



ORDINARY MEETING OF COUNCIL

Held on

Wednesday, 24 April 2019

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, Councillor Bradley Widders.

IN ATTENDANCE: Ms Susan Law (Chief Executive Officer), Mr Mark Piorkowski (Group Leader Service Delivery), Ms Kelly Stidworthy (Service Leader Finance), Ms Nathalie Heaton (Service Leader Governance Risk and Corporate Planning), Mr Ambrose Hallman (Service Leader Sustainability and Development), Ms Leah Cook (Service Leader Asset Planning and Design) 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 - NIL
4. DISCLOSURE AND DECLARATION OF INTERESTS - NIL

5. HAVE YOUR SAY

Robbie Passmore of the Armidale Neighbourhood Centre spoke for item 8.2 FOR DECISION: Tackling Poverty.

6. CONFIRMATION OF MINUTES

CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 27 MARCH 2019

65/19

Moved Cr Widders

Seconded Cr Murat

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 – NIL

8. NOTICES OF MOTION

8.1 FOR DECISION: Cattle and lucerne farms

Ref: AINT/2019/07203 (ARC16/0025)

66/19

Moved Cr Galletly

Seconded Cr Murat

That the CEO is asked to prepare a report to Council which outlines the potential options for the future of Council's cattle and lucerne farms on Council-owned land at the airport and Waterfall Way.

The Motion on being put to the vote was CARRIED.

8.2 FOR DECISION: Tackling Poverty

Ref: AINT/2019/08427 (ARC16/0025)

67/19

Moved Cr O'Brien

Seconded Cr Robinson

Trades Hall notes that the low rate of Newstart is exacerbating poverty and homelessness, therefore Council will publicly advocate in writing to the relevant federal government ministers that the Newstart Allowance be increased to the level of the Henderson Poverty Line. Further, that copies of the letter be sent to all NSW federal MHRs and Senators.

The Motion on being put to the vote was CARRIED.

8.3 FOR DECISION: Councillor Workshops and Briefings *Ref: AINT/2019/08483 (ARC16/0025)*

68/19

Moved Cr Robinson

Seconded Cr Tiley

That when Councillors are briefed about information that is available prior to the briefing meeting, links to the readily-available information are provided to Councillors so that they have the opportunity to review it beforehand.

The Motion on being put to the vote was CARRIED.

8.4 FOR DECISION: Depreciation Workshop

Ref: AINT/2019/08484 (ARC16/0025)

Moved Cr Robinson

Seconded Cr O'Connor

That the CEO prepares a workshop on depreciation and its impacts on Council's bottom line, its capital works and renewal program and the state of ARC's infrastructure backlog with a view to enabling Council to formally lobby the State and Federal Governments to re-instate a fairer funding and/exemption scheme to enable ARC (and the NSW local government sector) to address its task of asset management with a funding allocation that is fair and reasonable.

The Motion was not put to the vote.

PROCEDURAL MOTION

69/19

Moved Cr Bailey

Seconded Cr Gray

That Council does not proceed with debate on Item 8.4 FOR DECISION: Depreciation Workshop and the item be laid on the table as Councillors will be considering the matter at a Workshop being held in May.

The motion on being put to the vote was CARRIED.

Item 8.4 FOR DECISION: Depreciation Workshop was therefore not put to the vote.

8.5 FOR DECISION: Changes to Operational Plan

Ref: AINT/2019/08486 (ARC16/0025)

70/19

Moved Cr Robinson

Seconded Cr O'Connor

That when changes to the Operational Plan are considered (e.g. when applications for partial funding to enhance a previously-approved project are not successful), the impact on the Delivery Plan should also be considered, especially for goals with estimated benefits several times greater than the cost to council.

PROCEDURAL MOTION

Moved Cr Gray

Seconded Cr Martin

That motion 8.5 FOR DECISION: Changes to Operational Plan be put without further debate.

The Motion on being put to the vote was CARRIED.

