



ORDINARY MEETING OF COUNCIL

Held on

Wednesday, 22 August 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 Bradley Widders.

IN ATTENDANCE: Ms Susan Law (Chief Executive Officer), Mr Mark Piorkowski (Group Leader Service Delivery), Ms Kim Bryan (Acting Group Leader Organisational Services and Service Leader People, Safety and Communications), Ms Kelly Stidworthy (Service Leader Finance), Ms Nathalie Heaton (Service Leader Governance Risk and Corporate Planning), Mr Rob Shaw (Service Leader Roads and Parks), Mr Ambrose Hallman (Service Leader Sustainability and Development), Mr Peter Wilson (Program Leader Governance Risk and Legal), Mr Alan Langford (Rates Officer) and Mrs Jessica Bower (Executive Officer).

MINUTES

1. CIVIC PRAYER AND RECOGNITION OF TRADITIONAL OWNERS
2. STATEMENT IN RELATION TO LIVE STREAMING OF COUNCIL MEETING
3. APOLOGIES

MOTION

162/18

Moved Cr Murat

Seconded Cr Martin

That Cr Tiley's apology be accepted.

The Motion on being put to the vote was CARRIED.

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 25 JULY 2018

163/18

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

The Mayor informed Council of the Drought Relief assistance currently being provided. Initiatives include providing farmers, who have a Farmland Rating category, with access to town water at Armidale and Guyra locations, the lopping of trees along roadsides to improve the routes of travel for trucks carting hay bales and informing ratepayers of the existence of Council's Hardship Policy.

8. NOTICES OF MOTION - NIL

9. REPORTS FOR DECISION - LEADERSHIP FOR THE REGION

9.1 FOR DECISION: Local Government NSW Annual Conference 2018 - Nomination of Delegates and Submission of Motions *Ref: AINT/2018/14812 (ARC16/0144)*

164/18

Moved Cr Gray **Seconded Cr Martin**

- (a) That the Mayor, Deputy Mayor, and a Councillor be appointed as Council's voting delegates for the Local Government NSW (LGNSW) Annual Conference, in Albury, from Sunday 21 October to Tuesday 23 October 2018, as Council is entitled to three (3) voting delegates;
- (b) That the Mayor and the two voting delegates be approved to attend the Local Government NSW Annual Conference; and
- (c) That Council note that no Motions were submitted by Councillors for inclusion on the Conference Business Paper and advise Local Government NSW accordingly.

The Motion on being put to the vote was CARRIED.

The Mayor called for nominations for the Councillor to be appointed as the voting delegate, with Councillors Bailey and O'Brien being nominated. A vote by open voting resulted in Councillor Bailey being appointed as the voting delegate.

9.2 FOR DECISION: Adoption Of CEO Performance Review Committee Charter

Ref: AINT/2018/15518 (ARC18/2497)

165/18

Moved Cr Robinson **Seconded Cr Murat**

- a) That the CEO Performance Review Charter be adopted;
- b) That the Mayor and Deputy Mayor be appointed to the Performance Review Committee in line with the Charter; and
- c) That a Councillor be appointed to the Performance Review Committee when the CEO's Performance Agreement is submitted to Council for endorsement.

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: Review of Street Trading Policy *Ref: AINT/2018/12803 (ARC16/1132)*

166/18

Moved Cr Gray **Seconded Cr Murat**

- a) That the Review of the Street Trading Policy be referred to the Business Advisory Committee for consideration; and
- b) That further consideration of the review by Council of the policy, be deferred until after the Committee has reported on its considerations.

The Motion on being put to the vote was CARRIED.

11.2 FOR DECISION: Re-establishment of Guyra Alcohol Free Zones

Ref: AINT/2018/15326 (ARC16/0867)

167/18

Moved Cr Robinson

Seconded Cr Gray

- a) That the proposal to establish an Alcohol Free Zone in Guyra, as described below, be placed on public exhibition and interested parties be consulted in accordance with Section 644 of the Local Government Act 1993:
- i) Bradley Street, Guyra , between McKie Parkway and thirty (30) metres north of the northern road boundary of Ollera Street;
 - ii) the New England Highway/ Malpas Street Guyra and the surrounding footpaths and parks, between the Viaduct and thirty (30) metres north of the northern road boundary of Ollera Street Guyra;
 - iii) Ollera Street west to Lagoon Street and east to Prisk Street;
 - iv) Dutton Parade and Marne Street in their entirety;
 - v) North along the New England Highway and Llangothlin Street as far as the Sole Street intersection; and
 - vi) South along Bradley and Lagoon Roads as far as the Guyra Railway Station
- to be an Alcohol Free Zone for a four year period; and
- b) That a further report be provided to Council following public exhibition and consultations regarding the proposal.

