



ORDINARY MEETING OF COUNCIL

Held on

Wednesday, 22 May 2019
4pm

at

Guyra Council Chambers

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

IN ATTENDANCE: Ms Susan Law (Chief Executive Officer), Ms Kim Bryan (Acting Director Organisational Services and Transformation), Mr Mark Piorkowski (Director Operations), 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 Krista Schmidt (Service Leader Community and Customer Services), Mr Phillip Perram (Service Leader Business Units) 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
Cr Gray is an apology.

MOTION

93/19

Moved Cr Widders Seconded Cr Murat

That Cr Gray's apology be accepted.

The motion on being put to the vote was CARRIED.

4. DISCLOSURE AND DECLARATION OF INTERESTS

Name	Item	Nature of Interest	Reason/Intended Action
Clr Tiley	10.1	<input type="checkbox"/> Pecuniary <input type="checkbox"/> Non Pecuniary – Significant Conflict <input checked="" type="checkbox"/> Non Pecuniary – Non Significant Conflict	Reason: Was involved in the formation of Evocities. Intended action: Remain in the Chamber

5. HAVE YOUR SAY
Rev. Andrew Coburn - Armidale District Baptist Church spoke on item 9.1 FOR DECISION: Code of Meeting Practice - Submissions Received.

6. CONFIRMATION OF MINUTES

CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 24 APRIL 2019 AND MINUTES OF THE EXTRAORDINARY COUNCIL MEETING HELD ON 15 MAY 2019

94/19

Moved Cr Widders 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 INFORMATION - The Drought

Ref: AINT/2019/11189 (ARC19/3212)

95/19

Moved Cr Murray Seconded Cr Murat

That the Mayoral Minute on the drought be noted.

The Motion on being put to the vote was CARRIED.

8. NOTICES OF MOTION

8.1 FOR DECISION: Community Meetings for Draft 2019/20 Budget

Ref: AINT/2019/10687 (ARC16/0025)

Moved Cr O'Connor

Seconded Cr Robinson

That Council hold two community meetings during the draft 19/20 budget period of exhibition: one in Armidale and the other in Guyra so that the community can be properly engaged in the budget process.

The Motion on being put was LOST on the casting vote of the Chairperson.

Cr O'Connor and Cr Robinson requested that their votes for the motion be recorded.

8.2 FOR DECISION: Grant projects in 2019/20 Operational Plan and Budget

Ref: AINT/2019/10694 (ARC16/0025)

MOTION

That in respect of all projects for which Council holds grants they be included in the 2019/2020 operational plan and budget and if necessary Council go to contract to ensure completion of those projects.

The motion was withdrawn.

8.3 FOR DECISION: Public Exhibition of Civic Prayer (Code of Meeting Practice)

Ref: AINT/2019/10702 (ARC16/0025)

MOTION

That in relation to the Civic Prayer component of the Code of Meeting Practice, Council extend the consultation period for a further 28 days with appropriate " Have your Say and other searchability of the topic " Civic Prayer" on Council's website so that the community has the opportunity to find the topic and respond to it if they wish, and in this regard, that part of the Code of Meeting Practice item be deferred until the Ordinary Council Meeting in July 2019.

The motion was withdrawn.

8.4 FOR DECISION: Dates for Public Submissions *Ref: AINT/2019/10713 (ARC16/0025)*

96/19

Moved Cr Robinson Seconded Cr O'Brien

That, unless council intends to process public submissions over the weekend after 5pm on Friday, the deadline for public submissions is extended to 8:30 am the following Monday.

The Motion on being put to the vote was CARRIED.

8.5 FOR DECISION: Public Meeting: Budget Proposals *Ref: AINT/2019/10714 (ARC16/0025)*

That council holds a public meeting on the budget proposals.

The motion was withdrawn.

9. REPORTS FOR DECISION - LEADERSHIP FOR THE REGION

9.1 FOR DECISION: Code of Meeting Practice - Submissions Received

Ref: AINT/2019/09393 (ARC16/0620)

97/19

Moved Cr Widders Seconded Cr O'Brien

- (a) That the submissions on the Code of Meeting Practice be noted; and
- (b) That the Code of Meeting Practice be adopted.

AMENDMENT

Moved Cr Robinson

- (a) That the submissions on the Code of Meeting Practice be noted; and
- (b) That the Code of Meeting Practice be adopted with the Civic Affirmation to be adopted as "Let our consciences, and religious faith guide our knowledge and judgement, and help us make fair and wise decisions on behalf of our community.

The amendment lapsed as there was no seconder.

AMENDMENT

Moved Cr Tiley Seconded Cr O'Connor

- a) That the submissions on the Code of Meeting Practice be noted; and
- (b) That the Code of Meeting Practice be adopted with the exception that the existing civic prayer be retained.

Cr Widders reserved a right of reply to the amendment and the original motion. Cr Murray confirmed the right was reserved.

MOTION OF DISSENT

Moved Cr Bailey Seconded Cr Tiley

Dissent from Cr Murray's ruling that a right of reply was reserved on the amendment and the motion.

The motion on being put to the vote was LOST.

The amendment on being put to the vote was LOST.

