



ORDINARY MEETING OF COUNCIL

Held on

Wednesday, 25 July 2018
4pm

at

Armidale Council Chambers

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

IN ATTENDANCE: Ms Susan Law (CEO), Mr Lindsay Woodland (Group Leader - Organisation Services), Mr Mark Piorkowski (Group Leader - Service Delivery), Ms Kim Bryan (Service Leader - People Safety and Communications), Mr Rob Shaw (Service Leader - Roads and Parks), Mr Ambrose Hallman (Service Leader - Sustainability and Development), Ms Leah Cook (Service Leader - Asset Planning and Design), Mr Peter Wilson (Acting Service Leader - Governance Risk and Corporate Planning), Phillip Perram (Service leader – Business Units) and Ms Renata Davis (Executive Officer).

MINUTES

1. CIVIC PRAYER AND RECOGNITION OF TRADITIONAL OWNERS
2. STATEMENT IN RELATION TO LIVE STREAMING OF COUNCIL MEETING
3. APOLOGIES - NIL
4. DISCLOSURE AND DECLARATION OF INTERESTS - NIL
5. HAVE YOUR SAY - NIL
6. CONFIRMATION OF MINUTES

CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 27 JUNE 2018

139/18 **Moved Cr Gray** **Seconded Cr Martin**

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

7.1 FOR DECISION: State Government Funding For Malpas Dam

Ref: AINT/2018/14560 (ARC16/0025)

140/18 **Moved Cr Gray** **Seconded Cr Widders**

- a) **That Council write to the Premier and Deputy Premier, thanking the NSW Government for the funding of \$12.375 million for the Malpas Dam to Guyra Pipeline; and**
- b) **That Council place on record its thanks to the Local State Member, Adam Marshall, Mr Ken Gillespie, Mr Don Murray and Mr Gary Barnes for their efforts and assistance with the project.**

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

7.2 FOR DECISION: Current Application Of Armidale Airport Landing Fees

Ref: AINT/2018/14797 (ARC16/1225)

141/18 **Moved Cr O'Connor** **Seconded Cr Robinson**

That Council note that the "current Airport Landing Fees" are those adopted by Council in the 2017-2018 Revenue Policy.

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

8. NOTICES OF MOTION

**8.1 FOR DECISION: Removal Of Rail Bridge At The McLennan Street Viaduct, Off
Miller Street, Armidale**

Ref: AINT/2018/14105 (ARC16/0025)

142/18

Moved Cr Galletly

Seconded Cr Murat

Submitted by Councillor Galletly

MOTION

That Council writes to the Member for Northern Tablelands, Adam Marshall and Transport for NSW, seeking the removal of the rail bridge at the McLennan Street Viaduct in Armidale in order to facilitate safe passage along McLennan Street and reduce the safety risk of vehicles travelling under the viaduct.

AMENDMENT

Moved Cr O'Brien

Seconded Cr Robinson

That the Council writes to the Member of the Northern Tablelands, Adam Marshall and Transport NSW, seeking a safety audit of the railway viaduct and evaluation of possible remedies, such as raising the bridge or lowering the pavement to increase the headroom, strike protection beams or apps, or the provision of an at grade crossing from Niagra to Miller Streets.

The Amendment on being put to the vote was LOST

The Motion on being put to the vote was CARRIED.

9. REPORTS FOR DECISION - LEADERSHIP FOR THE REGION

**9.1 FOR DECISION: Boundary Change Joint Proposal - Armidale Regional Council
And Inverell Shire Council - Community Of Tingha and Surrounding Area**

Ref: AINT/2018/12651 (ARC17/1637)

143/18

Moved Cr Robinson

Seconded Cr Martin

a) That Council reconfirm its support for the joint proposal for a boundary alteration, as contemplated by section 218B of the Local Government Act 1993;

b) That the Minister for Local Government be requested to include the following standard provision in the proclamation dealing with rating:

(1) Appropriate arrangements are to be made in relation to the rates and charges over the rateable parcels of land affected by this Proclamation. The CEO of Armidale Regional Council and the General Manager of Inverell Shire Council are to reach a negotiated agreement on the nature of those arrangements; and

- (2) In the event that the CEO of Armidale Regional Council and General Manager of Inverell Shire Council cannot come to a negotiated agreement on the matter of rates and charges, the Minister for Local Government will make a determination on that matter.

