



ORDINARY MEETING OF COUNCIL

Held on

Wednesday, 24 October 2018
4:15pm

at

Guyra Council Chambers

PRESENT: Councillor Simon Murray (Mayor), Councillor Dorothy Robinson (Deputy Mayor), Councillor Peter Bailey, Councillor Diane Gray, Councillor Jon Galletly, 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 Lindsay Woodland (Group Leader Organisational Services), Mr Mark Piorkowski (Group Leader Service Delivery), Ms Kim Bryan (Service Leader People, Safety and Communications), Ms Kelly Stidworthy (Service Leader Finance), Ms Nathalie Heaton (Service Leader Governance Risk and Corporate Planning), Mr Greg Lawrence (Service Leader Economic Development and Marketing), 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) 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

The Mayor extended condolences on behalf of Armidale Regional Council to the family of Mr Victor Moar. Cr Gray then delivered a condolence message which was followed by a minute's silence in memory of the late Victor Moar.

PROCEDURAL MOTION

216/18

Moved Cr Murray **Seconded Cr Murat**

That Standing Orders be suspended.

The Motion on being put to the vote was CARRIED.

The Mayor introduced the Guyra Main Street Public Art Competition - Announcement of Winners and welcomed Cr O'Connor to speak.

Cr Margaret O'Connor then announced the following winners:

- Guyra Central School K-6
- Guyra Central School 7-12 classes
- Bronte Stanley
- Rogue Stannard
- Colleen Pearson

PROCEDURAL MOTION

217/18

Moved Cr Widders **Seconded Cr Murat**

That Standing Orders be resumed.

The Motion on being put to the vote was CARRIED.

3. APOLOGIES

MOTION

218/18

Moved Cr Tiley **Seconded Cr Robinson**

That Cr Martin'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

Mr Stuart Grills spoke in support of Item 10.1 FOR DECISION the Rail Trail Business Case.
Mr Richard Post spoke in support of Item 10.1 FOR DECISION the Rail Trail Business Case.

6. CONFIRMATION OF MINUTES

CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 26 SEPTEMBER 2018

219/18

Moved Cr Murat Seconded Cr Gray

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: Notice Of Motion - Public Library Funding

Ref: AINT/2018/22719 (ARC16/0025)

220/18

Moved Cr O'Brien Seconded Cr O'Connor

- (a) That Council endorse the NSW Public Libraries Association and Local Government NSW library funding advocacy initiative Renew Our Libraries;
- (b) That Council note the announcement by the NSW Government on 24 August 2018 of its intention to provide a \$60m funding package for NSW public libraries for the quadrennial period 2019-20 to 2022-23;
- (c) That Council support the ongoing Renew Our Libraries initiative to secure the pledged funding, clarify the funding components and liaise with the government regarding the funding model;
- (d) That Council support Renew Our Libraries to work with the Government to develop a sustainable future funding model with a view guaranteeing an appropriate level of ongoing and indexed state funding;
- (e) That Council make representation to the local State Member, Adam Marshall, in relation to the need for ongoing additional funding from the NSW State Government for the provision of public library services;
- (f) That Council write to the Hon. Don Harwin , Minister for the Arts and the Hon. Walt Secord, Shadow Minister for the Arts calling for bi - partisan support for the provision of ongoing and indexed increase s in state funding for NSW public libraries, supported by a sustainable future funding model;
- (g) That Council take a leading role in activating the campaign locally;
- (h) That Council endorse the distribution of the NSW Public Libraries Association and Local Government NSW library funding advocacy initiative information in Council

libraries , as well as involvement in any actions arising from the initiative; and

- (i) That Council formally advise the NSW Public Libraries Association and Local Government NSW that Council has endorsed the library funding advocacy initiative.

The Motion on being put to the vote was CARRIED.

