



ORDINARY MEETING OF COUNCIL

Held on

Wednesday, 25 September 2019
4pm

at

Guyra Council Chambers

PRESENT: Councillor Simon Murray (Mayor), Councillor Libby Martin (Deputy Mayor), Councillor Peter Bailey, Councillor Diane Gray, Councillor Jon Galletly, Councillor Andrew Murat, Councillor Margaret O'Connor, Councillor Dorothy Robinson, Councillor Ian Tiley, Councillor Bradley Widders.

IN ATTENDANCE: Ms Susan Law (Chief Executive Officer), Ms Kim Bryan (General Manager Organisational Development), Mr Mark Piorkowski (General Manager Operations), Mr Scot MacDonald (General Manager Businesses), Ms Kelly Stidworthy (Service Leader Finance), Ms Nathalie Heaton (Service Leader Governance Risk and Corporate Planning), Mr Mark Burgess (Acting Service Leader Roads and Parks), Mr Ambrose Hallman (Service Leader Sustainability and Development), Ms Leah Cook (Service Leader Asset Planning and Design) and Ms Hayley Ward (Executive Officer).

MINUTES

1. CIVIC AFFIRMATION AND ACKNOWLEDGEMENT OF COUNTRY
2. STATEMENT IN RELATION TO LIVE STREAMING OF COUNCIL MEETING
3. APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE BY COUNCILLORS
 Cr O'Brien is an apology.

MOTION

184/19

Moved Cr Widders Seconded Cr Gray

That Cr O'Brien's apology be accepted.

The motion on being put to the vote was CARRIED.

4. DISCLOSURES OF INTERESTS

Name	Item	Nature of Interest	Reason/Intended Action
Cr Martin	9.2(b)	<input checked="" type="checkbox"/> Pecuniary <input type="checkbox"/> Non Pecuniary – Significant Conflict <input type="checkbox"/> Non Pecuniary – Non Significant Conflict	Reason: Primary producer. Intended action: Leave Chamber
Cr Galletly	Item 12.4	<input type="checkbox"/> Pecuniary <input type="checkbox"/> Non Pecuniary – Significant Conflict <input checked="" type="checkbox"/> Non Pecuniary – Non Significant Conflict	Reason: Had discussions with business owner prior to them lodging DA. Intended action: Remain in the Chamber
Cr Robinson	12.4	<input type="checkbox"/> Pecuniary <input type="checkbox"/> Non Pecuniary – Significant Conflict <input checked="" type="checkbox"/> Non Pecuniary – Non Significant Conflict	Reason: Has horses agisted on property. Intended action: Remain in the Chamber
Cr Murray	9.2(b)	<input checked="" type="checkbox"/> Pecuniary <input type="checkbox"/> Non Pecuniary – Significant Conflict <input type="checkbox"/> Non Pecuniary – Non Significant Conflict	Reason: Primary producer. Intended action: Leave Chamber
Cr O'Connor	9.2(b)	<input type="checkbox"/> Pecuniary <input type="checkbox"/> Non Pecuniary – Significant Conflict <input type="checkbox"/> Non Pecuniary – Non Significant Conflict	Reason: Identified as Primary producer but no particular interest declared. Intended action: Remain in the Chamber

5. PUBLIC FORUM (HAVE YOUR SAY)

Ms Katie Roberts speaking against DA-91-2019 Industrial - Erection and Construction of Silos/Addition of Elevators and Augers - Warehouse and Distribution at 5-7 and 9 Drew Street, Armidale (Item 12.4).

Mr Trevor Stace speaking against DA-91-2019 Industrial - Erection and Construction of Silos/Addition of Elevators and Augers - Warehouse and Distribution at 5-7 and 9 Drew Street, Armidale (Item 12.4).

Mr Bernard Shortis of Group 1 Feeds speaking for DA-91-2019 Industrial - Erection and Construction of Silos/Addition of Elevators and Augers - Warehouse and Distribution at 5-7 and 9 Drew Street, Armidale (Item 12.4).

Mr Tom Payne speaking for DA-91-2019 Industrial - Erection and Construction of Silos/Addition of Elevators and Augers - Warehouse and Distribution at 5-7 and 9 Drew Street, Armidale (Item 12.4).

Mr Michael Porter speaking for item 17.3 FOR DECISION: Minutes - Sports Council - 10 September 2019.