Such a determination may be made:

- i) by referral to the Minister for Local Government by Armidale Regional Council or Inverell Shire Council or by both of the Councils; or
 - ii) without referral from the Councils, if the Minister for Local Government is satisfied that the matter of rates and charges cannot be determined by agreement between the Armidale Regional Council and Inverell Shire Council, or if the Minister is not satisfied with the agreement between the Councils.
- c) That each Council be responsible for meeting their costs for any procedure necessary to give effect to the boundary change; and
- d) That the policy position of the State Government not to meet any costs associated with boundary change proposals be noted, and further that this policy position not impede the boundary change process.

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

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

NIL

11. REPORTS FOR DECISION - ENVIRONMENT AND INFRASTRUCTURE

11.1 FOR DECISION: Armidale Airport Landing Fee Waiver For "Little Wings"

Ref: AINT/2018/11671 (ARC16/0090)

144/18

Moved Cr Robinson

Seconded Cr Murat

That Council waives airport landing fees for "Little Wings" in accordance with S356 of the Local Government Act 1993.

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

11.2 FOR DECISION: Transfer Of Part Reserve Adjacent To Guyra Golf Club

Ref: AINT/2018/13360 (ARC16/0669)

145/18

Moved Cr Murat

Seconded Cr Martin

- a) That Council finalise the transfer of Lot 1 DP1189931 of 1.807ha Crown Land from the Trusteeship of Guyra Bowling and Recreation Club to Armidale Regional Council;
- b) That the Mayor and Chief Executive Officer be authorised to sign and seal any and all documentation as required to enable the transfer to be finalised;
- c) That as the land is Crown Land and being transferred to Armidale Regional Council as the land manager, the land be classified as Community Land – General Community Use;
- d) That a Draft Plan of Management be prepared for the land to include the use of part of the site for overnight parking and camping and be publicly exhibited pursuant to the Local Government Act 1993; and
- e) That following the public exhibition period, a report be prepared and presented to Council before the plan is finally adopted.

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

11.3 FOR DECISION: Black Gully Flying Fox Camp Plan Of Management

Ref: AINT/2018/14117 (ARC18/2676)

146/18

Moved Cr Gray

Seconded Cr Martin

- (a) That the amended Black Gully Flying Fox Camp Management Plan be adopted;
- (b) That Council approve the waiver of fees associated with Tree Removal Applications in order to reduce costs for residents wishing to remove trees to create a buffer to the Flying Fox Camp; and
- (c) That Council approve a subsidy of up to \$50,000 in total for residents based on a percentage of the costs of tree removals that will be borne by the affected residents.

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

12. REPORTS FOR DECISION - OUR PEOPLE AND COMMUNITY

12.1 FOR DECISION: Guyra Pre School And Long Day Care Centre – Expansion

Ref: AINT/2018/12181 (G16/22)

147/18

Moved Cr O'Connor

Seconded Cr Gray

- a) That Council accept the two offers of funding from the Department of Education and Training under the Community Child Care Fund Grants – Sustainability Support stream and the Capital Support stream;
- b) That Council further investigate the most cost effective and efficient option, for either a new Greenfield centre or the staged redevelopment of the existing centre in Guyra; and
- c) That should the above investigations identify that a new Greenfield centre is a more cost effective option which provides the same or better amenity, and within the funds available, then the Chief Executive Officer be delegated the authority to seek the concurrence of the funding body to alter the project from the staged expansion of the existing centre to a new “Greenfield” centre.

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

12.2 FOR DECISION: Plan of Management - New Kolora Property Community Land

Ref: AINT/2018/13261 (ARC18/2668)

148/18

Moved Cr Murat

Seconded Cr Tiley

- a) That Council note the report and proceed to finalise a Draft Plan of Management for the Community Land that the new Kolora Aged Care Facility is constructed on, along the terms outlined in this report.
- b) That the Draft Plan of Management be exhibited and notified as required by the Local Government Act.
- c) That a report be prepared and submitted to Council following the public exhibition period to enable all submissions to be considered.

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

13. REPORTS FOR INFORMATION

ADOPTION BY EXCEPTION RESOLUTION

149/18

Moved Cr Tiley

Seconded Cr Widders

That the recommendations for Items 13.1, 13.3, 16.1 and 16.2 be adopted.

