



ORDINARY MEETING OF COUNCIL

Held on

Wednesday, 23 February 2022
4pm

at

Armidale Council Chambers

PRESENT: Councillor Sam Coupland (Mayor), Councillor Todd Redwood (Deputy Mayor), Councillor Paul Gaddes, Councillor Jon Galletly, Councillor Susan McMichael, Councillor Steven Mephram, Councillor Debra O'Brien, Councillor Margaret O'Connor, Councillor Paul Packham, Councillor Dorothy Robinson and Councillor Bradley Widders.

IN ATTENDANCE: Mr James Roncon (General Manager), Mr Darren Schaefer (Acting Chief Officer Corporate and Strategy), Mr Daniel Boyce (Chief Officer Sustainable Development), Mr Alex Manners (Chief Officer Assets and Services), Ms Kelly Stidworthy (Manager Financial Services), Ms Jessica Bower (Executive Officer) and Ms Melissa Houlton (Executive Officer).

MINUTES

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15. CLOSED SESSION

- 15.1 Request for Quote (RFQ) A2021/35 Waterfall Way Heavy Patching Program 21-2212
(General Manager's Note: The report considers a quotation and is deemed confidential under Section 10A(2)(d) of the *Local Government Act 1993*, as it deals with commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the Council; or (iii) reveal a trade secret).
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(General Manager's Note: The report considers analysis of tenders received and is deemed confidential under Section 10A(2)(c) of the *Local Government Act 1993*, as it 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).
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1. CIVIC AFFIRMATION AND ACKNOWLEDGEMENT OF COUNTRY

Cr O'Brien delivered the Civic Affirmation and the Deputy Mayor delivered the Acknowledgment to Country.

2. STATEMENT IN RELATION TO LIVE STREAMING OF COUNCIL MEETINGS

The General Manager delivered the statement.

3. APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE BY COUNCILLORS - NIL

4. DISCLOSURES OF INTEREST

Name	Item	Nature of Interest	Reason/Intended Action
Clr McMichael	11.2	<input type="checkbox"/> Pecuniary <input type="checkbox"/> Non Pecuniary – Significant Conflict <input checked="" type="checkbox"/> Non Pecuniary – Non Significant Conflict	Reason: General Member of the Armidale Neighbourhood Centre Board. Intended action: Remain in the Chamber

5. CONFIRMATION OF MINUTES

5.1 Confirmation of the Minutes of the Ordinary Council Meeting held on 27 January 2022

Ref: AINT/2022/02380 (ARC16/0001-7)

36/22

RESOLVED

That the Minutes of the Ordinary Council meeting held on 27 January 2022 be taken as read and accepted as a true record of the Meeting.

Moved Cr Galletly

Seconded Cr Gaddes

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

6. MAYORAL MINUTE - NIL

7. NOTICES OF MOTION - NIL

PROCEDURAL MOTION

37/22

Moved Cr O'Brien

Seconded Cr Robinson

That Item 9.1 be the first item of business considered.

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

9.1 New England Rail Trail Community Engagement *Ref: AINT/2021/29232 (ARC16/0085)*

MOTION

That Council:

- a. note the Community Engagement Report.
- b. note the key concerns raised during the community engagement sessions.
- c. provide due consideration to concerns raised by landholders prior and during construction of the New England Rail Trail.
- d. give due consideration to other uses of the corridor.

Moved Cr O'Brien

Seconded Cr O'Connor

FOR: Cr McMichael, Cr Robinson, Cr Gaddes, Cr O'Brien and O'Connor.

AGAINST: Cr Widders, Cr Galletly, Cr Mepham, Cr Redwood, Cr Packham and Mayor Coupland.

The Motion on being put to the vote was LOST.

38/22

RESOLVED

That Council:

- a. note the Community Engagement Report.
- b. note the key concerns raised during the community engagement sessions.
- c. provide due consideration to concerns raised by landholders prior and during construction of the New England Rail Trail.
- d. that Council ensure the project is cost neutral to ratepayers.

Moved Cr Packham

Seconded Cr O'Connor

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

8. LEADERSHIP FOR THE REGION

8.1 Appointment of Council Nominated Members for the Regional Planning Panel

Ref: AINT/2022/01485 (ARC16/0025-6)

39/22

RESOLVED

- a. That Council nominate the Mayor and Deputy Mayor as its two representatives to the Regional Planning Panel.
- b. That Councillors Packham and Mepham be nominated as the two alternate members to the Regional Planning Panel.