6. CONFIRMATION OF MINUTES

CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 28 AUGUST 2019 AND EXTRAORDINARY COUNCIL MEETING HELD ON 11 SEPTEMBER 2019

185/19

Moved Cr Gray

Seconded Cr Widders

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

The Motion on being put to the vote was CARRIED.

7. MAYORAL MINUTE – N/A

8. RESCISSION MOTIONS

PROCEDURAL MOTION

186/19

Moved Cr Bailey

Seconded Cr Robinson

That item 12.4 be moved to the beginning of the meeting.

The Motion on being put to the vote was CARRIED.

PROCEDURAL MOTION

187/19

Moved Cr Widders Seconded Cr Gray

That item 17.3 be moved to the beginning of the meeting.

The Motion on being put to the vote was CARRIED.

**8.1 FOR DECISION: Notice of Rescission Motion - Council Meeting 28 August 2019 -
10.3 Status Report on Stronger Communities Fund and New Council
Implementation Fund**

Ref: AINT/2019/22253 (ARC16/0025)

188/19

Moved Cr Gray Seconded Cr Murat

MOTION TO RESCIND

That Part c) b. of Resolution 164/19 be rescinded which RESOLVED -

“That Council:

- c) apply to the NSW Government to continue expenditure on:**
 - b. Rockvale Road \$362,211.”**

Submitted by: Councillors Diane Gray, Libby Martin and Bradley Widders.

The Motion on being put to the vote was CARRIED.

Cr O’Connor requested her vote against the motion to be recorded.

**8.2 FOR DECISION: Notice of Rescission Motion - Council Meeting 28 August 2019 -
10.4 Regional Growth and Place Activation Advisory Committee**

Ref: AINT/2019/22062 (ARC16/0025)

189/19

Moved Cr Gray

Seconded Cr Widders

MOTION TO RESCIND

That Resolution 165/19 parts c) and e) be rescinded which RESOLVED -

- c) That Cr Peter Bailey and Cr Diane Gray be appointed as Co-Chairs.**
- e) That the TOR be amended to reflect that the Committee comprise three Councillors and a minimum of six external members with some representation from AGBA.**

And replaced with:

- c) That nominations be called for a Chairperson and second Councillor representative of the Regional Growth and Place Activation Advisory Committee from Council.**
- e) That the TOR be amended to reflect that the Committee comprise three Councillors and a maximum of six external members; and**
- f) That AGBA representatives be encouraged to apply as an external member and appointments be made on the basis of skills identified in the brief.**

Submitted by: Councillors Diane Gray, Libby Martin and Bradley Widders.

Amendment

Moved Cr Gray

Seconded Cr Widders

c) That Cr Murat be placed at Chair of the committee and that Cr Bailey and Cr Gray remain second and third councillors of the Regional Growth and Place Activation Advisory Committee.

The Amendment on being put to the vote was CARRIED.

Amendment

Moved Cr O'Connor

Seconded Cr Robinson

e) That the TOR be amended to reflect that the Committee comprise three Councillors and a minimum of six external members;

The Amendment on being put to the vote was LOST.

The Motion on being put to the vote was CARRIED.

12.4 FOR DECISION: DA-91-2019 Industrial - Erection and Construction of Silos/Addition of Elevators and Augers - Warehouse and Distribution at 5-7 and 9 Drew Street, Armidale *Ref: AINT/2019/21752 (DA-91-2019)*

190/19

Moved Cr Widders Seconded Cr Martin

That having regard to the assessment of DA-91-2019, that:

- a) Council refuse the Application for the reasons set out in this report, and as detailed in Appendix 1.
- b) Notify all those who made a submission on the Application of the determination.

DIVISION The result being:-

FOR: Crs D Gray, L Martin, A Murat, S Murray, D Robinson and B Widders

AGAINST: Crs P Bailey, J Galletly, M O'Connor and I Tiley

The Mayor declared the motion as CARRIED.

17.3 FOR DECISION: Minutes - Sports Council - 10 September 2019

191/19

Moved Cr Widders Seconded Cr Gray

That the Minutes of the Sport Council Committee meeting held on 10th September be endorsed and the following recommendations considered:

- a) Sports Council recommend that Council conduct further investigations into sourcing ground water to enable sport to continue in the region for the sake of community wellbeing and the vital role sport and recreation play in community and individual health.
- b) Sports Council recommend that Council conduct further investigations into sourcing ground water to reduce or eliminate reliance on the use of treated water for sportsfield irrigation as a strategy to conserve valuable potable water resources
- c) That the provision of adequate funds to renovate Councils sportsfields as a result of damage following the drought be an important consideration for the 2020/2021 Parks budget

The Motion on being put to the vote was CARRIED.