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

13.1 FOR INFORMATION: Cash & Investments Report For June 2018

Ref: AINT/2018/13550 (ARC18/2774)

150/18

Moved Cr Tiley

Seconded Cr Widders

That Council note the Cash & Investments Report, as at 30 June 2018, reporting Investments held of \$59,336,157.83 and a consolidated Bank Account balance of \$4,901,241.75, excluding the Trust Fund.

The recommendation was ADOPTED.

13.2 FOR INFORMATION: Kempsey to Armidale Road - Support from Kempsey Shire Council for Reclassification

Ref: AINT/2018/13812 (ARC16/0134)

151/18

Moved Cr Tiley

Seconded Cr Robinson

- a) **That the letter of support from Kempsey Shire Council be received and noted; and**
- b) **That Council endorse the actions taken to date, and future actions seeking restoration of regional roads status of the 66.5km gravel section of Kempsey Road.**

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

13.3 FOR INFORMATION: Status Report On New Council Implementation Fund (NCIF)

Ref: AINT/2018/14368 (ARC16/0113-3)

152/18

Moved Cr Tiley

Seconded Cr Widders

That Council note the current status of projects funded by the New Council Implementation Fund.

The recommendation was ADOPTED.

14. REQUESTS FOR LEAVE OF ABSENCE
NIL.

15. AUTHORITY TO AFFIX COUNCIL SEAL
NIL

16. COMMITTEE REPORTS

16.1 FOR INFORMATION: Minutes - Business Advisory Committee - 25 June 2018

Ref: AINT/2018/12224 (ARC17/2172)

153/18

Moved Cr Tiley

Seconded Cr Widders

That Council note the Minutes of the Business Advisory Committee meeting held on 25 June 2018, as there were no committee recommendations that require a council decision.

The recommendation was ADOPTED.

16.2 FOR DECISION: Minutes - Traffic Advisory Committee Meeting - 2 July 2018

Ref: AINT/2018/13398 (ARC16/0168)

154/18

Moved Cr Tiley

Seconded Cr Widders

- a) **That the Minutes of the Traffic Advisory Committee meeting held on 2nd July 2018 be noted;**
- b) **That the single parking space in front of the Minto building in Rusden Street be removed and line marked appropriately;**
- c) **That 2 x 30 minute parking space be installed in Rusden Street in front of 186 Rusden Street;**
- d) **That Council investigate timed parking both within the Phoenix Centre, and on street within the library precinct;**
- e) **That Council approve the use of local Armidale roads for the Earl Page College Coast Run occurring from Friday 24th August 2018 to Saturday 25th August 2018, in accordance with the submitted Traffic Management Plans and subject to any special conditions required by NSW Police Force. Additionally the organising committee be advised that approval must be sought from the Roads and Maritime Services for the use of roads under their jurisdiction;**
- f) **That a 10mt median strip be installed on Dumaresq Street at the (Armidale Plaza) Moore Street Carpark exit;**
- g) **That the Committee noted the operational actions taken for the physical closure of Isabella Street Hillgrove an unformed and unmaintained Council road;**
- h) **That the developer of DA-73-2018 Ross St Traffic Impact Assessment Rev B be advised:**
 - i. **That the intersection be converted to a standard tee intersection, Ross Street being the priority road, Markham a give way and all the required signage and line marking.**
 - ii. **That the extension of Ross Street is to be constructed at a width of 11.6 to ensure sufficient width for parking in Ross Street for visitors to both 244 Markham and 126**

Ross park in the unformed section of Markham.

- iii. That the developer be required to pay for the cost of the changes to that intersection in addition to the new road works.
- iv. That the changes to the intersection be communicated to the public and the residents of the area.
- i) That the developer of DA-117-2012/E - Cookes Hill Subdivision - Location of Macdonald Drive Pedestrian Footpath and Street Crossing be advised:
 - I. That options two be the preferred pedestrian path option.
 - II. That at the developers cost, a pedestrian refuge to the specification of the RMS be installed on Cookes Road in conjunction with the new footpath location and associated warning signs.

The following requested change for the Marsh/Mann Street intersection were missed from the May report to Council and require endorsement.

- j) That the Marsh Street "Giveaway" signs at the intersection with Mann Street be changed to "Stop" signs and associated line marking be installed; and
- k) That the Mann Street "No Stopping" zone on the north east corner of Marsh Street be extended by 5 metres.