Moved Cr Widders Seconder Cr McMichael

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

8.2 Integrated Planning and Reporting - Delivery Program 2018-2022 and Operational Plan 2021-2022 Progress Report - July to December 2021

Ref: AINT/2022/03364 (ARC20/4344)

40/22

RESOLVED

That Council note the Delivery Program 2018-2022 and Operational Plan 2021-2022 Progress Report for the period July – December 2021.

Moved Cr Robinson Seconded Cr Widders

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

8.3 Community Engagement Strategy - For Adoption (Post public exhibition)

Ref: AINT/2022/03431 (ARC18/2591)

41/22

RESOLVED

That Council

- a. Receive and note the submissions contained in the report on the draft Community Engagement Strategy
- b. Adopt the draft Community Engagement Strategy, including the amendments made following the review by council staff of the feedback contained in the submissions

Moved Cr Widders Seconded Cr O'Connor

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

8.4 Council Actions Report January 2022

Ref: AINT/2022/02381 (ARC16/0001-7)

42/22

RESOLVED

That Council notes the report summarising the actions taken on the resolutions of Council.

Moved Cr Widders Seconded Cr Galletly

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

8.5 Public Exhibition of Civic and Ceremonial Function and Representation Policy

Ref: AINT/2022/06302 (ARC16/0025-6)

43/22

RESOLVED

That Council endorse the draft Civic and Ceremonial Functions and Representation Policy, and place it on public exhibition for comment for a period of 28 days.

Moved Cr Gaddes Seconded Cr Redwood

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

9. GROWTH, PROSPERITY AND ECONOMIC DEVELOPMENT

9.2 The Armidale Autumn Festival

Ref: AINT/2022/03419 (ARC16/0575-3)

44/22

RESOLVED

That Council support the recommended changes to the traditional format of the Armidale Autumn Festival, broadly summarised as:

- a. holding it in the Beardy Street Mall to assist with CBD activation and utilise (unveil) the new stage
- b. retain the name Armidale Autumn Festival.

Moved Cr Robinson

Seconded Cr Widders

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

9.3 2021-2022 Second Quarter Budget Review

Ref: AINT/2022/01527 (ARC20/4361)

45/22

RESOLVED

That Council:

- a. Note the 2021-2022 Second Quarter Budget Review.
- b. Note the proposed revised 2021-2022 budget produces an operating surplus of \$3.1 million on a consolidated basis and an unrestricted cash forecast of \$3.5 million.
- c. Note the proposed reduction in capital expenditure from \$66m to \$47m as a result of the budget review and that this may require further overall downward amendment at the next budget review due to range of impacts on the organisation, such as natural disasters and Covid, that has impacted on project resourcing.
- d. Resolve to amend the 2021-2022 budget in accordance with the Quarterly Budget Review Statement for the period 1 October 2021 to 31 December 2021 tabled at the attachment.

Moved Cr O'Connor

Seconded Cr Gaddes

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

9.4 2021-2022 Loan Approval

Ref: AINT/2022/02952 (ARC20/4311)

46/22

RESOLVED

That Council:

- a. Funding contribution from ARC for the Dumaresq Dam Wall Upgrade be sourced from the Water Fund not via borrowed funds.
- b. Councillors receive more detailed briefing in relation to the funding options for the Puddledock Dam Raw Water Main Upgrade.
- c. Financial Services Department explore and report on refinancing options for all council term loans.
- d. That the briefings include long term outlook in improving revenue in the water fund.

Moved Cr Gaddes

Seconded Cr Robinson

FOR: Mayor Coupland, Cr Gaddes, Cr Galletly, Cr McMichael, Mc Mepham, Cr O'Connor, Cr Packham, Cr Redwood, Cr Robinson and Cr Widders.

AGAINST: Cr O'Brien

The Motion on being put to the vote was CARRIED.

9.5 Cash and Investment Report 31 January 2022 *Ref: AINT/2022/03756 (ARC16/0001-7)*

47/22

RESOLVED

That Council:

- a. Note the Cash and Investment Report for January 2022.
- b. Note the updated Expected 2022 Year-end cash forecast included in the report as per Council meeting minute 22/22.

Moved Cr Galletly

Seconded Cr Robinson

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

10. ENVIRONMENT AND INFRASTRUCTURE

10.1 Armidale Regional Local Environmental Plan – Consideration of Submissions

Received and Request to Prepare a Draft LEP *Ref: AINT/2021/44634 (ARC16/0030-3)*

48/22

RESOLVED

That Council:

- a. Endorse the proposed updates to the ARLEP Planning Proposal arising from agency and community consultation, including Option 2 for Key Issue A, and forward to the Department of Planning Industry & Environment for finalisation of the LEP.
- b. Delegate to the General Manager the authority to make any minor amendments to the PP required by Department of Planning Industry & Environment/Parliamentary Counsel/other authority in order to finalise the LEP, that do not impact on the intent of the endorsed Planning Proposal.
- c. Note the submission from the owners of Lot 1 DP 597896, 502 Dumaresq Dam Road and commit to revisiting this matter as part of the first review of the Armidale Regional Local Environmental Plan.

