

# ORDINARY COUNCIL

## MINUTES

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

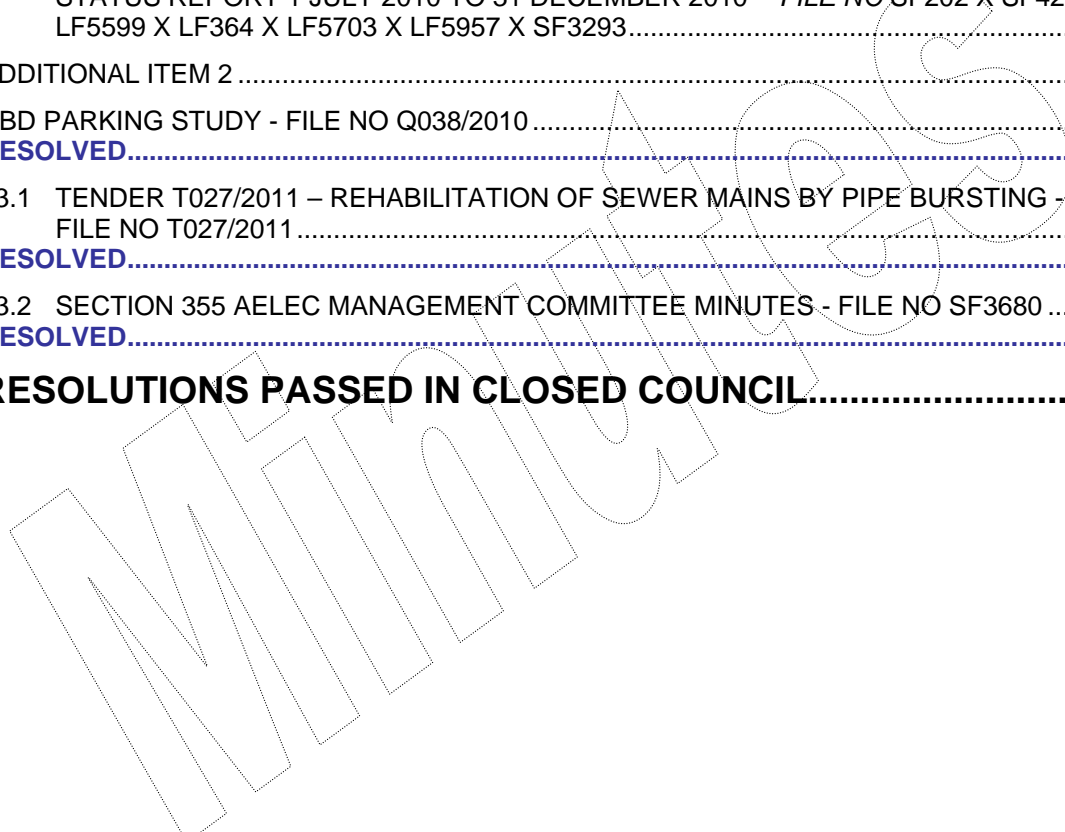
**TUESDAY 22 FEBRUARY 2011 at 6:30pm**

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

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

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## **1 APOLOGIES**

Apologies were announced as having been received from:

Cr Phil Betts, who was unable to attend the meeting due to personal business.

### **MOTION**

**Moved Cr Woodley/Cr Webb**

### **37/11 RESOLVED**

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

## **2 COMMUNITY CONSULTATION**

### **2.1 TAMWORTH REGIONAL COUNCIL WASTE MANAGEMENT WORKING GROUP MINUTES - FILE NO SF310 (REFER MINUTE NO 07/11 COUNCIL MEETING HELD ON TUESDAY 8 FEBRUARY 2011 AT ITEM 7.12)**

Mr Geoff Webster, convenor of the Attunga Waste Management Group, addressed Council. Mr Webster referred to Council's Minutes of the Open Ordinary Meeting held on Tuesday 8 February 2011. Mr Webster advised that in his opinion the content of Minute No 07/11 at Item (v) was not correct. (Note: At the Council meeting on 8 February 2011, Mr Webster stated that he had not made any political donation or gift to any councillor or Council employee).

