

# Armidale

## Regional Council

### ORDINARY MEETING OF COUNCIL

Held on

Wednesday, 5 October 2016  
9am

at

Guyra Council Chambers

**PRESENT:** Administrator, Dr Ian Tiley.

**IN ATTENDANCE:** Mr Glenn Wilcox (Interim General Manager), Mr Greg Meyers (Director Planning and Environment; and Community Development), Mr Keith Lockyer (Chief Financial and Information Officer), Mr Andre Kompler (Director Regional Services), Mr Rob Shaw (Director Regional Infrastructure), Mr Ralf Stoeckeler (Director of Engineering), Mr Don Tydd (Executive Officer), Ms Heather Sills (Corporate Services Officer).

MINUTES

1. CIVIC PRAYER AND RECOGNITION OF TRADITIONAL OWNERS  
ADVICE REGARDING TAPING OF MEETINGS
2. CONFIRMATION OF PREVIOUS MINUTES

**CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 14  
SEPTEMBER 2016**

140/16

**RECOMMENDATION:**

**That the minutes be taken as read and be accepted as a true record of the Meeting.**

**The recommendation was ADOPTED.**

3. DECLARATIONS OF INTEREST

Administrator Dr Tiley declared a non-pecuniary interest in item 7.4.3 under the Local Government Act.

4. HAVE YOUR SAY ON AN AGENDA ITEM

Ms Peta Blythe spoke on Item 7.4.4 Opera in the Paddock.

Ms Pamela Clark spoke on item 7.3.2 Access to 502 Dumaresq Dam Road.

Mr John Harvey spoke on Item 7.3.7 Naming of Airport Facility after the late Mr Peter Moffatt.

5. DEPUTATIONS BY GROUPS/COMMUNITY ORGANISATIONS

Nil.

6. ADMINISTRATOR MINUTES

Nil.

7. REPORTS OF OFFICERS

- 7.1 OUR ENVIRONMENT

Nil.

7.2 OUR GOVERNANCE

**7.2.1 Cash & Investments Report August 2016**

*Ref: AINT/2016/04986*

141/16

**RECOMMENDATION:**

**That the Cash & Investments report for Armidale Regional Council as at 31 August 2016 be received and noted.**

**The recommendation was ADOPTED.**

**7.2.2 Government Relations - Legislation - Local Government Act 1993** *Ref: AINT/2016/05171*

142/16

**RECOMMENDATION:**

- a) That the report on the Local Government Amendment (Governance and Planning) Bill 2016, which is Phase One of the NSW State Government's broader reform of the Local Government Act 1993, be noted.**
- b) That Council's Codes of Conduct and Code of Meeting Practice be amended as required.**

**The recommendation was ADOPTED.**

**7.2.3 Establishment of a Reserve Trust Manager Meeting Structure**

*Ref: AINT/2016/05229*

143/16

**RECOMMENDATION:**

- a) That Council delegate authority to the Reserve Trust Committee (Committee of the Whole) to determine matters where Council is the Reserve Trust Manager for the land.**
- b) That Council meet, in its role as Reserve Trust Manager (RTM), in meetings held separately from the Ordinary Council Meeting.**
- c) That the preferred time for Reserve Trust Manager (RTM) meetings be on a date when Ordinary Council Meetings are held.**
- d) That Council meet, as Reserve Trust Manager (RTM), when required and with at least one meeting a year to be held in October, to coincide with the annual Crown Reserve Reporting System (CRRS).**
- e) That the Terms of Reference be endorsed.**

**The recommendation was ADOPTED.**

**7.2.4 2016 Christmas and New Year Council Close Down**

*Ref: AINT/2016/05300*

144/16

**RECOMMENDATION:**

**That the proposed 2016 Christmas and New Year Council close down period from close of business Friday 23 December 2016 and reopening on Tuesday 3 January 2017 be endorsed.**

**The recommendation was ADOPTED.**

**7.2.5 Register of Returns - Disclosures for Administrator, Councillors and Designated Persons**

*Ref: AINT/2016/06015*

145/16

**RECOMMENDATION:**

**That the Register of Returns (Disclosure of Pecuniary Interests) be tabled and noted.**

**The recommendation was ADOPTED.**

**7.2.6 Fit for the Future Joint Organisations: Getting the Boundaries Right**

*Ref: AINT/2016/06181*

146/16

**RECOMMENDATION:**

**That Council note the Fit for the Future Joint Organisations: Getting the boundaries Right document and that Armidale Regional Council is identified in the New England Regional Joint Organisation zone.**