Moved Cr Galletly

Seconded Cr Redwood

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

10.2 Local Strategic Planning Statement - Status Report *Ref: AINT/2021/44631 (ARC19/3364)*

49/22

RESOLVED

That Council receive and note this report in relation to Local Strategic Planning Statement.

Moved Cr O'Connor

Seconded Cr Robinson

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

11. OUR PEOPLE AND COMMUNITY

11.1 Transfer of remaining funds from the Library Deductible Gift Recipient Fund

Ref: AINT/2022/01371 (ARC20/4249)

50/22

RESOLVED

That Council approve the transfer of \$14,291.13 currently being held in trust in the Library Deductible Gift Recipient Fund, to the operating account of the Library for the purchase of a compactus shelving unit.

Moved Cr O'Connor

Seconded Cr McMichael

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

11.2 Public Exhibition of the Community Grants and Sponsorship Policy

Ref: AINT/2022/05820 (ARC17/2360)

51/22

RESOLVED

That Council:

- a. Endorse the Community Grants and Sponsorship Policy for public exhibition for a period of 28 days.
- b. Receive a further report at the conclusion of the exhibition period.

Moved Cr Widders

Seconded Cr Robinson

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

11.3 Community Plan - Key Pillar Working Groups

Ref: AINT/2022/06301 (ARC16/0025-6)

52/22

RESOLVED

That Council:

- a. That Council pilots 'Community Plan – Key Pillar Working Groups' for a period of 18 months with formal progress to be reported to Council on a six monthly cycle in line with the Community Plan reporting requirements and ensure flexibility to add additional pillars as required.
- b. By June 2022 Council establish a 'Community Plan Roundtable' to meet quarterly and be

- the reporting line for the Key Pillar Working Groups, with invitations to be extended to relevant community groups and individuals to be part of the Roundtable process.
- c. The Mayor and General Manager liaise with individual Councillors to establish specific Councillor interest in KPWG membership and a report be presented to the March 2022 Ordinary Meeting of Council confirming such.
 - d. That Council be represented as follows on statutory and other committees:
 - Local Area Traffic Committee – Cr McMichael
 - New England Weeds Authority – Crs O’Connor, Packham and Robinson
 - Armidale Regional Sports Council – Cr Galletly
 - New England Bushfire Committee – Cr Mepham
 - General Manager’s Performance Review Committee – Mayor, Deputy Mayor, Cr O’Brien and one other Councillor (as nominated by the General Manager).
 - e. That as other opportunities or invitations to committees present, the Mayor determine representation and report back to Council at the next available opportunity.

Moved Cr Robinson

Seconded Cr O’Brien

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

12. COMMITTEE REPORTS

12.1 Audit, Risk and Improvement Committee - Minutes of Meetings held 14 September 2021 and 16 November 2021.

Ref: AINT/2022/01459 (ARC21/4508)

53/22

RESOLVED

That Council note the Minutes of the ARIC meetings held on 14 September 2021 and 16 November 2021.

Moved Cr Packham

Seconded Cr O’Connor

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

12.2 Traffic Advisory Committee - Minutes of the meeting held 1 February 2022

Ref: AINT/2022/02648 (ARC16/0168-7)

54/22

RESOLVED

That:

- a. Council endorse the Traffic Advisory Committee’s resolution, that the temporary road closure of Canambe Street between Dumaresq and Kirkwood Street for the Armidale & New England Show from 6pm Thursday 3 March until 10pm on Sunday 6 March 2022, be endorsed with the recommendation that the applicants:
 - i. Complete a risk assessment is conducted at the road closure sites to ensure the safety of pedestrians / officials and the permanency of the barriers used for the road closures

- ii. Prevent unauthorised vehicles entering the site at these locations
 - iii. Post qualified officials at those sites where the barriers for the road closures need to be adjusted to allow the movement of vehicles.
- b. Council endorse the Traffic Advisory Committee's resolution, that the current Give Way sign at the intersection of Post Way and Old Gostwyck Road be replaced with a "Stop" sign and the associated line markings complying with TfNSW standards.
- c. Council endorse the Traffic Advisory Committee's resolution, that the current Give Way sign at the intersection of Lagoon Road/Bradley Street with Sandon Street Guyra be replaced with a "Stop" sign and the associated line markings complying with TfNSW standards.
- d. Council endorse the Traffic Advisory Committee's resolution, that Council deny the request to install a disability parking space in a quiet residential area that has no known history of parking issues.

