



ORDINARY MEETING OF COUNCIL

Held on

Wednesday, 12 December 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 and Councillor Ian Tiley.

IN ATTENDANCE: Ms Susan Law (Chief Executive Officer), Mr Lindsay Woodland (Director Organisational Services and Transformation), Mr Mark Piorkowski (Director Operations), Ms Kim Bryan (Service Leader People, Safety and Communications), Mr Phillip Perram (Service Leader Business Units), Ms Nathalie Heaton (Service Leader Governance Risk and Corporate Planning), Mr Mark Burgess (Acting Service Leader Roads and Parks), Ms Leah Cook (Service Leader Asset Planning and Design), Mr Peter Wilson (Program Leader Governance, Risk and Legal) and Mrs Jessica Bower (Executive Officer).

MINUTES

7. MAYORAL MINUTE

7.1 Mayoral Minute: FOR INFORMATION - Mayor's External Woodsmoke Advisory Group

Ref: AINT/2018/26451 (ARC18/2891)

283/18

MOTION

Moved Cr Murray

That Council notes the formation of an external advisory group to provide advice to the Mayor to inform him on issues related to wood smoke and its impact on air quality in Armidale.

AMENDMENT

Moved Cr O'Connor **Seconded Cr Tiley**

That Council notes the formation of an external advisory group to provide advice to the Mayor and all Councillors to inform them on its views of the issues related to woodsmoke and its air quality impact on air quality in Armidale including related health issues such that:

- a) **the external advisory group complete its work and provide its advice in the form of a written report to Council in due course; and**
- b) **councillors may provide submissions in writing to the advisory group, at which the advisory group can invite Councillors to further discuss submissions as deemed relevant by the advisory group.**
- c) **the external advisory group meet with any Armidale Regional Councillor and the CEO if they wish to make submissions to it or discuss any relevant issue with it; and**
- d) **the external advisory group meet with Council's Environmental Sustainability Committee in February 2019 to discuss its brief (issues related to woodsmoke and its impact on air quality in Armidale including related health issues) with that committee of Council.**

**The Amendment on being put to the vote was CARRIED and became the substantive Motion.
The Motion on being put to the vote was CARRIED.**

7.2 FOR DECISION: Mayoral Minute - Review of Committee Structure

Ref: AINT/2018/26860 (ARC16/0025)

284/18

Moved Cr Murray

- a) **That Council request the CEO to undertake a review of the current Committee Structure, including the number of committees, composition and the Terms of Reference.**
- b) **That Councillors note that the Armidale Regional Sports Council was omitted from the list included in the report and will be included as part of the review.**

The Motion on being put to the vote was CARRIED.

8. NOTICES OF MOTION

8.1 FOR DECISION: Notice of Motion - Rural Property Addressing

Ref: AINT/2018/25626 (ARC16/0025)

285/18

Moved Cr Martin

Seconded Cr Murat

- a) That Council encourage rural residential landowners to install and display house numbers to assist their location, particularly by the emergency services;
- b) That Council provide the services of the supply and installation of rural house numbers; and
- c) That the cost of the house numbers and their installation be borne by the landowners, where it is not covered by a specific grant from the State or Federal government.

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

8.2 FOR DECISION: Notice of Motion - Cost Shifting from State Government to Local Government

Ref: AINT/2018/26168 (ARC16/0025)

286/18

Moved Cr Robinson

Seconded Cr O'Brien

- a) That Council endorses the information from Local Government NSW (LGNSW) that:
 - i. Local Government's share of federal tax revenue has fallen from 1% in 1996 to 0.57%;
 - ii. Cost shifting from the NSW State Government to NSW Local Councils amounts to \$820 million a year;
 - iii. Cost shifting undermines the financial stability of Local Government; and
 - iv. LGNSW is calling on the NSW and Australian Governments to put an end to cost shifting.
- b) That Council support LGNSW efforts to put an end to cost shifting and calls upon all political parties to do likewise, in particular that the Commonwealth Grants Commission's methodology for determining grants be reviewed to take account of disability factors and other changes since the existing methodology was determined.

The Motion on being put to the vote was CARRIED.

NOTE: Item 8.3 FOR DECISION: Notice of Motion - Merger Documents was withdrawn.