**The recommendation was ADOPTED.**

**7.2.7 Supply & Delivery of Bulk Materials**

*Ref: AINT/2016/05730*

147/16

**RECOMMENDATION:**

**That Council accepts 8 tenderers on a supplier panel contract for the Supply & Delivery of Bulk Materials 1 November 2016 to 31 October 2018 being:**

- Ducats Earthmoving
- Highland Quarries Guyra
- Sheridans Hard Rock Quarry
- Terry Rhodes Bobcat Service
- A & S Cuthel
- Williamson Earthmoving
- BMR Quarries
- Inverell Aggregate

**The recommendation was ADOPTED.**

### 7.3 OUR INFRASTRUCTURE

#### 7.3.1 Investigation of new potential gravel pits

*Ref: AINT/2016/04747*

148/16

##### **RECOMMENDATION:**

- a) That Council investigate potential new sources of gravel for road works across the new council area.
- b) That land owners be asked to indicate potential quarry sites on their land for investigation.
- c) That investigation costs be met from the ARC Merge Implementation Fund.

The recommendation was ADOPTED.

#### 7.3.2 Access to 502 Dumaresq Dam Road

*Ref: AINT/2016/04776*

149/16

##### **RECOMMENDATION:**

That the applicant be informed that Council agrees in principle to:-

1. the dedication as Public Road of part of Lot 96 DP755819, parts of Lots 2 & 3 DP1176218 and parts of Lots 126 & 127 DP755818, and
2. the transfer of Crown Land through Lot 8 DP1023734 to Armidale Regional Council for Public Road,

on the understanding that the applicant is required to pay all legal and survey costs relating to the transfers, and that Council will not contribute to any costs of construction or future maintenance of an access road for the applicant on the land.

The recommendation was ADOPTED.

#### 7.3.3 1668 Grafton Road - request for supply of gravel

*Ref: AINT/2016/04820*

150/16

##### **RECOMMENDATION:**

- a) That Council give 28 days public notice of the proposal to provide financial assistance of \$3,762 to the owner of 1668 Grafton Road, Armidale, being the supply of 88 tonnes of gravel and 23 tonnes of rock spall for the purpose of extending the access track from Grafton Road to the property boundary; and
- b) That it be noted that the financial assistance is to be provided to the private individual so as to eliminate a potential traffic risk.

The recommendation was ADOPTED.

**7.3.4 Request to waive fees for the Black Gully Music festival**

*Ref: AINT/2016/05637*

151/16

**RECOMMENDATION:**

**That Council provides a donation of \$342.50 to waive the associated fees for the event “Black Gully Music Festival” organised primarily by the Armidale Tree Group, scheduled to be held Sunday 12th November 2016 in accordance with S356 of the *Local Government Act 1993*.**

**The recommendation was ADOPTED.**

**7.3.5 Deed of Agreement with NSW Government for funding contribution of the  
Armidale Regional Airport terminal upgrade**

*Ref: AINT/2016/05660*

152/16

**RECOMMENDATION:**

- a) **That Council sign under seal a \$6.55Million funding Deed of Agreement between New South Wales government and Armidale Regional Council for the Armidale Regional Airport terminal upgrade.**
- b) **That Council formally convey to the NSW Government its appreciation for this funding support.**

**The recommendation was ADOPTED.**

**7.3.6 Guyra Aged Care Facility - Construction Tender Evaluation**

*Ref: AINT/2016/05940*

153/16

**RECOMMENDATION:**

- a) **That Council note the quality of Tenders received for the new Kolora Aged Care Facility.**
- b) **That Council, having considered the tender documentation, the outcome of the assessment analysis and referee checks award the contract to construct the new Kolora Aged Care Facility in Guyra to O’Donnell & Hanlon Pty Ltd of Kempsey for the contract price (inclusive of all Mandatory Alternatives and exclusive of GST) of \$6,579,588.00.**
- c) **That Council includes all Mandatory Alternatives in the construction of the new Kolora Aged Care Facility in Guyra.**
- d) **That the Administrator and Interim General Manager be authorized to finalise the contractual documentation with the successful tenderer O’Donnell & Hanlon Pty Ltd., including the placement of the Council Seal as required.**
- e) **That all unsuccessful tenderers be advised of Council’s decision and that they be thanked for the interest, time, and effort in submitting a tender.**