Mr Webster requested that Council review Item (v) of Minute 07/11 as part of the confirmation of the Minutes of the above referenced meeting.

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

### **MOTION**

**Moved Cr Webb/Cr Woodley**

### **38/11 RESOLVED**

That the Minutes of the Ordinary Meeting of the Council held on Tuesday 8 February 2011, copies of which were circulated be taken as read and confirmed, save and

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except Item (v) of Minute No 07/11 - Tamworth Regional Council Waste Management Working Group Minutes, which be amended to read:

from

“(v) *continue further consultation with Attunga, Kootingal and Limbri communities to discuss alternatives for waste collection.*”

to

(v) Continue further consultation with the Attunga Waste Management Group over the next four month period with a view to investigating possible alternatives that satisfy the needs of the Attunga community, and, at the same time continue to discuss with Kootingal and Limbri communities similar alternatives for waste collection in those two areas.

#### **4 DISCLOSURE OF INTEREST**

Nil

#### **5 MAYORAL MINUTE**

##### **5.1 ATTENDANCE AT 2011 LGMA NATIONAL CONGRESS AND BUSINESS EXPO IN CAIRNS - FILE NO SF1007**

##### **MOTION**

**Moved Cr Webb/Cr Tait**

**39/11 RESOLVED**

That Council approve attendance of the General Manager at the 2011 LGMA National Congress and Business Expo at the Cairns Convention Centre from the 22 to 25 May 2011.

#### **6 NOTICE OF MOTION**

Nil

## **OPEN COUNCIL REPORTS**

### **7 ENVIRONMENT & PLANNING**

#### **7.1 REVIEW OF CONFLICT OF INTEREST PROVISIONS RELATED TO BUILDING CERTIFICATION - FILE NO SF4606**

**DIRECTORATE:** Environment and Planning  
**AUTHOR:** Rodney Hogan, Team Leader Building Certification

#### **MOTION**

**Moved Cr Tait/Cr Wilson**

**40/11 RESOLVED**

That, in relation to the review of conflict of interest provisions, Council present a submission to the New South Wales Building Professionals Board indicating support for Option No. 5 of the Discussion Paper to allow a continuance of the exemption for Council accredited certifiers in issuing certificates for work carried out by, or on behalf of, a Council and employees of a Council.

#### **7.2 PROPOSED FUNDING STRATEGY FOR THE FITZROY STREET DESIGN UPGRADE - FILE NO SF4974**

**DIRECTORATE:** ENVIRONMENT & PLANNING  
**AUTHOR:** Genevieve Harrison – Strategic Planning Manager

#### **MOTION**

**Moved Cr Webb/Cr Wilson**

**41/11 RESOLVED**

That Council defer consideration of the proposal to make application to the Department of Local Government for a special rate and/or flat levy to enable Council to prioritise the Fitzroy Street Design Upgrade Project in the context of all other projects and funding priorities within Council's Community Strategic Plan.

## **8 INFRASTRUCTURE AND SERVICES**

### **8.1 INFRASTRUCTURE AUSTRALIA – REPORT OF REGIONAL WATER QUALITY AND SECURITY - FILE NO SF709**

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

#### **MOTION**

**Moved Cr Webb/Cr Wilson**

**42/11 RESOLVED**

That in relation to the report Infrastructure Australia – Report of Regional Water Quality and Security Council make a very strong submission setting out reasons why Council is against one of the key recommendations of reforming the governance structure of regional water utilities in New South Wales and Queensland.

### **8.2 COUNCIL'S COMMERCIAL AND INDUSTRIAL LAND STOCKS - SALE AND DEVELOPMENT STATUS REPORT 1 JULY 2010 TO 31 DECEMBER 2010 - FILE NO SF202 x SF4286 x LF5599 x LF364 x LF5703 x LF5957 x SF3293**

**DIRECTORATE:** OFFICE OF THE GENERAL MANAGER  
**AUTHOR:** Chris Johnston, Manager Commercial Lands

Refer also to Additional Item 1 in Closed Council (page 15)

#### **MOTION**

**Moved Cr Woodley/Cr Webb**

**43/11 RESOLVED**

That in relation to Council's Commercial and Industrial Land Stocks – Sale and Development Status Report 1 July 2010 to 31 December 2010, Council receive and note the report.