9. NOTICES OF MOTION

9.1 FOR DECISION: Competitive dialogue on the Armidale Regional Airport

Ref: AINT/2019/22287 (ARC16/0025)

192/19

Moved Cr O'Connor

Seconded Cr Robinson

MOTION

Could CEO please provide as a matter of urgency an update to the Council on the progress of the competitive dialogue on the Armidale Regional Airport.

The Motion on being put to the vote was LOST.

CR SIMON MURRAY LEFT THE MEETING, THE TIME BEING 05:37 PM

CR LIBBY MARTIN LEFT THE MEETING, THE TIME BEING 05:37 PM

PROCEDURAL MOTION

193/19

Moved Cr Tiley

Seconded Cr O'Connor

That Cr Bailey chair item 9.2.

The Motion on being put to the vote was CARRIED.

9.2 FOR DECISION: Ebor Fires

Ref: AINT/2019/22289 (ARC16/0025)

194/19

Moved Cr O'Connor

Seconded Cr Robinson

MOTION

That Council continues to acknowledge the suffering and loss experienced by members of our community at Ebor and other places in our region from bushfires and:

- a) lobbies other levels of government for immediate funding relief to enable urgent replacement of destroyed infrastructure, noting that loans are not a viable form of aid; and
- b) requests that the NSW Government provide funding to enable Council to offer deferral of rates to Primary Producers who, because of drought and or bushfire, are unable to pay rates as they fall due.
- c) That in relation to paragraphs a) and b) eligibility may be conditioned on appropriate and reasonable hardship criteria.

The Motion on being put to the vote was CARRIED unanimously.

CR SIMON MURRAY RETURNED TO THE MEETING, THE TIME BEING 05:48 PM

CR LIBBY MARTIN RETURNED TO THE MEETING, THE TIME BEING 05:48 PM

10. REPORTS FOR DECISION - LEADERSHIP FOR THE REGION

10.1 FOR DECISION: Appointment of Native Title Manager

Ref: AINT/2019/19745 (ARC16/0262)

195/19

Moved Cr Martin

Seconded Cr Widders

- (a) That Council give notice to the Minister for Lands and Forestry of the name and contact details of any person the Council has employed or engaged as its Native Title Manager; and
- (b) That Council provide such notices as required by the Crown Land Management Act 2016 in relation to its employed or engaged Native Title Manager.

The Motion on being put to the vote was CARRIED.

10.2 FOR DECISION: Conduct of Local Government Elections in September 2020 and Popular Election of Mayor

Ref: AINT/2019/21766 (ARC18/2712)

196/19

Moved Cr Robinson

Seconded Cr O'Connor

- (a) That Armidale Regional Council resolves:
 - (i) pursuant to s. 296(2), (3) and (5A) of the Local Government Act 1993 (NSW) ("the Act") that an election arrangement be entered into by contract for the Electoral Commissioner to administer all elections of the Council.
 - (ii) pursuant to s. 296(2), (3) and (5A) of the Act, as applied and modified by s. 18, that a council poll arrangement be entered into by contract for the Electoral Commissioner to administer all council polls of the Council.
 - (iii) pursuant to s. 296(2), (3) and (5A) of the Act, as applied and modified by s. 18, that a constitutional referendum arrangement be entered into by contract for the Electoral Commissioner to administer all constitutional referenda of the Council
- (b) That Council not hold a constitutional referendum on the popular election of Mayor in the 2024 election, in conjunction with the Council elections in September 2020; and
- (c) That Council delegate authority to the Chief Executive Officer to enter into negotiations with the Electoral Commissioner and to enter into a contract for the provision of administering elections of the Council.

The Motion on being put to the vote was CARRIED.