The Motion 8.5 FOR DECISION: Changes to Operational Plan on being put to the vote was LOST. Cr O'Robinson, Cr O'Connor, Cr O'Brien and Cr Tiley requested that their votes for the motion be recorded.

8.6 FOR DECISION: Airport Competitive Dialogue

Ref: AINT/2019/08487 (ARC16/0025)

Moved Cr O'Connor

Seconded Cr Robinson

That the CEO provide on an urgent basis, a report to Councillors at a special workshop, on the progress to date of the EOI seeking a competitive dialogue for sale of the airport and industrial land which includes an explanation as to the legal implications of the EOI in general and in relation to legal and other commercial obligations now owed by Council to the tenderers at this stage.

The Motion on being put to the vote was LOST.

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

9. REPORTS FOR DECISION - LEADERSHIP FOR THE REGION

The CEO took a question on notice from Cr Galletly about whether the Reduction of Water Consumption Charges Due to Undetectable Leakage Policy would apply to undetectable leaks experienced at the saleyards for example and if there is still a concern with the saleyards.

9.1 FOR DECISION: Reduction of Water Consumption Charges Due to Undetectable Leakage Policy

Ref: AINT/2019/07832 (ARC16/0350)

71/19

Moved Cr Gray

Seconded Cr Murat

That the draft policy on the *Reduction of Water Consumption Charges Due to Undetectable Leakage* be placed on public exhibition for 28 days, and if no significant submissions received, that the policy be adopted.

The Motion on being put to the vote was CARRIED.

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

11. REPORTS FOR DECISION - ENVIRONMENT AND INFRASTRUCTURE

11.1 FOR DECISION: Pricing for the supply of water to Elm Street Guyra, tomato farm

Ref: AINT/2019/07698 (ARC18/2750)

72/19

Moved Cr Bailey

Seconded Cr Murat

(a) Council note the report on pricing for supply of water to Elm Street tomato farm.

(b) Council complete a heads of agreement with the Costa Group for reduced water pricing in line with the Fees and Charges to apply to treated water supply from 1 July 2018 to 30 June 2020.

(c) That Council authorise the CEO to sign the Heads of Agreement on behalf of Council.

AMENDMENT

Moved Cr Robinson

Seconded Cr O'Connor

a) That contingent on the Elm Street tomato farm switching to untreated water from the Malpas Dam pipeline, council complete a heads of agreement with the Costa Group to provide a subsidy for the installation of water treatment equipment equal to the difference between the bulk water rate of \$2.13 per kL and the price paid by Costas since 1 July 2018.

The Amendment on being put to the vote was LOST.

The Motion on being put to the vote was CARRIED.

Cr O'Robinson, Cr O'Connor and Cr O'Brien requested that their dissenting votes be recorded.

12. REPORTS FOR DECISION - OUR PEOPLE AND COMMUNITY

MOTION

73/19 Moved Cr Gray Seconded Cr Widders

That items 13.2, 13.3, 13.4 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 March 2019

Ref: AINT/2019/07409 (ARC16/0001-3)

74/19 Moved Cr Widders Seconded Cr Murat

The Council note the Cash and Investment Report, as at 31 March 2019, reporting investments held of \$72,652,069 and a consolidated Bank Account of \$16,216.77, excluding the Trust Fund.

The Motion on being put to the vote was CARRIED.

13.2 FOR INFORMATION: Monthly Financial Report March 2019

Ref: AINT/2019/08411 (ARC16/0488)

75/19 Moved Cr Gray Seconded Cr Widders

That Council note the Monthly Financial Report for March 2019.

The Motion on being put to the vote was CARRIED.

13.3 FOR INFORMATION: Summary of Resolutions of Council October 2018 - March 2019

Ref: AINT/2019/08481 (ARC17/1962)

76/19 Moved Cr Gray Seconded Cr Widders

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

The Motion on being put to the vote was CARRIED.

**13.4 FOR INFORMATION: NSW Audit Office 'Report on Local Government 2018' and
audit findings for Armidale Regional Council** *Ref: AINT/2019/08586 (ARC16/0488)*

77/19

Moved Cr Gray

Seconded Cr Widders

That Council note the Report on Local Government 2018, as issued by the Audit Office of NSW, and the information as requested by Council as relating to the audit findings for Armidale Regional Council.

