upgrade - Acquisition of a 3 Metre Wide Easement Council:

- (i) authorise the acquisition of a 3 metre wide sewer easement through property Lot 13 DP38091 under the terms and conditions detailed in this confidential report; and
- (ii) authorise the affixing of the Council seal for the creation of an easement over the land and associated documents.

### 11.2 WESTDALE ALLIANCE UPDATE - FILE NO SF3216

**DIRECTORATE:** WATER ENTERPRISES  
**AUTHOR:** Nigel Thompson - Manager Water Augmentation

#### **MOTION**

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

#### **309/10 RESOLVED**

That the report Westdale Alliance Update be received and noted.

### 11.3 LEASE TO CHALLENGE DISABILITY SERVICES OF SUITE 1B PARRY HOUSE - FILE NO SF4861

**DIRECTORATE:** ENVIRONMENT, PLANNING AND ECONOMIC DEVELOPMENT  
**AUTHOR:** Barbara Thomson, Acting Commercial Property Officer

#### **MOTION**

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

#### **310/10 RESOLVED**

That in relation to the lease over Suite 1B, Ground Floor, 468-472 Peel Street, Council authorise the affixing of the Seal of Council to the lease agreement between Challenge Disability Services and Council.

## **11.4 EXPRESSION OF INTEREST TO PURCHASE COUNCIL LAND – 474 PEEL STREET TAMWORTH - FILE NO LF4438**

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

**AUTHOR:** Chris Johnston, Manager Economic Development and Commercial Lands

### **MOTION**

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

### **311/10 RESOLVED**

That in relation to a request for Council to consider the sale of its property at 474 Peel Street Tamworth, Council decline the purchase interest and retain the property as part of its commercial property portfolio for lease.

## **11.5 SALE OF COUNCIL LAND – MARIUS STREET TAMWORTH - FILE NO LF 5957**

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

**AUTHOR:** Chris Johnston, Manager Economic Development and Commercial Lands

Cr Warren Woodley declared a Non-Pecuniary Interest in this Item for reason that a member of his family has investments in the property.

Cr Warren Woodley vacated the Chambers at 8:32pm.

### **MOTION**

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

### **312/10 RESOLVED**

That in relation to the proposed sale of part of Council's car parking land in Marius Street Tamworth, Council:

- (i) authorise the sale of part Lot 467 in DP 871160, Lot 52 in DP 710142 and part Lot 42 in DP 708583, and the granting of the benefit of the right of carriageway over part Lot 467 in DP 871160, part Lot 16 Section 13 DP 758951, part Lot A in DP 339895, part Lot 18 Section 13 DP 758951 and part Lot B in DP 396828 to Tamworth Property and Development Investments Pty Limited under terms as detailed in confidence in the report; and
- (ii) authorise the affixing of the Seal of Council to the contract for the sale of the land, the plan of subdivision creating separate title to the land, the Section 88B Instruments creating the right of carriageway and the relocation of existing easements over part Lot 467 in DP 871160, part Lot 16 Section 13 DP 758951, part Lot A in DP 339895, part Lot 18 Section 13 DP 758951 and part Lot B in DP 396828, and all associated documents.

Cr Warren Woodley returned to the meeting at 8:49pm

## 12 RESOLUTIONS PASSED IN CLOSED COUNCIL

At 8:50pm the meeting moved back into Open Council.

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

**Closure:** There being no further business the Ordinary Meeting of Council concluded at 8:55pm.

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

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Minutes