**The recommendation was ADOPTED.**

**7.3.7 Naming of Airport Facility after the late Mr Peter Moffatt**

*Ref: AINT/2016/06165*

154/16

**RECOMMENDATION:**

**That a new structure or other facility at the Armidale Regional Airport be named after the late Mr Peter Moffatt in recognition of his contribution to the development of the facility whilst he was a Councillor with the former Dumaresq Shire Council.**

**The recommendation was ADOPTED.**

**7.3.8 Recognition of Mr Ted Mulligan**

*Ref: AINT/2016/06041*

155/16

**RECOMMENDATION:**

- (a) That Mr Ted Mulligan be honoured with presentation of keys to the town of Guyra in recognition of his many years of service and extraordinary contribution to a large number of Guyra organisations, and**
- (b) That The Hon Barnaby Joyce MP, Federal Member for New England and Deputy Prime Minister be invited to make the presentation.**

**The recommendation was ADOPTED.**

**7.3.9 Tender CCTV Inspection for Sewer and Stormwater Mains 2016**

*Ref: AINT/2016/05385*

156/16

**RECOMMENDATION:**

**That Council accepts the tender from the Fenech Group Pty Ltd for CCTV inspection of sewers and stormwater pipes as, having regard to all the circumstances, is the most advantageous to Council.**

**The recommendation was ADOPTED.**

**7.3.10 Naming of Road in Black Mountain subdivision**

*Ref: AINT/2016/06301*

157/16

**RECOMMENDATION:**

**That the road heading west off Hotston Road, Black Mountain be named Lorna Drive, subject to no objections being received following the public notification between 12 – 26 October 2016.**

**The recommendation was DEFERRED.**

#### 7.4 OUR PEOPLE

##### 7.4.1 Armidale Cup - 20 March 2017

*Ref: AINT/2016/05891*

158/16

#### **RECOMMENDATION:**

- (a) That Council applies to the Department of Industrial Relations for a part half day Public Holiday from 12-5pm on Monday, 20 March 2017.**
- (b) That a letter be sent to the key stakeholders advising them of Council's resolution and that the decision be advertised.**

**The recommendation was ADOPTED.**

##### 7.4.2 Youth Strategy and Action Plan 2016-2020

*Ref: AINT/2016/05971*

159/16

#### **RECOMMENDATION:**

- a) To endorse the Youth Strategy & Youth Action Plan 2016-2020 and consider in future budgets.**
- b) To note the 2016 Youth Forum Report.**

**The recommendation was ADOPTED.**

Administrator Dr Tiley declared a non-pecuniary interest in item 7.4.3 under the Local Government Act.

##### 7.4.3 19th Biennial NSW Weeds Conference - Sponsorship Proposal

*Ref: AINT/2016/05992*

160/16

#### **RECOMMENDATION:**

- a) That council approves the request for sponsorship from New England Weeds Authority for the 19<sup>th</sup> Biennial NSW Weeds Conference to be hosted in Armidale 16-19 October 2017.**
- b) That council budgets \$10,000+GST in the 2017-2018 financial year to be a Gold Sponsor for the conference with the associated benefits as detailed in the Sponsorship Prospectus.**

**The recommendation was ADOPTED.**



**7.4.4 Sponsorship of "Opera in the Paddock" 2017, Lazenby Hall**

*Ref: AINT/2016/06009*

161/16

**RECOMMENDATION:**

- a) That Council sponsors Opera in the Paddock for one performance to be held in Lazenby Hall, March 2017 and to facilitate masterclasses in Armidale.
- b) That council sponsors to the value \$10,000 exc. GST and receives the benefits as detailed in the Sponsorship Proposal.

The recommendation was ADOPTED.