### **8.3 IPART REVIEW OF BULK WATER PRICING FROM JULY 2010 - FILE NO SF2229**

**DIRECTORATE:** WATER ENTERPRISES  
**AUTHOR:** Michael Bryant – Water Executive Services Manager

#### **MOTION**

**Moved Cr Tait/Cr Wilson**

**44/11 RESOLVED**

That in relation to the report IPART Review of Bulk Water Pricing from July 2010, Council:

- (i) note the IPART Report and Final Pricing Determination for the NSW Office of Water for the three year period commencing July 2011; and
- (ii) consider increases in water charges to offset increases in New South Wales Office of Water (NOW) and State Water charges over the next 3 years as part of the preparation of the Council's 2011-2012 Budget and 3 Year Management Plan.

#### **8.4 TAMWORTH REGIONAL LOCAL TRAFFIC COMMITTEE MEETING – FEBRUARY 2011 - FILE NO SF1387**

**DIRECTORATE: REGIONAL SERVICES**  
**AUTHOR: Craig Orvad, Traffic Management Officer**

##### **MOTION**

**Moved Cr Treloar /Cr Tickle**

**45/11 RESOLVED**

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

- (i) note that the Local Traffic Committee considered a report on traffic and pedestrian movements during the 2011 Tamworth Country Music Festival. Also that the Traffic Committee will undertake further investigation and report/recommend on any improvements for future festivals;
- (ii) note the reduced default speed limit imposed on the Moore Creek Road between Davidsons Lane and Stirling Road in Tamworth to 80km/h; and
- (iii) endorse the following recommendations of the Tamworth Regional Local Traffic Committee held on 9 February 2011:
  - 2/2011 That No Stopping restrictions be imposed on both sides of Solander Drive from approximately 40 metres east of Carter Street to the Bridge Street overpass; and
  - 3/2011 That event approval be granted to those events proposed to be held in February and April 2011.

#### **8.5 REGIONAL ROADS 'REPAIR' PROGRAM 2011/2012 TO 2014/2015- FILE NO SF5114**

**DIRECTORATE: REGIONAL SERVICES**  
**AUTHOR: Warren Faulkner, Manager Works & Assets Services**

##### **MOTION**

**Moved Cr Woodley/Cr Webb**

**46/11 RESOLVED**

That in relation to the report Regional Roads "Repair" Program 2011/2012 to 2014/2015, Council advise the Roads and Traffic Authority that Council will provide its 50% contribution to the Regional Roads "REPAIR" Program for 2011/2012 to 2014/2015 as outlined in this report.

## **8.6 WELCOME TO COUNTRY AND ACKNOWLEDGMENT OF COUNTRY DRAFT POLICY - FILE NO SF1282**

**DIRECTORATE: REGIONAL SERVICES**

**AUTHOR: Bruce Mercer – Manager, Cultural & Community Services**

**MOTION**

**Moved Cr Wilson/Cr Treloar**

**47/11 RESOLVED**

That, after public exhibition of the Draft Welcome to Country and Acknowledgement of Country Policy, Council:

- (i) adopt the Welcome to Country and Acknowledgement of Country Policy as attached; and
- (ii) develop a set of Internal Operational Guidelines for the implementation of the Policy and future use by staff and Councillors.