The recommendation was ADOPTED.

17. MATTERS OF AN URGENT NATURE
NIL

18. QUESTIONS ON NOTICE
NIL

PROCEDURAL MOTION

155/18 **Moved Cr Widders** **Seconded Cr Robinson**

That the meeting be adjourned for a short recess at 4.55pm.

The Motion on being put to the vote was CARRIED.

PROCEDURAL MOTION

156/18 **Moved Cr Gray** **Seconded Cr Martin**

That the meeting be resumed at 5.05pm.

The Motion on being put to the vote was CARRIED.

PROCEDURAL MOTION

157/18

Moved Cr Murat

Seconded Cr Martin

a) That Council move into Closed Session to receive and consider the following items:

- 19.1 FOR DECISION: Tenders for construction of RFS Logistics Shed. (AINT/2018/13405) - *As this report deals with commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the Council (Section 10A (2)(d)(ii) of the Local Government Act 1993). Council closes this meeting in accordance with Council's Code of Meeting Practice, as consideration of this matter in open Council would be contrary to the public interest.*
- 19.2 FOR DECISION: Request for Tender for Engineering and Project Management Services 2018-2020. (AINT/2018/13925) - *As this report deals with commercial information of a confidential nature which, if disclosed, confers a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business (Section 10A(2)(c) of the Local Government Act 1993). Council closes the meeting, in accordance with Council's Code of Meeting Practice, as consideration of this matter in open Council would be contrary to the public interest. (Tender evaluation and pricing confidential)*
- 19.3 FOR DECISION: Tenders for Design & Construct contract for a water supply pipeline from Malpas Dam to Guyra Water Treatment Plant. (AINT/2018/14266) - *As this report deals with commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the Council (Section 10A (2)(d)(ii) of the Local Government Act 1993). Council closes this meeting in accordance with Council's Code of Meeting Practice, as consideration of this matter in open Council would be contrary to the public interest.*
- b) That Council exclude the press and public from the proceedings of the Council in Confidential Session pursuant to Section 10A, subsections 2 & 3 and section 10B of the Local Government Act 1993, on the basis that the items to be considered are of a confidential nature; and**
- c) That Council make the resolutions made in Confidential Session public as soon as practicable.**

The Motion on being put to the vote was CARRIED.

Council entered Closed Session at 5.05pm.

Council returned to Open Session at 5.25pm.

OPEN SESSION

158/18

Moved Cr Martin

Seconded Cr Gray

That the recommendations of Closed Session be adopted.

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

19. CLOSED SESSION

19.1 FOR DECISION: Tenders for construction of RFS Logistics Shed

Ref: AINT/2018/13405 (ARC18/2598)

159/18

That having received no submissions in response to the open call for tenders under Tender ARC18/2598 Erection, cladding & internal fitout of the Rural Fire Service Armidale Airport Logistics Shed, Council's CEO be authorised to enter into direct negotiations with local company TechSpan in the first instance, or any person with a view to entering into a contract in relation to the subject matter of the tender.

The Motion on being put to the vote was CARRIED.

19.2 FOR DECISION: Request for Tender for Engineering and Project Management Services 2018-2020

Ref: AINT/2018/13925 (ARC18/2535)

160/18

That Council accepts fifty tenders and rejects one, received for a supplier panel contract for the Provision of Engineering and Project Management Services from August 2018 to July 2020.

The Motion on being put to the vote was CARRIED.

19.3 FOR DECISION: Tenders for Design & Construct contract for a water supply pipeline from Malpas Dam to Guyra Water Treatment Plant

Ref: AINT/2018/14266 (ARC17/2454)

161/18

- a) That Council seek confirmation of funding for \$12.375 million from the NSW Government for the pipeline scheme;
- b) That Council accepts the Tender from Monadelphous Engineering Pty Ltd for the design and construction of the new pipeline scheme as being the most advantageous for Council;
- c) That Council engage Cardno Pty Ltd to continue project and construction management of the pipeline scheme;
- d) That Council adopt a project budget of \$12.8 million for the project in line with the originally expected grant funding; and
- e) That the balance between NSW Government funding and the project budget be made up from the Water Fund Reserve.

The Motion on being put to the vote was CARRIED.

There being no further business the Mayor declared the meeting closed at 5.25pm.