11. REPORTS FOR DECISION - GROWTH, PROSPERITY AND ECONOMIC DEVELOPMENT

11.1 FOR DECISION: Draft Financial Statements For The Year Ended 30 June 2019

Ref: AINT/2019/21536 (ARC18/2756)

197/19

Moved Cr Bailey

Seconded Cr Gray

- a) **That the Draft Financial Statements for the Year Ended 30 June 2019 be adopted, as presented, for referral to Council's Auditor in accordance with Section 413(1) of the *Local Government Act 1993*.**
- b) **That the Mayor, Deputy Mayor, General Manager and Responsible Accounting Officer be authorised to sign the Statements by Councillors and Management on the preparation of the General Purpose and Special Purpose Financial Statements for the year ended 30 June 2019 as prescribed by Section 413(2)(c) of the *Local Government Act 1993*.**
- c) **That the Chief Executive Officer be delegated the authority to issue the audited Financial Statements for the Year Ended 30 June 2019 immediately upon receipt of the Auditor's Reports subject to there being no material audit changes or audit issues.**

The Motion on being put to the vote was CARRIED unanimously.

12. REPORTS FOR DECISION - ENVIRONMENT AND INFRASTRUCTURE

12.1 FOR DECISION: Alteration of parking time limits within the CBD of ArmidaleRef: AINT/2019

198/19

Moved Cr Widders

Seconded Cr Gray

- a) That the time limits for parking spaces within the CBD Heart be adjusted as follows:
 - i. reduce all 2 hour on-street spaces to 1 hour, and
 - ii. increase all 15 minutes spaces to 30 minutes.
- b) That the time limits for parking spaces within the CBD Core be adjusted as follows:
 - i. reduce all 2 hour on-street spaces to 1 hour,
 - ii. increase all 15 minutes spaces to 30 minutes, and
 - iii. reduce all Council 3 hour off-street spaces (Jessie, Rusden Streets and Cinders, Woodward Lane carparks) to 2 hours.
- c) That the time limits for parking spaces within the CBD Frame be adjusted as follows:
 - i. increase all 1 hour on-street parking spaces to 2 hours.
 - ii. The unrestricted off-street spaces remain unchanged including the all day parking in Tingcombe Land and Naughten Street public carparks.
- d) That the time limits of the ground floor of the Rusden Street decked carpark be changed to unrestricted parking.
- e) That the CEO be delegated authority to negotiate any leasing arrangements for car parks on the middle and top deck.

Amendment

Moved Cr O'Connor

Seconded Cr Robinson

- b) iii. maintain all Council 3 hour off-street spaces (Jessie, Rusden Streets and Cinders, Woodward Lane carparks).

The amendment on being put to the vote was LOST.

Amendment

Moved Cr Gray

- b) iii maintain one Council carpark 3 hour off-street spaces (Jessie, Rusden Streets and Cinders, Woodward Lane carparks)and reduce the others to 2 hours.

The amendment was withdrawn.

The Motion on being put to the vote was CARRIED.

12.2 FOR DECISION: Adoption of Local Approval Policy Street Trading

Ref: AINT/2019/21393 (ARC16/1132)

199/19

Moved Cr Gray

Seconded Cr Martin

That Council formally adopt the Local Approvals Policy for Street Trading now that the Deputy Secretary Local Government, Planning and Policy has provided consent, to the exemptions contained within the policy, under Section 162 of the *Local Government Act*.

The Motion on being put to the vote was CARRIED.

12.3 FOR DECISION: Project Zero30

Ref: AINT/2019/21628 (ARC17/1544)

200/19

Moved Cr Robinson

Seconded Cr Widders

That Council formally advise the Director of Strategic Research Initiatives at the University of New England of Council's acceptance to partner with UNE to undertake Project Zero30 and aim for no additional contribution from our region to the global temperature rise by 2030.

The Motion on being put to the vote was CARRIED.

13. REPORTS FOR DECISION - OUR PEOPLE AND COMMUNITY

13.1 FOR DECISION: Amendment to 2019/20 Fees and Charges, Guyra Preschool and Long Day Care and Guyra OSHC Vacation Care

Ref: AINT/2019/21919 (ARC17/1962)

201/19

Moved Cr Tiley

Seconded Cr Galletly

- a) **That Council endorse for public exhibition, the proposed amendments to attendance fees for the Guyra Preschool and Long Day Care as outlined in this report.**
- b) **That the proposed amended attendance fees be publicly exhibited in accordance with the Local Government Act 1993.**
- c) **That a further report addressing any matters raised though the public exhibition period be brought back to Council for consideration prior to finalising the proposed amended attendance fees. Should no submissions be received during the public exhibition period, the proposed and advertised amendments be adopted and implemented from 1 January 2020 without a further report to Council.**
- c) **That the daily attendance fee be increased for each of the 3 age groups of the Guyra Preschool and Long Day Care Centre and Guyra OSHC Vacation Care service by \$2 per day.**

The proposed fees from 1 January 2020 are:

Date	Daily fee Increase	3-6 year old daily fee	2-3 year old daily fee	0-2 year old daily fee
1/1/20	\$2.00	\$76.00	\$79.00	\$82.00
Date	Daily fee Increase	Vacation care daily fee		
1/1/20	\$2.00	\$62.00		

The Motion on being put to the vote was CARRIED.