9. REPORTS FOR DECISION - LEADERSHIP FOR THE REGION

9.1 FOR DECISION: Acquisition of Drainage Reserves - 15A Jubilee Road, Armidale and 21A Campion Parade, Armidale *Ref: AINT/2018/24766 (ARC18/2980)*

287/18

Moved Cr Robinson Seconded Cr Murat

- a) That Council approve the transfer of the 'Drainage Reserves' described as:
- i) Lot 113 DP 15733 (21A Campion Parade, Armidale) from J Campion & Son Limited to Armidale Regional Council; and
 - ii) Lot 12 DP 1201713 (15A Jubilee Road, Armidale) from J Campion & Son Limited to Armidale Regional Council.
- b) That Council note that a notice was published in the NSW Government Gazette on 23 November 2018 notifying that each parcel is to be vested in Council as a Drainage Reserve;
- c) That the Council Seal be affixed to the documents associated with the transfers; and
- d) That Lot 113 DP 15733 and Lot 12 DP 1201713 be classified as Operational Land on acquisition.

The Motion on being put to the vote was CARRIED.

9.2 FOR INFORMATION: Presentation of Annual Report 2017-2018

Ref: AINT/2018/25939 (ARC18/2818)

288/18

Moved Cr Tiley Seconded Cr Gray

That Council endorse the Annual Report 2017-2018.

The Motion on being put to the vote was CARRIED.

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

11. REPORTS FOR DECISION - ENVIRONMENT AND INFRASTRUCTURE

11.1 FOR DECISION: Security Screening for Armidale Regional Airport

Ref: AINT/2018/25794 (ARC18/2998)

289/18

Moved Cr Murat Seconded Cr Gray

That Council adopt the exemption to tender as per LGA93 Section 55, going to select market quotations and allowing delegated authority to CEO for award of contract for Airport Security Screening.

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

12. REPORTS FOR DECISION - OUR PEOPLE AND COMMUNITY - NIL

ADOPTION BY EXCEPTION RESOLUTION

290/18 **Moved Cr Murat Seconded Cr Gray**

That items 13.1, 13.3, 13.4, 16.2 and 16.3 be adopted.

The Motion on being put to the vote was CARRIED.

13. REPORTS FOR INFORMATION

13.1 FOR INFORMATION: Quarterly Water Adjustment Report

Ref: AINT/2018/25625 (ARC16/0193)

291/18 **That Council note the report detailing water adjustments, made under the provisions of the Water Account Adjustment Management Policy, for the September quarter, totalling \$11,786.07**

13.3 FOR INFORMATION: Cash & Investment Report For November 2018

Ref: AINT/2018/26227 (ARC18/2774)

292/18 **That Council note the Cash and Investment Report, as at 30 November 2018, reporting investments held of \$69,896,750 and a consolidated Bank Account balance of \$4,066,003, excluding the Trust Fund.**

13.4 FOR INFORMATION: Monthly Financial Report November 2018

Ref: AINT/2018/26250 (ARC18/2851)

293/18 **Moved Cr Murat Seconded Cr Gray**

That Council note the Monthly Financial Report for November 2018.

The Motion on being put to the vote was CARRIED.

**16.2 FOR INFORMATION: Minutes - Regional Growth Advisory Committee - 8
November 2018**

Ref: AINT/2018/26066 (ARC16/0875-2)

294/18 That the Minutes of the Regional Growth Advisory Committee meeting held on 8th November 2018 be noted.

**16.3 FOR INFORMATION: Minutes - Armidale Regional Youth Advisory Committee -
22 November 2018**

Ref: AINT/2018/25774 (ARC16/0591)

295/18 That the Minutes of the Armidale Regional Youth Advisory Committee meeting held on 22 November 2018 be noted.

**13.2 FOR INFORMATION: Operational Plan 2018-2019 Quarterly Progress Report -
July 2018 - September 2018**

Ref: AINT/2018/26081 (ARC17/1962)

296/18 Moved Cr Tiley Seconded Cr O'Connor

That the July to September Quarterly Report on the Operational Plan 2018-2019 be noted.

The Motion on being put to the vote was CARRIED.

SUSPENSION OF STANDING ORDERS

297/18 Moved Cr Bailey Seconded Cr O'Connor

That standing orders be suspended to allow Cr Tiley to speak on
Item 13.4 FOR INFORMATION: Monthly Financial Report November 2018.

The Motion on being put to the vote was CARRIED.

RESUMPTION OF STANDING ORDERS

298/18 Moved Cr Tiley Seconded Cr Martin

That standing orders resume.

The Motion on being put to the vote was CARRIED.