AMENDMENT

Moved Cr O'Connor

- a) That the submissions on the Code of Meeting Practice be noted; and
- (b) That the Code of Meeting Practice be adopted with the exception that the existing civic prayer be retained and that further consultation occur with representatives of other faith groups in the community to settle on a faith inclusive prayer.

The amendment lapsed as there was no seconder.

PROCEDURAL MOTION

Moved Cr Bailey Seconded Cr Tiley

That motion 9.1 FOR DECISION: Code of Meeting Practice - Submissions Received be put without further debate.

The motion on being put to the vote was CARRIED.

MOTION

- (a) That the submissions on the Code of Meeting Practice be noted; and
- (b) That the Code of Meeting Practice be adopted.

The motion on being put to the vote was CARRIED on the casting vote of the Chair.

9.2 FOR DECISION: 2018/19 Third Quarter Budget Review

Ref: AINT/2019/10580 (ARC18/2703)

98/19

Moved Cr Widders Seconded Cr Martin

- a) That Council note the 2018/19 Third Quarter Budget Review.
- b) That Council resolve to amend the 2018/19 budget in accordance with the Quarterly Budget Review Statement for the period 1 January 2019 to 31 March 2019 tabled at the attachment.

The Motion on being put to the vote was CARRIED.

The CEO took a question on notice from Cr Tiley - At the end of June 2020 are we projecting \$7.1m in unrestricted cash or \$6.3m in unrestricted cash and internal reserves?

The CEO took a question on notice from Cr Tiley – Please advise and provide documentation of where Council was reported as being in the bottom 10 councils in NSW for unrestricted cash and internal reserves in the 2017-18 financial year.

The CEO took a question on notice from Cr Tiley - How was the Council deficit (predicted as being \$3.8m at the start of the financial year, then revised to \$2.5m following carry forward of unspent grant funds) pruned down to Council now being in surplus. What main factors achieved that surplus and where has reduction in expenditure taken place.

The CEO took a question on notice from Cr Robinson - Unrestricted cash at 30 June is forecast to be \$5.9m. The Office of Local Government financial indicators use a different measure of unrestricted cash which ignores internal restrictions. This measure takes the prediction to roughly \$10m. Would using the official definition of unrestricted cash which excludes internal restrictions be an appropriate method of measuring unrestricted cash?

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

10.1 FOR DECISION: Evocities

Ref: AINT/2019/10131 (ARC16/1035-2)

99/19

Moved Cr Bailey

Seconded Cr Murat

- a) That the Regional Growth Advisory Committee (RGAC) report is noted.
- b) That Council adopts the recommendation of the RGAC to withdraw from the Evocities program.
- c) That as part of the budgeting process, staff prepare a report for Council's consideration that provides potential options for the funding.

The Motion on being put to the vote was CARRIED.

11. REPORTS FOR DECISION - ENVIRONMENT AND INFRASTRUCTURE

11.1 FOR DECISION: Planning Proposal for Draft Amendment No. 14 to Armidale Dumaresq LEP 2012

Ref: AINT/2019/10004 (ARC16/1049)

100/19

Moved Cr Murat

Seconded Cr Robinson

- a) That Planning Proposal No. 14 to amend Armidale Dumaresq Local Environmental Plan 2012 – which proposes to reclassify Lot 101 DP 1237922 (86 Dangar Street, Armidale) from community land to operational land – be forwarded to the Department of Planning and Environment with a request for a Gateway Determination, in accordance with section 3.34 of the *Environmental Planning and Assessment Act 1979*.
- b) That, subject to Gateway Determination, a further report is to be provided to Council following public exhibition of Planning Proposal No. 14 to amend Armidale Dumaresq Local Environmental Plan 2012.
- c) That the Armidale Ex Services Memorial Club be advised of Council's resolution.

The Motion on being put to the vote was CARRIED.

12. REPORTS FOR DECISION - OUR PEOPLE AND COMMUNITY

12.1 FOR DECISION: Adoption - Plan of Management - Kolora Aged Care Site

Ref: AINT/2019/09771 (ARC19/3138)

101/19

Moved Cr Murat

Seconded Cr Martin

That Council Adopt the Plan of Management – Kolora Aged Care Site as exhibited.

The Motion on being put to the vote was CARRIED.

MOTION

102/19

Moved Cr Murat

Seconded Cr Widders

That items 13.1, 13.2, 13.4 and 13.5 be considered in globo.

The Motion on being put to the vote was CARRIED.

13. REPORTS FOR INFORMATION

13.1 FOR INFORMATION: Cash & Investment Report for April 2019

Ref: AINT/2019/10572 (ARC16/0001-3)

103/19

Moved Cr Murat

Seconded Cr Widders

That Council note the Cash and Investment Report, as at 30 April 2019, reporting investments held of \$70,111,883 and a consolidated Bank Account of \$413.88, excluding the Trust Fund.

The Motion on being put to the vote was CARRIED.

13.2 FOR INFORMATION: Monthly Financial Report April 2019

Ref: AINT/2019/10582 (ARC16/0488)

104/19

Moved Cr Murat

Seconded Cr Widders

That Council note the Monthly Financial Report for April 2019.