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 of the Environmental Sustainability Advisory
Committee Meeting held on 1 April 2019** *Ref: AINT/2019/07091 (ARC16/0864)*

78/19

Moved Cr Robinson

Seconded Cr O'Connor

That the Minutes of the Environmental Sustainable Advisory Committee meeting held on 1 April 2019 be noted and;

- a) That Council writes to the Minister requesting a more equitable scheme for regional areas where consumers can claim the rebate themselves provided that proper installer's appliances and equipment used.
- b) That thanks be extended to members of the Woodsmoke Advisory Group for volunteering their time and participating.
- c) That Council liaise with Tomra to expedite the installation of additional functional return and earn units close to the population centre as a matter of priority.
- d) That the funding of \$60,000 be reallocated to the Environment Sustainability budget towards the recommendations of the Woodsmoke Advisory Group.

AMENDMENT

Moved Cr Murat

Seconded Cr Martin

That the Minutes of the Environmental Sustainable Advisory Committee meeting held on 1 April 2019 be noted and;

- a) **That Council writes to the Minister requesting a more equitable scheme for regional areas where consumers can claim the rebate themselves provided that proper**

installer's appliances and equipment used.

- b) That thanks be extended to members of the Woodsmoke Advisory Group for volunteering their time and participating.**
- c) That Council liaise with Tomra to expedite the installation of additional functional return and earn units close to the population centre as a matter of priority.**

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.

Cr O'Connor, Cr Robinson and Cr O'Brien requested that their dissenting votes be recorded.

16.2 FOR DECISION: Minutes - Traffic Advisory Committee Meeting - 2 April 2019

Ref: AINT/2019/07822 (ARC16/0168)

79/19

Moved Cr Martin

Seconded Cr Murat

- a) That the Minutes of the Traffic Advisory Committee meeting held on 2nd April 2019 be noted and endorsed.**
 - i. That approval be granted for Special Event Transport Management Plan for the Tingha Anzac Day march, 25 April 2019 and associated temporary road closure of Ruby Street between Topaz Street and Kempton Road, in accordance with the traffic control plan.**
 - ii. That approval be granted for Special Event Transport Management Plan for the Armidale Anzac Day March and Commemoration Service, 25 April 2019 and associated temporary road closure for Faulkner Street from Dumaresq Street to Beardy Street and the connecting intersections with East Mall and Rusden Street, in accordance with the traffic control plan.**
 - iii. That approval be granted for Special Event Transport Management Plan for the Guyra Anzac Day march, 25 April 2019 and associated temporary road closure for Ollera and Bradley Streets, in accordance with the traffic control plan.**
 - iv. That the application for the 2019 Armidale Athletic Club's Wednesday Winter Social Cross-Country be approved, as per the Special Event Transport Management Plan.**
 - v. That the 2 x ¼ hour parking spaces in Faulkner Street adjacent to the Folk Museum be changed to 1 Hour parking.**
 - vi. That 'No Stopping' signs be extended from the existing sign on the corner of Peter Monley Drive and Saumarez Road to the entry of the AVIS lease.**
 - vii. That temporary bus zone be installed on Dumaresq Street for the Armidale Secondary College Sports Carnival from 8am until 4pm 8th May 2019.**

The Motion on being put to the vote was CARRIED.

**16.3 FOR INFORMATION: Minutes of the Arts, Cultural & Heritage Advisory
Committee meeting held on 28 February 2019** *Ref: AINT/2019/08142 (ARC16/0217)*

80/19

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

That the Minutes of the Arts, Cultural and Heritage Committee meeting held on 28 February be noted.

The Motion on being put to the vote was CARRIED.

**16.4 FOR INFORMATION: Minutes of the Audit and Risk Committee Meetings held
on 26 February 2019 and 3 April 2019** *Ref: AINT/2019/07502 (ARC16/0522-2)*

81/19

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

That the Minutes of the Audit and Risk Committee meetings held on 26 February 2019 and 3 April 2019 be noted.