8. COMMITTEE REPORTS

**8.1 Environmental Sustainability Advisory Committee - Minutes of the meeting held 18 August 2016**

*Ref: AINT/2016/04951*

162/16

**COUNCIL RECOMMENDATION:**

- a) That the Terms of Reference for the Armidale Regional Council Environmental Sustainability Advisory Committee be recommended for endorsement with the following alterations:

Purpose: First dot point under primary responsibilities to read as follows:

- *provide advice on environmental sustainability issues such as water, air and soil quality, climate change adaptation and mitigation, sustainable transport, local food, sustainable business, waste management, water management and local biodiversity management;*

- b) That the Committee has responsibility as its foremost purpose the development of the Armidale Regional Council Sustainability Strategy and note that a Consultants Brief is being prepared.
- c) That the Committee's Terms of Reference be amended to reflect (b) above and the committee be advised accordingly.
- d) That Expressions of Interest be sought from interested people wishing to join the Advisory Committee, especially representatives from the Guyra and Tingha areas.

The recommendation was ADOPTED.

**8.2 Regional Marketing and Growth Advisory Committee - Minutes - 6 September 2016**

*Ref: AINT/2016/05240*

163/16

**RECOMMENDATION:**

**That the Minutes of the Regional Marketing and Growth Advisory Committee meeting held on 6 September 2016 be noted and the following recommendations endorsed:**

- a) That the report from Council Officers on the Economic Development and Tourism Strategy Action Plans status be noted.**
- b) That the report on the REOIP project as commenced by Department of Industry be noted and that any additional projects be identified for future discussion with the NSW Government Department of Industry.**

**The recommendation was ADOPTED.**

**8.3 Armidale Regional Sports Council - Minutes of the meeting held 7 September 2016**

*Ref: AINT/2016/05676*

164/16

**RECOMMENDATION:**

- (a) That the Minutes of the Armidale Regional Sports Council Committee meeting held on 7 September 2016 be noted.**
- (b) That the Terms of Reference and the Management Plan be endorsed.**
- (c) That Jess Sisson and Jason Campbell be nominated as the two Guyra Sports Council Sub Committee representatives on the Regional Sports Council Executive Committee.**
- (d) That Stephen McMillan and Michael Porter be nominated as the two Armidale Sports Council Sub Committee representatives on the Regional Sports Council Executive Committee.**
- (e) That Council endorse the increase for the small grant funding from \$8,000 to \$10,000 to cover the increase in grant applications that are expected to come from Guyra sporting community.**
- (f) That the Sports Council endorse the Small Grant funding applications for Janine Widders, Madison Moran and Joy Harrison.**
- (g) That if the application for funding through the Stronger Community grant is not successful, Armidale Regional Sports Council will provide a \$5,000 donation to secure the Mountain Bike National rounds for Armidale for a period of three years.**
- (h) That the remaining allocated funds for the Sportsground change rooms be diverted to the Indoor Cricket and Netball Venue project.**

- (i) That Armidale Regional Sports Council support the Armidale Cricket Association and release up to \$30k of the funds to help secure the funding application made to NSW Cricket for the Indoor Cricket and Netball Venue project.

The recommendation was ADOPTED.

**8.4 Community Safety Advisory Committee - Minutes of the meeting held on 13 September 2016**

*Ref: AINT/2016/05822*

165/16

**RECOMMENDATION:**

That the Minutes of the Community Safety Advisory Committee meeting held on 13 September 2016 be noted and the following recommendations endorsed:

- a) That the Community Safety Advisory Committee's working party meet with Kate Thomas to discuss creating a new ad to publicise the new legislation about providing alcohol to minors.
- b) That the issue of speeding cars, parking congestion and high pedestrian traffic outside of the PCYC is raised with the Traffic Committee to request another traffic study (not during the school holidays).

The recommendation was ADOPTED.

**8.5 Gayinyaga - Minutes of the meeting held on 14 September 2016** *Ref: AINT/2016/05847*

166/16

**RECOMMENDATION:**

That the Minutes of the Gayinyaga Committee meeting held on 14 September be noted and the following recommendations endorsed:

- a) The committee recommended to Council that the application be supported for the sum of \$200 for Alistair Faulkner to attend PSSA.
- b) That a late application submitted by Tracy Hyatt is considered and that a similar amount of \$200 is also provided for Shae-Leigh Vale to attend the PSSA.
- c) That Steve Widders draft some words for the memorial plaque for the committee and Aboriginal community to consider.