9. REPORTS FOR DECISION - LEADERSHIP FOR THE REGION - NIL

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

10.1 FOR DECISION: Rail Trail Business Case *Ref: AINT/2018/22052 (ARC16/0085)*

221/18

Moved Cr Bailey Seconded Cr Gray

- a) That Council acknowledges the completion of the Rail Trail Study;
- b) That Armidale Regional Council endorse the development of the Rail Trail Project subject to external funding and that Armidale Regional Council does not commit any further funds to a Rail Trail project at this stage;
- c) That when appropriate external funding is available, ARC will commission a business case that details financial and economic modelling of the Rail Trail project;
- d) That the State Government be advised of Council's endorsement of the Rail Trail Project and be provided with a copy of the Study;
- e) That Council seeks Government grant funding for its implementation; and
- f) That Armidale Regional Council commence discussions with Glen Innes Severn Council to:
- i. Confirm Glen Innes Severn Council's commitment to the development of the broader Armidale to Glen Innes Rail Trail in partnership with Armidale Regional Council; and
 - ii. Determine a plan for the development of the Rail Trail and the prioritisation of each of the stages, subject to part b).

AMENDMENT

Moved Cr O'Connor Seconded Cr O'Brien

- a) That Council acknowledges the completion of the Rail Trail Study;
- b) That Armidale Regional Council endorse the development of the Rail Trail Project subject to external funding and that Armidale Regional Council does not commit any further funds to a Rail Trail project at this stage;
- c) That when appropriate external funding is available, ARC will commission a business case that details financial and economic modelling of the Rail Trail project;
- d) That the State Government be advised of Council's endorsement of the Rail Trail Project and be provided with a copy of the Study;

- e) That Council seeks Government grant funding for its implementation;
- f) That Armidale Regional Council commence discussions with Glen Innes Severn Council to:
 - i. Confirm Glen Innes Severn Council's commitment to the development of the broader Armidale to Glen Innes Rail Trail in partnership with Armidale Regional Council; and
 - ii. Determine a plan for the development of the Rail Trail and the prioritisation of each of the stages, subject to part b); and
- g) That the Rail Trail Study be placed on public exhibition so that submissions can be made.

The Amendment on being put to the vote was LOST on the casting vote of the Chair.

Cr Widders left the meeting at 5:12pm.

The Motion on being put to the vote was CARRIED.

Councillor O'Connor requested her name be recorded as having voted against the Motion.

Cr Widders returned to the meeting at 5:14pm.

10.2 FOR DECISION: Armidale Regional Council's Response to the Car Parking and Mobility Study of Armidale's Central Business District

Ref: AINT/2018/22472 (ARC16/0085)

222/18

Moved Cr Tiley

Seconded Cr Galletly

- a. That Council acknowledges the completion of the Car Parking and Mobility study of Armidale's Central Business District (CBD) and the findings and recommendations identified within the report;
- b. That Council approves the implementation of the following recommendations in accordance with the Armidale CBD Parking and Mobility Study:
 - i. Council adopts the "CBD Heart, Core and Frame" Parking Framework as described in the report;
 - ii. Council adopts the "CBD Road and Street Planning" Framework as described in the report;
 - iii. Council undertakes a detailed review of the duration of parking periods throughout the CBD in consultation with the Local Traffic Committee, with a view to reduce or eliminate 3hr parking durations and transition to 1hr and 2hr parking durations for on-street and off-street parking within the CBD Heart and Core zones;
 - iv. Council addresses the level of unrestricted on-street and off-street parking in an endeavour to achieve a level and balance that is more aligned with standard

- practice for regional centres (40%);**
- v. Council improves parking enforcement and increases the issuing of infringement notices to a level that will support the effective management of parking supply in the CBD (infringements are proposed to be increased to approximately 25% of non-compliant vehicles which equates to approximately 1% of all parked vehicles);**
- vi. Council upgrades the parking detection technology (current system is at end of life) to assist with the enforcement of parking compliance;**
- vii. Council examines the option to introduce paid parking in strategic on-street and off-street locations in the CBD precinct; and**
- viii. Council reviews its car parking policy in relation to future new retail and commercial developments in the CBD with a view to bring the current parking requirements for new developments in line with standard practice for regional centres (3.33 car spaces per 100sqm).**
- c. Council Officers to work closely with Armidale Plaza and Armidale Centro Shopping Centres Management to achieve a more holistic parking management plan for the Armidale CBD;**
- d. Council examines opportunities in relation to the Moore Street Car Park to achieve improved CBD car parking outcomes for the community; and**
- e. Council to further examine options and opportunities related to the provision of parking for employees of businesses and organisations located within the CBD and requiring all day parking.**