The Motion on being put to the vote was CARRIED.

16.5 FOR INFORMATION: Minutes- Business Advisory Committee - 2 April 2019

Ref: AINT/2019/08009 (ARC16/0169)

82/19

Moved Cr Gray **Seconded Cr Martin**

That the Minutes of the Business Advisory Committee meeting held on 2nd April 2019 be noted.

The Motion on being put to the vote was CARRIED.

17. MATTERS OF AN URGENT NATURE - NIL

Cr Robinson asked when a response would be provided to the Question on Notice taken by the CEO at the March 2019 meeting.

18. QUESTIONS ON NOTICE

MOTION

83/19

Moved Cr Gray

Seconded Cr Martin

That the meeting be adjourned for five minutes until 6:05pm.

The Motion on being put to the vote was CARRIED.

MOTION

84/19

Moved Cr Murat

Seconded Cr Gray

That the meeting resume at 6:07pm.

The Motion on being put to the vote was CARRIED.

PROCEDURAL MOTION

85/19

Moved Cr Gray

Seconded Cr Robinson

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

19.1 FOR DECISION: Land Divestment - Operational Land Sales. (AINT/2019/07834) - *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.*

19.2 FOR DECISION: Tenders for design and installation of electrical switchboard Guyra Raw Water Pumping . (AINT/2019/08018) - *As this report deals with commercial information of a confidential nature that would, if disclosed, reveal a trade secret (Section 10A(2)(d)(iii) 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.*

19.3 FOR DECISION: Chief Executive Officer Six Month Performance Review . (AINT/2019/08109) - *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.*

19.4 FOR DECISION: Organisational Structure. (AINT/2019/08469) - *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.*

- 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 6:07pm.

Council returned to Open Session at 6:34pm.

OPEN SESSION

86/19

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: Land Divestment - Operational Land Sales

Ref: AINT/2019/07834 (ARC18/2525)

87/19

a) That the CEO be delegated authority to dispose of the following properties based on the Reserve Prices detailed in the report:

- Lot 20 DP 711016, (43-49 White Avenue Armidale)**
- Lots 2,3,4,5,6,7,8,10 (28-58 Erskine Street Armidale)**
- Lot 19 DP16570 (8 Fitzgerald Avenue Armidale)**
- Lot 84 DP 827568 (35 Erskine Street Armidale)**

b) That the Council seal be affixed to the documents associated with the Contracts of Sale for the above lots.

The Motion on being put to the vote was CARRIED.

19.2 FOR DECISION: Tenders for design and installation of electrical switchboard

Guyra Raw Water Pumping

Ref: AINT/2019/08018 (ARC18/2765)

88/19

That Council:

- a) decline to accept any tenders offered for supply and installation of switchboard and ancillary equipment for Guyra Raw Water Pumping Station, and,**
- b) invite fresh tenders per Clause 178(3)(b) of the Local Government (General) Regulation 2005 with the scope of works reduced, and**
- c) carry forward the remaining budget for the project to 2019/20 capital works budget in Water fund.**

The Motion on being put to the vote was CARRIED.

19.3 FOR DECISION: Chief Executive Officer Six Month Performance Review

Ref: AINT/2019/08109 (ARC18/2497)

89/19

- (a) That the Chief Executive Officer half-year Performance Review Agreement for July 2018 – June 2019 be noted.**
- (b) That Council note the full-year review will be conducted in August 2019.**

The Motion on being put to the vote was CARRIED.

19.4 FOR DECISION: Organisational Structure

Ref: AINT/2019/08469 (ARC19/3223)

90/19

- a) That Council adopts level one and level two of the leadership structure as proposed in the report.**
- b) That Council notes that level one and two of the leadership structure set the platform for the review of the rest of the leadership and organisational structure.**

The Motion on being put to the vote was CARRIED.

There being no further business the Mayor declared the meeting closed at 6:36pm.