PROCEDURAL MOTION

202/19

Moved Cr Murat Seconded Cr Gray

That the items 13.2 to 17.1 be considered englobo.

The motion on being put to the vote was CARRIED.

13.2 FOR INFORMATION: Union Picnic Day 2019

Ref: AINT/2019/22496 (ARC16/0119)

203/19

Moved Cr Murat Seconded Cr Gray

- a) That Council endorses the Union Picnic Day holiday to be held on Tuesday 5 November 2019.
- b) That non-union members are required to work on the Union Picnic Day holiday.
- c) That Council's administration offices in Armidale and Guyra remain open and where practical, community services facilities also remain open on the Union Picnic Day holiday.
- d) That the Armidale Library is closed for the Union Picnic Day holiday.

The Motion on being put to the vote was CARRIED.

14. REPORTS FOR INFORMATION

14.1 FOR INFORMATION: Cash and Investment Report August 2019

Ref: AINT/2019/21731 (ARC16/0001-4)

204/19

Moved Cr Murat Seconded Cr Gray

That Council receive and note the Cash and Investment Report August 2019.

The Motion on being put to the vote was CARRIED.

14.2 FOR INFORMATION: Monthly Financial Report August 2019

Ref: AINT/2019/21949 (ARC19/3334)

205/19

Moved Cr Murat Seconded Cr Gray

That Council receive and note the Monthly Financial Report August 2019.

The Motion on being put to the vote was CARRIED.

14.3 FOR INFORMATION: Summary of Resolutions of Council March 2019 - August 2019

Ref: AINT/2019/22065 (ARC16/0001-4)

206/19

Moved Cr Murat Seconded Cr Gray

That the report outlining resolutions of Council from March 2019 to August 2019 and actions carried out, be noted.

The Motion on being put to the vote was CARRIED.

15. REQUESTS FOR LEAVE OF ABSENCE – N/A

16. AUTHORITY TO AFFIX COUNCIL SEAL – N/A

17. COMMITTEE REPORTS

17.1 FOR INFORMATION: Minutes - Aboriginal Regional Advisory Committee - 28 August 2019

Ref: AINT/2019/21772 (ARC16/0605)

207/19

Moved Cr Murat Seconded Cr Gray

That the Minutes of the Aboriginal Regional Advisory Committee meeting held on 28 August 2019 be noted.

The Motion on being put to the vote was CARRIED.

17.2 FOR DECISION: Minutes - Traffic Advisory Committee - 3 September 2019

Ref: AINT/2019/22000 (ARC16/0168-4)

208/19

Moved Cr Tiley

Seconded Cr Murat

- a) **That the Minutes of the Traffic Advisory Committee meeting held via email be noted.**
- b) **That the Chartered Accountants Australia & New Zealand Tour de North West being held on 27 October 2019, be endorsed in accordance to the provided Transport Management Plan and any further requirements from Police.**
- c) **That the requested temporary road closure of Faulkner Street between Kirkwood Street and Dumaresq Street for the Culture Fest 2019, 2 November be endorsed.**
- d) **That the loading zone on the north western Corner of Marsh & Rusden Street's (In front of Grant McCarroll Service entry) be changed to unrestricted time limit.**
- e) **That the request to install a 'No Parking' zone on the southern side in the Beardy West Mall at the intersection of Beardy Street & Jessie Street be denied.**
- f) **That a No Parking zone be installed on the norther side of Dumaresq Street, from 101 to 107 Dumaresq Street be endorsed.**

The Motion on being put to the vote was CARRIED.

18. MATTERS OF AN URGENT NATURE – N/A

19. QUESTIONS ON NOTICE – N/A

There being no further business the Mayor declared the meeting closed at 6.31pm.