## **8.7 CLOSING OF A SECTION OF COUNCIL PUBLIC ROAD INTERCONNECTING WOODSREEF ROAD AND MCINTYRE ROAD BARRABA - FILE NO LF5149**

**DIRECTORATE: REGIONAL SERVICES**

**AUTHOR: Warren Faulkner, Manager Works & Assets Services**

**MOTION**

**Moved Cr Webb/Cr Tait**

**48/11 RESOLVED**

That in relation to the report proposing the Closing of a Section of Council Public Road – interconnecting Woodsreef Road and McIntyre Road at Barraba, Council:

- (i) consent to the closing of the sectional length of the unused Council Public Road that traverses Lots 1 and 2 of DP 606311 and Lots 55, 56, 107 and Portion 69 of DP 752200, Parish of Tiabundie, County of Darling;
- (ii) lodge a road closure application on behalf of David and Josephine Witten with the Department of Lands; and
- (iii) require all costs for this road closure application to be borne by David and Josephine Witten.

## **8.8 CBD PARKING STUDY - FILE NO Q038/2010**

**DIRECTORATE: REGIONAL SERVICES**

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

Refer also to Additional Item 2 in Closed Council (page 15 – 16)

### **MOTION**

**Moved Cr Tickle/Cr Wilson**

**49/11 RESOLVED**

That in relation to the Tamworth CBD Parking Study, Council:

defer making its determination on this item at this juncture of the Open Ordinary Council meeting, to allow the Council to discuss in Closed Council, other relevant matters deemed to be information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business, pursuant to Section 10A(2)(c) of the Local Government Act 1993.

## **9 CORPORATE & GOVERNANCE**

### **9.1 INTEREST FREE LOAN – TAMWORTH KANGAROOS AUSTRALIAN FOOTBALL CLUB - FILE NO SF1095**

**DIRECTORATE: CORPORATE AND GOVERNANCE**

**AUTHOR: Mark Crompton, Acting Director Corporate & Governance**

### **MOTION**

**Moved Cr Tait/Cr Wilson**

**50/11 RESOLVED**

That Council approve the application from the Tamworth Kangaroos Australian Football Club for an interest free loan in the amount of \$10,000.

### **9.2 INTEREST FREE LOAN – TAMWORTH SWANS AUSTRALIAN FOOTBALL CLUB - FILE NO SF1095**

**DIRECTORATE: CORPORATE & GOVERNANCE**

**AUTHOR: Mark Crompton, Acting Director Corporate & Governance**

### **MOTION**

**Moved Cr Wilson/Cr Tait**

**51/11 RESOLVED**

That Council approve the application from the Tamworth Swans Australian Football Club for an interest free loan in the amount of \$10,000.

### 9.3 COUNCIL INVESTMENTS DECEMBER 2010 - FILE NO SF3455

**DIRECTORATE:** CORPORATE AND GOVERNANCE  
**AUTHOR:** Mark Crompton, Acting Director Corporate and Governance

**MOTION**

Moved Cr Treloar/Cr Wilson

**52/11 RESOLVED**

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

### 9.4 COUNCIL INVESTMENTS JANUARY 2011 - FILE NO SF3455

**DIRECTORATE:** CORPORATE AND GOVERNANCE  
**AUTHOR:** Mark Crompton, Acting Director Corporate and Governance

**MOTION**

Moved Cr Tait/Cr Webb

**53/11 RESOLVED**

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

### 9.5 MANAGEMENT PLAN QUARTERLY PERFORMANCE AND BUDGET REVIEW TO 31 DECEMBER 2010 - FILE NO SF4653

**DIRECTORATE:** GENERAL MANAGER  
**AUTHOR:** Mark Crompton, Acting Director Corporate and Governance

**MOTION**

Moved Cr Webb/Cr Treloar

**54/11 RESOLVED**

That General Manager's Report – 2010/2011 Management Plan Quarterly Performance and Budget Review Statements to 31 December 2010 for Tamworth Regional Council be received and noted and the variations as listed in the Annexure be approved.