AMENDMENT

Moved Cr Robinson

- a. That Council acknowledges the completion of the Car Parking and Mobility study of Armidale's Central Business District (CBD) and the findings and recommendations identified within the report;
- b. That Council approves the implementation of the following recommendations in accordance with the Armidale CBD Parking and Mobility Study:
 - i. Council adopts the "CBD Heart, Core and Frame" Parking Framework as described in the report;
 - ii. Council adopts the "CBD Road and Street Planning" Framework as described in the report;
 - iii. Council undertakes a detailed review and community consultation of the duration of parking periods proportion of off-street and on-street parking and enforcement including upgrades of the detection system;
 - vii. Council examines the option to introduce paid parking in strategic on-street and off-street locations in the CBD precinct; and
 - viii. Council reviews its car parking policy in relation to future new retail and commercial developments in the CBD with a view to bring the current parking requirements for new developments in line with standard practice for regional centres (3.33 car spaces per 100sqm);
- c. Council Officers to work closely with Armidale Plaza and Armidale Centro Shopping Centres

Management to achieve a more holistic parking management plan for the Armidale CBD;

- d. Council examines opportunities in relation to the Moore Street Car Park to achieve improved CBD car parking outcomes for the community; and
- e. Council to further examine options and opportunities related to the provision of parking for employees of businesses and organisations located within the CBD and requiring all day parking.

The Amendment lapsed as there was no Seconder.

The Motion on being put to the vote was CARRIED.

Councillors O'Brien, O'Connor and Robinson requested their names be recorded as having voted against the Motion.

11. REPORTS FOR DECISION - ENVIRONMENT AND INFRASTRUCTURE

11.1 FOR DECISION: Endorsement of Draft Cemeteries Operations Management Policy

Ref: AINT/2018/21868 (ARC16/0993)

223/18

Moved Cr Murat

Seconded Cr Gray

- (a) That Council endorse the Draft Cemeteries Operations Management Policy;
- (b) That the Draft Cemeteries Operations Management Policy be placed on public exhibition for a period of not less than 28 days, from Friday 26 October 2018 to Friday 23 November 2018;
- (c) That a further report be provided to the December 2018 Council meeting for consideration of any submissions received; and
- (d) That if no submissions are made within the submission period, then the Cemeteries Operations Management Policy be adopted retrospectively.

The Motion on being put to the vote was CARRIED.

11.2 FOR DECISION: Adoption of Development Contributions Plans

Ref: AINT/2018/22174 (ARC16/1051)

224/18

Moved Cr Tiley

Seconded Cr Murat

- (a) That Council note the Applicant's (McCloy Dumaresq Pty Ltd) commitment to settle the monetary contribution required under DA-117-2012/E as part Works In Kind and part monetary contribution instead, by constructing the shared cycleway south of McDonald Drive, Armidale, and making an upfront payment towards the upgrading of Cookes Road Bridge;
- (b) That given (a) above, the Works Schedule in the exhibited Draft Armidale Regional Council Section 7.12 Development Contributions Plans 2018 be amended by deleting the share way south of Macdonald Drive and changing the contribution cost of the Cookes Road bridge upgrade to \$72,000;
- (c) That the exhibited Draft Armidale Regional Council Section 7.11 – Heavy Vehicles and Section 7.12 Development Contributions Plans 2018 be amended by deleting from both plans the requirement that contributions be made towards recouping the cost of preparing the plans;
- (d) That the following plans, as amended by (b) and (c) above, be approved and come into effect on 1 November 2018:
 - i) Armidale Regional Council Section 7.11 Development Contributions Plan 2018 – Heavy vehicles;
 - ii) Armidale Regional Council Section 7.12 Development Contributions Plan 2018; and
- (e) That copies of the approved Development Contributions Plans be forwarded to the Minister for Planning.