The Motion on being put to the vote was CARRIED.

**13.3 FOR INFORMATION: Introduction of the Medium Density Housing Code by the
Department of Planning**

Ref: AINT/2019/09460 (ARC16/0801)

105/19

Moved Cr Tiley

Seconded Cr Murat

That Council notes the report on the Department of Planning's introduction of the Medium Density Housing Code and that council staff be requested to convey to the department any issues or concerns where council's local planning regime may be at variance with the proposed SEPP.

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

13.4 FOR INFORMATION: Expression of Interest for Code of Conduct Panel

Ref: AINT/2019/09288 (ARC16/0617)

106/19

Moved Cr Murat

Seconded Cr Widders

That the report on the Code of Conduct Review Panel be noted.

The Motion on being put to the vote was CARRIED.

13.5 FOR INFORMATION: Summary of Resolutions of Council November 2018 - April 2019

Ref: AINT/2019/10207 (ARC17/1962)

107/19

Moved Cr Murat

Seconded Cr Widders

That the report outlining resolutions of Council from November 2018 to April 2019 and actions carried out be noted.

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

MOTION

108/19

Moved Cr Bailey

Seconded Cr Tiley

That items 16.1, 16.2 and 16.3 be considered in globo.

The Motion on being put to the vote was CARRIED.

16.1 FOR DECISION: Minutes - Regional Growth Advisory Committee 11 April 2019

Ref: AINT/2019/10450 (ARC16/0169)

109/19

Moved Cr Bailey

Seconded Cr Tiley

That the Minutes of the Regional Growth Advisory Committee meeting held on 11 April 2019 be endorsed.

- a) **That the commitment to the Evocities program be withdrawn.**
- b) **That Economic Development Department presents to the Committee a report providing options and costings for promoting the Armidale Region, with specific outcomes and how to make best use of budget allocation commitment of \$80k.'**
- c) **That Council consider the stand alone Evocities report.**

That Council note the following recommendation was made by the Committee.

- d) **That Council consider continuing with the prior budget allocation commitment for Evocities and investing it in a Regional Marketing Campaign for Armidale LGA.**

Management Comment

Council note the Committees recommendation to withdraw from the Evocities program and repurpose the proposed funding for next financial year is contingent on Council's support and agreement.

The Motion on being put to the vote was CARRIED.

**16.2 FOR INFORMATION: Minutes - Armidale Regional Aboriginal Advisory
Committee - 24 April 2019**

Ref: AINT/2019/10083 (ARC16/0605)

110/19

Moved Cr Bailey

Seconded Cr Tiley

That the Minutes of the Armidale Regional Aboriginal Advisory Committee meeting held on Wednesday 24 April 2019 be noted.

The Motion on being put to the vote was CARRIED.

16.3 FOR DECISION - Minutes - Traffic Advisory Committee 7 May 2019

Ref: AINT/2019/10260 (ARC16/0168)

111/19

Moved Cr Bailey

Seconded Cr Tiley

- a) **That the Minutes of the Traffic Advisory Committee meeting held on 7 May 2019 be noted and endorsed.**
- b) **That Guideposts be installed to delineate a number of substandard curves on the unsealed section of Donald Road.**
- c) **That Guideposts be installed on Donald Road at a narrow section of road where the trees encroach within a metre of the edge of the road.**
- d) **That the signage for the Rifle Range identifying the hidden driveway be referred to RMS for approval.**
- e) **That the two end bays opposite W23 & W22 (Agronomy) on Trevenna Road, be converted to "No Parking" providing a drop off and pick up zone.**
- f) **That Chevron Alignment Markers (CAMS) be installed on Dumaresq Dam Road at identified road sections.**
- g) **That line marking be installed on Dumaresq Dam Road along the winding section starting approximately 1.8km from Boorolong Road, for an approximate length of 2km.**
- h) **That line marking be installed on Dumaresq Dam Road on the approach to the Boorolong Road intersection, for an approximate length of 400m and associated guideposts be installed.**

The Motion on being put to the vote was CARRIED.

17. MATTERS OF AN URGENT NATURE - NIL

18. QUESTIONS ON NOTICE

PROCEDURAL MOTION

112/19 **Moved Cr Widders** **Seconded Cr Robinson**

- a) **That Council move into closed Session to receive and consider the following items:**
- 19.1 FOR DECISION: Guyra Kerbside collection contract. (AINT/2019/09516) - *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.**
- 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 6:03pm.

Council returned to Open Session at 6:03pm.

RESUMPTION OF MEETING

113/19 **Moved Cr Widders** **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: Guyra Kerbside collection contract Ref: AINT/2019/09516 (ARC16/1241)

114/19

That Council adopts the exemption to tender as per LGAct93 Section 55 (3), amending contract 2011/03 to include the Agreement for the Operation of the Kerbside Collection of Recyclables – Guyra and allowing delegated authority to the CEO for amendment of contract 2011/03 for Provision of Recyclables Collection and Processing Services for Armidale.

The Motion on being put to the vote was CARRIED.

There being no further business the Mayor declared the meeting closed at 6:04pm.