## 9.6 COMMUNITY DEVELOPMENT COMMITTEES - MINUTES - FILE No SF2965, SF2586 SF2637 & SF 2664

**DIRECTORATE:** Corporate and Governance  
**AUTHOR:** Jodie Archer, Section 355 Co-ordinator

### MOTION

Moved Cr Tait/Cr Woodley

**55/11 RESOLVED**

- (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	1 November 2010
Manilla Community Development Committee	3 November 2010
Nundle Community Development Committee	6 December 2010
Barraba Community Development Committee	6 December 2010
Kootingal Community Development Committee	13 December 2010
Barraba Community Development Committee	10 January 2011;

- (ii) That Council adopt the recommendation of the Barraba Community Development Committee at its meeting held 1 November, 2010 to accept the resignation of Brian Fen, Bill McKid and David Kelly as members of the Barraba Community Development Committee; and

- (iii) That Council adopt the recommendation of the Barraba Community Development Committee at its meeting held 6 December, 2010 to accept the resignation of Judy Sautchuk and Merlene Godfrey as members of the Barraba Community Development Committee.

## 9.7 SECTION 355 COMMITTEES - MINUTES - FILE No SF2256

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

### MOTION

Moved Cr Tickle/Cr Tait

**56/11 RESOLVED**

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

<u>Committee</u>	<u>Meeting Date</u>
Manilla Showground Committee	16 November 2010
Tamworth Sister City Committee	20 November 2010
Dungowan Recreation Ground Management Committee	24 November 2010
Kootingal Recreational Reserve Committee	20 December 2010

- (ii) That Council adopt the recommendation of the Dungowan Recreation Ground Management Committee at its meeting held 24 November, 2010 to accept Shaun Whittingham (Dungowan Rugby League Football Club Representative), Tony Mumford (Community Representative) and David Gee (Dungowan Hall Committee Representative) as members of the Dungowan Recreation Ground Management Committee; and
- (iii) That Council adopt the recommendation of the Dungowan Recreation Ground Management Committee at its meeting held 24 November, 2010 to accept the resignation of Barry Presland as a member of the Dungowan Recreation Ground Management Committee.

## **10 REPORTS FROM DELEGATES**

### **10.1 FLOOD PLAIN MANAGEMENT CONFERENCE IN TAMWORTH - FILE No SF616**

Cr Tait spoke in relation to the Flood Plain Management Conference currently being hosted by the Tamworth Regional Council and held at the TRECC from Wednesday 23 February to Friday 25 February 2011. Cr Tait advised that prior to the first day of the Conference, approximately 250 delegates were in Tamworth and many trade exhibits were being set up. Cr Tait recorded his vote of thanks to the staff of Tourism Tamworth Ltd with respect to the organisation of this Conference.

## **11 QUESTIONS AND MATTERS OF CONCERN**

### **11.1 EARTH QUAKE IN CHRISTCHURCH, IN NEW ZEALAND - FILE No SF1265**

Cr Tait recommended that a Letter of Support from Tamworth Regional Council be forward to the Mayor of the Christchurch City Council in New Zealand acknowledging both the personal hardship incurred by the citizens of Christchurch and the material devastation to that City's infrastructure. At the same time, Cr Tait recommended that Council offer its assistance to the Christchurch City Council where at all practicable with respect to this natural disaster.

## **12 REPORTS TO BE CONSIDERED IN CLOSED COUNCIL**

### **MOTION**

**Moved Cr Webb/Cr Wilson**

### **57/11 RESOLVED**

That the confidential reports as listed on the agenda be considered in a meeting closed to the public in accordance with Section 10A(2) of the Local Government Act 1993, and further, the following two additional items also be considered in Closed Council:

## **ADDITIONAL ITEM 1**

### **COUNCIL'S COMMERCIAL AND INDUSTRIAL LAND STOCKS - SALE AND DEVELOPMENT STATUS REPORT 1 JULY 2010 TO 31 DECEMBER 2010 - FILE No SF202 x SF4286 x LF5599 x LF364 x LF5703 x LF5957 x SF3293**

Refer Item 8.2 above in Open Council

The Council will determine this matter in part of the meeting closed to the public pursuant to Section 10A(2)(d) 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.