The Motion on being put to the vote was CARRIED.

11.3 FOR DECISION: Local Approvals Policy - Onsite Wastewater Management

Ref: AINT/2018/16736 (ARC17/1883)

168/18

Moved Cr Robinson

Seconded Cr Murat

- a) That the Draft Local Approvals Policy – Local Approvals Policy Onsite Wastewater Management be endorsed;
- b) That the Draft Local Approvals Policy be placed on public exhibition for 28 days and be open for submissions for a period of no less than 42 days, in accordance with the legislation; and
- c) That additional public notice be given in accordance with Regulation 77 of the Local Government (General) Regulation 2005.

The Motion on being put to the vote was CARRIED.

12. REPORTS FOR DECISION - OUR PEOPLE AND COMMUNITY

**12.1 FOR DECISION: Community Wellbeing Advisory Committee - Member
Composition**

Ref: AINT/2018/16909 (ARC16/1052)

169/18 Moved Cr O'Brien Seconded Cr Gray

- a) That Council appoint Cheryl Cooper as a community member to the Community Wellbeing Advisory Committee; and
- b) That the amended Terms of Reference, incorporating the committee composition, be endorsed.

The Motion on being put to the vote was CARRIED.

ADOPTION BY EXCEPTION RESOLUTION

170/18 Moved Cr Robinson Seconded Cr Gray

That the recommendations for Items 13.1, 13.2, 13.3, 13.4, 16.1 and 16.2 be adopted.

The Motion on being put to the vote was CARRIED.

13. REPORTS FOR INFORMATION

13.1 FOR INFORMATION: Cash & Investment Report For July 2018

Ref: AINT/2018/17221 (ARC18/2774)

171/18 That Council note the Cash and Investment Report, as at 31 July 2018, reporting investments held of \$57,153,868.45 and a consolidated Bank Account balance of \$5,858,188.58, excluding the Trust Fund.

13.2 FOR INFORMATION: Monthly Financial Report July 2018

Ref: AINT/2018/17357 (ARC17/2467)

172/18 That Council note the Monthly Financial Report for July 2018.

**13.3 FOR INFORMATION: Procurement - Acceptance of Tenders Under CEO
Delegated Authority as at 30 June 2018**

Ref: AINT/2018/15275 (ARC17/2016)

173/18 That Council note the report on the acceptance of tenders, under the CEO delegated authority to accept tenders with a contract value of up to \$500,000, up to 30 June 2018.

13.4 FOR INFORMATION: Duval High School - Lease of Council land for off street parking and agriculture *Ref: AINT/2018/16602 (ARC18/2593)*

174/18 That the report be received and noted.

14. REQUESTS FOR LEAVE OF ABSENCE - NIL

15. AUTHORITY TO AFFIX COUNCIL SEAL - NIL

16. COMMITTEE REPORTS

16.1 FOR INFORMATION: Minutes - Environmental Sustainability Advisory Committee - 18 June 2018 *Ref: AINT/2018/15952 (ARC16/0864)*

175/18 That Council note the Minutes of the Environmental Sustainability Committee meeting held on 18 June 2018, as there were no Committee recommendations that require a Council decision.

16.2 FOR INFORMATION: Minutes - Regional Growth Advisory Committee - 12 July 2018 *Ref: AINT/2018/15998 (ARC16/0169)*

176/18 That Council note the Minutes of the Regional Growth Advisory Committee meeting held on 12 July 2018, as there were no committee recommendations that require a council decision.

16.3 FOR DECISION: Minutes - Business Advisory Committee - 1 August 2018 *Ref: AINT/2018/16540 (ARC17/2172)*

177/18 Moved Cr Gray Seconded Cr Martin

- (a) That the Minutes of the Business Advisory Committee meeting held on 1 August 2018 be noted;
- (b) That the new Mall design be placed on public display for 3 weeks and that feedback be referred to the Mall Reference Group for review;
- (c) That the Committee composition be broadened to include representatives from the Mall Reference Group, being Michelle Wheatley and Craig Ritchie (Mall Traders), Chris Jordan (Police) and Peta Light (Disability) and also Aileen MacDonald (Renew Armidale); and
- (d) That the Terms of Reference – Committee Composition be amended accordingly.