The recommendation was ADOPTED.

**9. PUBLIC FORUM**  
Nil.

There being no further business the Administrator declared the meeting closed at 9:36am.

## DECLARATION OF CONFLICT OF INTEREST FORM

To the General Manager,

Given Names: IAN Surname: TILEY

Nature of Meeting:  Ordinary  
 (Please tick)  Extraordinary  
 Other (Please Specify).....

Date of Meeting: ...../...../.....

**ITEM A - Report Item (see item B if the interest relates to environmental planning/zone control item)**

Item No: 7.4.3 Page No: 53

Reason for the interest:  
Non pecuniary interest as ARC delegate  
to the New England Weeds Authority

This conflict of interest has been identified as an:

(Please tick appropriate boxes)

Actual conflict of interest  **Pecuniary Interest**   
 Perceived conflict of interest  *having a* **Non-pecuniary Interest**   
 Potential conflict of interest

**ITEM B - Report Item (complete if the interest relates to environmental planning/zone control)**

Item No: \_\_\_\_\_ Page No: \_\_\_\_\_

Pecuniary interest	
Address of land in which councillor or an associated person, company or body has a proprietary interest (the <b>identified land</b> ) <sup>1</sup>	
Relationship of identified land to councillor [Tick one box.]	<input type="checkbox"/> Councillor has interest in the land (e.g. is owner or has other interest arising out of a mortgage, lease, trust, option or contract, or otherwise). <input type="checkbox"/> Associated person of councillor has interest in the land. <input type="checkbox"/> Associated company or body of councillor has interest in the land.

Matter giving rise to pecuniary interest <sup>2</sup>	
Nature of land that is subject to a change in zone/ planning control by proposed LEP (the <b>subject land</b> ) <sup>3</sup> [Tick one box]	<input type="checkbox"/> The identified land. <input type="checkbox"/> Land that adjoins or is adjacent to or is in proximity to the identified land.
Current zone/planning control [Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land]	
Proposed change of zone/planning control [Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land]	
Proposed change of zone/planning control [Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land]	

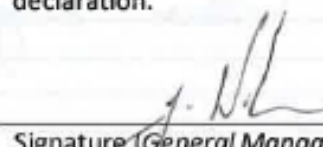
I hereby declare that the above details are correct to the best of my knowledge and I make this conflict declaration in good faith.



Signature

Date: 5.10.2016

I hereby declare that I have received and appropriately noted this conflict of interest declaration.



Signature (General Manager)

Date: 5.10.2016

**IMPORTANT INFORMATION:** This information is being collected for the purpose of making a special disclosure of pecuniary interests under sections 451 (4) and (5) of the *Local Government Act 1993*. You must not make a special disclosure that you know or ought reasonably to know is false or misleading in a material particular. Complaints made about contraventions of these requirements may be referred by the Director-General to the Local Government Pecuniary Interest and Disciplinary Tribunal. This form must be completed by you before the commencement of the Council or Council committee meeting in respect of which the special disclosure is being made. The completed form must be tabled at the meeting. Everyone is entitled to inspect it. This form is to be retained by the General Manager and included in full in the minutes of the meeting.

1. Section 443 (1) of the *Local Government Act 1993* provides that you may have a pecuniary interest in a matter because of the pecuniary interest of your spouse or your de facto partner or your relative<sup>4</sup> or because your business partner or employer has a pecuniary interest. You may also have a pecuniary interest in a matter because you, your nominee, your business partner or your employer is a member of a company or other body that has a pecuniary interest in the matter.

2. Section 442 of the *Local Government Act 1993* provides that a **pecuniary interest** is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person. A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter or if the interest is of a kind specified in section 448 of that Act (for example, an interest as an elector or as a ratepayer or person liable to pay a charge).

3. A pecuniary interest may arise by way of a change of permissible use of land adjoining, adjacent to or in proximity to land in which a councillor or a person, company or body referred to in section 443 (1) (b) or (c) of the *Local Government Act 1993* has a proprietary interest—see section 448 (g) (ii) of the *Local Government Act 1993*.

4. **Relative** is defined by the *Local Government Act 1993* as meaning your, your spouse's or your de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child and the spouse or de facto partner of any of those persons.