## **ADDITIONAL ITEM 2**

### **CBD PARKING STUDY - FILE No Q038/2010**

Refer Minute No 49/11 above

The Council will determine this matter in part of the meeting closed to the public pursuant to Section 10A(2)(c) deemed to be information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

### **12.1 TENDER T027/2011 – REHABILITATION OF SEWER MAINS BY PIPE BURSTING - FILE No T027/2011**

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

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

### **12.2 SECTION 355 AELEC MANAGEMENT COMMITTEE MINUTES - FILE No SF3680**

**DIRECTORATE: CORPORATE AND GOVERNANCE**  
**AUTHOR: Mark Crompton, Acting Director Corporate and Governance**

#### **MOTION**

The Council will determine this matter in part of the meeting closed to the public pursuant to Section 10A(2)(c, d) of the Local Government Act 1993 on the grounds that the matter and information is information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business, and/or is commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

At 7.36 pm, 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.

### **13 CLOSED COUNCIL REPORTS**

#### **ADDITIONAL ITEM 1**

#### **COUNCIL'S COMMERCIAL AND INDUSTRIAL LAND STOCKS - SALE AND DEVELOPMENT STATUS REPORT 1 JULY 2010 TO 31 DECEMBER 2010 - FILE No SF202 x SF4286 x LF5599 x LF364 x LF5703 x LF5957 x SF3293**

**DIRECTORATE:** OFFICE OF THE GENERAL MANAGER  
**AUTHOR:** Chris Johnston, Manager Commercial Lands

Refer Item 8.2 above in Open Council

Council discussed general matters in relation to Council's commercial and industrial land stocks. No specific decisions were made and therefore there are no outcomes to record.

#### **ADDITIONAL ITEM 2**

#### **CBD PARKING STUDY - FILE No Q038/2010**

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

#### **MOTION**

**Moved Cr Tickle/Cr Treloar**

#### **58/11 RESOLVED**

That in relation to the Tamworth CBD Parking Study, Council:

- (i) receive the Tamworth CBD Parking Study;
- (ii) implement one of the recommendations relating to the Funding Strategy detailed in the report considered in Open Council, namely:
  - the adoption of \$2 all day parking in the Kable Ave TRC (southern) carpark;

- (iii) note that before making any final determination on the Tamworth CBD Parking Study, Council request the Regional Services Director to submit a report or reports, in relation to:
- (a) opportunities for Council to purchase land for carparking purposes.
  - (b) details of expenditure with respect to the recent establishment of \$2 all day parking in the CBD and the resultant income generated as a consequence of this initiative.
- (iv) note that having regard to item (iii) above request the Regional Services Director to resubmit the report on this Study to a future meeting of Council.

### **13.1 TENDER T027/2011 – REHABILITATION OF SEWER MAINS BY PIPE BURSTING - FILE No T027/2011**

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

#### **MOTION**

**Moved Cr Treloar/Cr Webb**

**59/11 RESOLVED**

That in relation to the report Tender T027/2011 – Rehabilitation of Sewer Mains by Pipe Bursting, Council accept the conforming tender from Pipe Replacement Solutions Pty Ltd at the schedule of rates detailed in the report.

### **13.2 SECTION 355 AELEC MANAGEMENT COMMITTEE MINUTES - FILE No SF3680**

**DIRECTORATE:** CORPORATE AND GOVERNANCE  
**AUTHOR:** Mark Crompton, Acting Director Corporate and Governance

#### **MOTION**

**Moved Cr Tait/Cr Webb**

**60/11 RESOLVED**

- (i) That the Minutes of the AELEC Management Committee for 21 December 2010 and 18 January 2011 be received and noted.
- (ii) That Council adopt the recommendation of the AELEC Management Committee to;
  - allocate funds from the AELEC Reserve to purchase the following equipment at the prices noted:
    - One John Deere 5065E Tractor – \$25,000
    - One used John Deere Gator Utility Vehicle – \$13,000
    - One new John Deere Gator Utility Vehicle – \$16,973; and

Credit the annual sponsorship of \$15,000 from Peel Valley Group Pty Ltd to the AELEC Reserve.

## **14 RESOLUTIONS PASSED IN CLOSED COUNCIL**

At 8.12 pm the meeting moved back into Open Council.

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

**Closure:** There being no further business the Ordinary Meeting of Council concluded at 8.15 pm.

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