Moved Cr Robinson

Seconded Cr Redwood

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

13. MATTERS OF AN URGENT NATURE - NIL

14. QUESTIONS ON NOTICE - NIL

PROCEDURAL MOTION

55/22

RESOLVED

- a. That Council move into closed Session to receive and consider the following items:
- 15.1 Request for Quote (RFQ) A2021/35 Waterfall Way Heavy Patching Program 21-22. (AINT/2022/01077) - ***(General Manager's Note: The report considers a quotation and is deemed confidential under Section 10A(2)(d) of the Local Government Act 1993, as it deals with commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the Council; or (iii) reveal a trade secret).***
- 15.2 Engagement of Contractor - Puddledock Raw Water Transfer Augmentation. (AINT/2022/05454) - ***(General Manager's Note: The report considers analysis of tenders received and is deemed confidential under Section 10A(2)(c) of the Local Government Act 1993, as it 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).***
- 15.3 Engagement of GHD Pty Ltd - Provision of Engineering and Geotechnical Services for Kempsey Road Projects. (AINT/2022/05712) - ***(General Manager's Note: The report considers a tender and is deemed confidential under Section 10A(2)(d) of the Local Government Act 1993, as it deals with commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it;***

or (ii) confer a commercial advantage on a competitor of the Council; or (iii) reveal a trade secret).

- 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.

Moved Cr O'Connor

Seconded Cr Robinson

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

Council entered Closed Session at 6:10pm.

Council returned to Open Session at 6:15pm.

RESUMPTION OF MEETING

56/22

RESOLVED:

That Council move into open Session and the resolutions of the closed Session be made public.

Moved Cr Robinson

Seconded Cr Gaddes

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

15. CLOSED SESSION

15.1 Request for Quote (RFQ) A2021/35 Waterfall Way Heavy Patching Program 21-

22

Ref: AINT/2022/01077 (ARC21/4870)

57/22

RESOLVED

That Council;

- a. Accept the quotation submitted by Stabilcorp Pty Ltd for \$387,410.26 Excl. GST for Heavy Patching Works on Waterfall Way.
- b. Delegate authority to the General Manager to approve expenditure for the project and contractor up to the upper limit of \$330,000 excl. GST available for the project as provided by TfNSW.
- c. Delegate authority to the General Manager to execute all documents in relation to the contract.

Moved Cr Galletly

Seconded Cr Redwood

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

15.2 Engagement of Contractor - Puddledock Raw Water Transfer Augmentation

Ref: AINT/2022/05454 (ARC21/4863)

58/22

RESOLVED

That Council;

- a. Accept the tender submitted by Leed Construction and Engineering of \$10,547,750 Inc. GST (\$9,588,864 Excl GST) for the construction of a 450mm diameter raw water supply pipeline and pumping station.
- b. Delegate authority to the General Manager to approve expenditure up to the upper funding limit of \$11,541,000 exc. GST (\$12,695,100 Inc GST) available for the project as approved and within the terms of the Restart NSW funding deed.
- c. Delegate authority to the General Manager to execute all documents in relation to the Contract.

Moved Cr McMichael

Seconded Cr Robinson

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

15.3 Engagement of GHD Pty Ltd - Provision of Engineering and Geotechnical Services for Kempsey Road Projects

Ref: AINT/2022/05712 (ARC20/3770)

59/22

RESOLVED

That Council:

- a. Endorse the Procurement Strategy for further utilisation as and when required by Council's Kempsey Road Project Team of the Kempsey Shire Council's arrangement with GHD Pty Ltd under RFT TQE 21/18 "Provision of Project Management and Engineering Services 2021" for the period of the contract to its expiry on 31 July 2024, or alternatively to the extended contract expiry date.
- b. Delegate authority to the General Manager to authorise expenditure under the contract to an upper limit of \$1,461,650 excluding GST (\$1,607,815 including GST) that is available for the project as approved by the Adminstrating Agency Transport for NSW (TfNSW).
- c. Delegate authority to the General Manager to approve variations up to the upper limit funding for any additional works carried out by GHD under the contract.

Moved Cr O'Connor

Seconded Cr Gaddes

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

There being no further business the Mayor declared the meeting closed at 6:15pm