The Motion on being put to the vote was CARRIED.

17. MATTERS OF AN URGENT NATURE - NIL

18. QUESTIONS ON NOTICE - NIL

PROCEDURAL MOTION

178/18 Moved Cr Martin Seconded Cr Galletly

That the meeting be adjourned for a short recess at 4.25pm.

The Motion on being put to the vote was CARRIED.

PROCEDURAL MOTION

179/18 Moved Cr Murat Seconded Cr Bailey

That the meeting be resumed at 4.35pm.

The Motion on being put to the vote was CARRIED.

PROCEDURAL MOTION

180/18 Moved Cr Robinson Seconded Cr Murat

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

19.1 FOR DECISION: Request for Rate Exemption and Write Off Arrears on Vacant Land. (AINT/2018/17510) - *As this report deals with the personal hardship of any resident or ratepayer (Section 10A(2)(b) 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.*

19.2 FOR DECISION: Quarterly Water Adjustment Report. (AINT/2018/16734) - *As this report deals with the personal hardship of any resident or ratepayer (Section 10A(2)(b) 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: Sale Of Land For Unpaid Rates - Setting Of Reserve Values For Sale. (AINT/2018/17470) - *As this report deals with the personal hardship of any resident or ratepayer (Section 10A(2)(b) 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.*

19.4 FOR DECISION: Hardship Application and Rate Relief to Aid Application for Possessory Title. (AINT/2018/14957) - *As this report deals with the personal hardship of any resident or ratepayer (Section 10A(2)(b) 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.*

19.5 FOR DECISION: Tenders for Airport Roundabout Concrete Works including Supply and Construction. (AINT/2018/17106) - *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.**

The Motion on being put to the vote was CARRIED.

Council entered Closed Session at 4.40pm.

Council returned to Open Session at 4:57pm.

OPEN SESSION

181/18 **Moved Cr Gray** **Seconded Cr Murat**

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: Request for Rate Exemption and Write Off Arrears on Vacant Land** *Ref: AINT/2018/17510 (ARC18/2692)*

182/18

- a) **That a rate exemption be granted to Mrangalli Aboriginal Corporation, under Section 556 (1)(h) of the Local Government Act 1993, for Vacant Land and Buildings;**
- b) **That Mrangalli Aboriginal Corporation be granted exemption from Water Supply and Sewer Supply Special Rates, under Section 558 (1)(c) of the Local Government Act 1993, for Vacant Land and Buildings; and**
- c) **That Council write off all arrears for the two (2) vacant properties.**

19.2 FOR DECISION: Quarterly Water Adjustment Report *Ref: AINT/2018/16734 (ARC16/0193)*

183/18 That Council note the report detailing water adjustments, made under the provisions of the Water Account Adjustment Management Policy, for the June quarter, totalling \$5544.69.

19.3 FOR DECISION: Sale Of Land For Unpaid Rates - Setting Of Reserve Values For Sale *Ref: AINT/2018/17470 (ARC18/2692)*

- 184/18
- a) That the CEO be authorised to bid on Council's behalf for the 9 properties listed in the report; and
 - b) That Council agree to the removal of the Tingha properties, as listed in the report, from the sale.

19.4 FOR DECISION: Hardship Application and Rate Relief to Aid Application for Possessory Title *Ref: AINT/2018/14957 (ARC16/0176-3)*

185/18 That Council write off the interest arrears totalling \$1,016.64 for the subject property.

19.5 FOR DECISION: Tenders for Airport Roundabout Concrete Works including Supply and Construction *Ref: AINT/2018/17106 (ARC18/2757)*

- 186/18
- a) That all tenders (being one) be rejected due to non-conformance;
 - b) That the tender of Boral Resources (Country) Pty Ltd for the supply only of concrete for the Airport Roundabout in an amount of \$576,985.20 be negotiated as per Local Government Regulation 2005 Clause 178(3e) as pricing was deemed reasonable; and
 - c) That having received no tenders for the construction part of the concrete works at the Airport Roundabout, Council's Chief Executive Officer be authorised to enter into direct negotiations with alternative contractors to carry out the work in accordance with Local Government Regulation 2005 Clause 178(3e).

There being no further business the Mayor declared the meeting closed at 4:59pm.