14. REQUESTS FOR LEAVE OF ABSENCE – NIL

15. AUTHORITY TO AFFIX COUNCIL SEAL - NIL

16. COMMITTEE REPORTS

16.1 FOR DECISION: Minutes - Environmental Sustainability Advisory Committee –

6 November 2018

Ref: AINT/2018/25885 (ARC16/0864)

299/18

Moved Cr Gray

Seconded Cr Murat

- a) **That the Minutes of the Environmental Sustainability Advisory Committee meeting held on 6 November 2018 be noted; and**
- b) **That the following recommendations from the Environmental Advisory Committee meeting be adopted:**
 - i. **That SLA Habitat be invited to work with the Council to investigate the feasibility of a Koala Management Plan;**
 - ii. **That ‘You are Here’ maps be placed at the UNE end of the cycleway subject to resources; and**
 - iii. **That SLA Transport be invited to speak to Council on aspects of bicycle planning (including the current cycling towns funding opportunity).**
- c) **That the following recommendation not be adopted as it is being further considered at Councillors Workshops:**
 - i. **That the draft GreenPrint be placed on public exhibition seeking feedback from the community to identify the priorities and define the targets.**

The Motion on being put to the vote was CARRIED.

16.4 FOR DECISION: Minutes - Audit and Risk Committee - 27 November 2018

Ref: AINT/2018/25923 (ARC16/0522-2)

300/18

Moved Cr O'Connor Seconded Cr Gray

- a) That Council note the Minutes of the Audit and Risk Committee meeting held on 27 November 2018; and
- b) That the following recommendations from the meeting be adopted and that the Chair of the Audit and Risk Committee meet with the CEO to discuss the matters:
- (i) The vacancy of the Internal Auditor position since January 2018;
 - (ii) The dismissal of the Committee recommendations on the completion of the approved internal audit program;
 - (iii) The disconnect that results in a lack of oversight of the risk management framework and any identified risks;
 - (iv) The limited professional development provided to the Committee, particularly for the Councillor representatives;
 - (v) The inability of the Committee to meet its objectives to provide independent assurance and assistance to the Council given the current budgetary constraints and infrequency and brevity of committee meetings.

The Motion on being put to the vote was CARRIED.

16.5 FOR DECISION: Minutes - Sports Council Advisory Committee –

3 December 2018

Ref: AINT/2018/26186 (ARC16/0330)

301/18

Moved Cr Gray Seconded Cr Tiley

- a) That the Minutes of the Sports Council Advisory Committee meeting held on 03 December 2018 be noted; and
- b) That the following recommendation from the Sports Council Advisory Committee meeting be adopted:
- (i) That the projects listed below be allocated funding from the Sports Council's Sports Development 2018/19 budget:
 - Sportsground New Cricket Nets Toilet Block - \$25,000
 - Wicklow Fields (Southern Side – Installation of an irrigation system - \$25,000
 - Guyra Recreation Ground – Canteen Refurbishment Stage 1 – B - \$7,000 (Additional allocation, previously allocated \$20,000)
 - Guyra Recreation Ground – Concrete for cricket nets & new stumps - \$3,500
 - Active Park Seating – 4xNewling, 2xElizabeth Park 1 - \$4,000Total allocation from the Sports Council Sports Development Fund for the financial year 2018/19 - \$64,500.00
- c) That the following recommendation from the Sports Council Advisory Committee meeting

be adopted and that the future ongoing funding towards the Sports Development Fund be considered as part of the budget process for 2019/20:

- (ii) The Sports Council Executive request Council's ongoing commitment of \$65,000 towards the Sports Development Fund continued in future years. This fund is vital to ensure sporting facilities in Armidale continue to be improved and updated. The next priority that the funds are requested to support is the installation of field lighting at Harris Park Armidale at an expected total cost of \$260,000.**

The Motion on being put to the vote was CARRIED.

16.6 FOR DECISION: Minutes - Traffic Advisory Committee - 4 December 2018

Ref: AINT/2018/26203 (ARC16/0168)

302/18

Moved Cr Martin

Seconded Cr Murat

- (a) That the Minutes of the Traffic Advisory Committee meeting held on 4th December 2018 be noted, and**
- (b) That the following recommendation from the Traffic Advisory Committee Meeting be adopted:**
 - (i) That the proposal to close Kia-Ora Road to New England Highway and reroute Kia-Ora Road to connect with the new Roundabout currently under construction on the New England Highway be endorsed.**
 - (ii) That Council staff liaise with the Department of Lands to close the section of Kia-Ora Road.**
 - (iii) That Council advertise and notify all landowners adjoining Kia-Ora Road of the reroute and closure.**
 - (iv) That no further action be taken on the request to install a pedestrian crossing or refuge at Coles, and that the community member be advised of the outcome of the discussion.**
 - (v) That approval be granted for the extension of the Martin's Gully bus zone, subject to a successful trial.**
 - (vi) That 4 x ¼ hour parking spaces be installed for School Zone times adjacent to Duval High School at the Harden St entrance.**

The Motion on being put to the vote was CARRIED.

**16.7 FOR DECISION: Minutes of the Arts, Cultural and Heritage Advisory Committee
- 4 December 2018**

Ref: AINT/2018/26204 (ARC16/0217)

303/18

Moved Cr O'Connor

Seconded Cr Murat

a) That the Minutes of the Arts, Cultural and Heritage Advisory Committee meeting held on 4 December 2018 be noted and the following recommendations endorsed:

- i. That the submission received on the Draft Public Art Policy 2018 – 2022 be noted;**
- ii. That a further report be provided to the December 2018 Council meeting to consider the submission received; and**
- iii. That the amended Public Art Policy 2018 – 2022 be adopted.**
- iv. That the committee note that without substantial investment into public art from the Armidale Regional Council, comparable to other regional centres, public art projects cannot be supported.**
- v. That the following motion be deferred to the next meeting until the chair of this committee meets urgently with the ARC CEO to discuss a budget allocation for future public art works.**

MOTION: That the committee support an EOI for a sculpture in the mall called The Big Debate be developed.

b) That Council note the committee's position in relation to these matters:

- i. That the Cookes Hill subdivision public sculpture commissioned and financed by McCloy Dumaresq Pty Ltd be approved.**
- ii. That the committee supports in principle the proposal from the Armidale Court House Trust that the Old Armidale Court House be developed as an Arts and Culture Hub.**

The Motion on being put to the vote was CARRIED.

17. MATTERS OF AN URGENT NATURE - NIL

18. QUESTIONS ON NOTICE - NIL

PROCEDURAL MOTION

304/18 **Moved Cr Gray** **Seconded Cr Martin**

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

- 19.1 FOR DECISION: Tender Recommendation for Kempsey Road & Platform Road. (AINT/2018/25981) - *As this report deals with commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it (Section 10A(2)(d)(i) of the Local Government Act 1993). Council closes part of 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: CEO Performance Review. (AINT/2018/26346) - *As this report deals with personnel matters concerning particular individuals (Section 10A(2)(a) 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.*
- 19.3 FOR DECISION: Land Portfolio Divestment Strategy and Plan Phase Three. (AINT/2018/26664) - *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.*

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.

c) That Council make the resolutions made in Confidential Session public as soon as practicable.

d) The Motion on being put to the vote was CARRIED.

Council entered Closed Session at 5:56pm.

Council returned to Open Session at 6:05pm.

OPEN SESSION

305/18 **Moved Cr Gray** **Seconded Cr Galletly**

That the recommendations of Closed Session be adopted.

The Motion on being put to the vote was CARRIED.

19. CLOSED SESSION

19.1 FOR DECISION: Tender Recommendation for Kempsey Road & Platform Road

Ref: AINT/2018/25981 (ARC18/2692)

306/18

- a) That the recommendation from the Tender Evaluation panel for the contractual road works by Brown Contractors on Platform Road for the tendered price \$774,934.67 including GST be accepted.
- b) That the recommendation from the Tender Evaluation panel for the contractual road works by Brown Contractors on Kempsey Road for the tendered price \$885,645.75 including GST be accepted.

19.2 FOR DECISION: CEO Performance Review

Ref: AINT/2018/26346 (ARC18/2497)

307/18

- a) That Council note the CEO Performance Review Agreement for July 2018-June 2019.
- b) That Council note the half-year CEO Performance Review will be conducted in February 2019 and the full-year Review in August 2019.
- c) That the CEO performance review panel seek input from all Councillors prior to the Performance Review Committee Meeting with the CEO.

19.3 FOR DECISION: Land Portfolio Divestment Strategy and Plan Phase Three

Ref: AINT/2018/26664 (ARC18/2525)

308/18

- a) That the CEO be delegated authority to dispose of the old Kolora Aged Care Facility, being Lot 1 DP 1157471 and Lot 131 DP 612522, based on the Reserve Price detailed in the report;
- b) That the CEO be delegated authority to accept the tender for the sale of the property; and
- c) That the Council seal be affixed to the documents associated with the Contracts of Sale for the above Lots.

There being no further business the Mayor declared the meeting closed at 6:06pm.