The Motion on being put to the vote was CARRIED.

DIVISION

FOR: Councillors P Bailey, J Galletly, D Gray, A Murat, S Murray, D O'Brien, M O'Connor, D Robinson, I Tiley and B Widders

AGAINST: Nil

**11.3 FOR DECISION: Review of Determination REV-1-2018 for Proposed Garage at
11 Catherine Street Armidale** *Ref: AINT/2018/22285 (REV-1-2018)*

225/18

Moved Cr Galletly

Seconded Cr Gray

a) That Council supports the original determination of DA-68-2018 by refusing the Review of Determination, REV-1-2018 for the following reasons:

1) That having regard to Armidale Dumaresq Development Control Plan 2012, the proposal does not comply with the relevant provisions of Chapter 4.1 of the Plan, particularly Parts 4, 5 & 11, in regards to:

- Garages are to be located at least 1.0 metre behind the front façade of the dwelling.
- Outbuildings are to be positioned so as not to be visible from the street.
- Garages/outbuildings should be recessive in the streetscape.
- The proposal would result in excessive scale and bulk placed on the streetscape of Catherine Street.

b) That having regard to Armidale Dumaresq Development Control Plan 2012, the proposal is inconsistent with the following objectives of the Plan:

- To minimise the impact of the development on adjoining neighbours and the streetscape.
- To ensure that the height, bulk and scale of new buildings and outbuildings are not dominant in the streetscape.
- To ensure the design of the dwelling façade is dominant with the garages a recessive element on the street elevation.

c) That as a result of the non-compliance with Armidale Dumaresq Development Control Plan 2012, it is considered that the proposed development would adversely impact on the existing streetscape and locality; and

d) That in the circumstances, the granting of consent would set an undesirable precedent and not be in the public interest.

The Motion on being put to the vote was CARRIED.

DIVISION

FOR: Councillors P Bailey, J Galletly, D Gray, A Murat, S Murray, D O'Brien, M O'Connor, D Robinson, I Tiley and B Widders

AGAINST: Nil

12. REPORTS FOR DECISION - OUR PEOPLE AND COMMUNITY

12.1 FOR DECISION: Endorsement of Asbestos Policy *Ref: AINT/2018/21502 (ARC16/0619)*

226/18

Moved Cr Murat **Seconded Cr Gray**

- (a) That the Draft Asbestos Policy be endorsed;**
- (b) That the Draft Asbestos Policy be placed on public exhibition for a period of not less than 28 days, from Friday 26 October 2018 to Friday 23 November 2018;**
- (c) That a further report be provided to the December 2018 Council meeting for consideration of any submissions received; and**
- (d) That if no submissions are made within the submission period, then the Procurement Policy be adopted retrospectively.**

The Motion on being put to the vote was CARRIED.

ADOPTION BY EXCEPTION RESOLUTION

227/18

Moved Cr Murat **Seconded Cr Gray**

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

The Motion on being put to the vote was CARRIED.

13. REPORTS FOR INFORMATION

13.1 FOR INFORMATION: 2018 Christmas and New Year Closure

Ref: AINT/2018/20931 (ARC17/2389)

228/18

Moved Cr Murat **Seconded Cr Gray**

That Council note the 2018 Christmas and New Year close down period, from close of business Monday, 24 December 2018 and reopening on Wednesday 2 January 2019.

13.3 FOR INFORMATION: Cash & Investment Report For September 2018

Ref: AINT/2018/22014 (ARC18/2774)

229/18

Moved Cr Murat **Seconded Cr Gray**

That Council note the Cash and Investment Report, as at 30 September 2018, reporting investments held of \$69,133,744 and a consolidated Bank Account balance of \$4,875,652, excluding the Trust Fund.

13.4 FOR INFORMATION: Monthly Financial Report September 2018

Ref: AINT/2018/22261 (ARC16/0488)

230/18 Moved Cr Murat Seconded Cr Gray

That Council note the Monthly Financial Report for September 2018.

13.2 FOR INFORMATION: Disclosure of Interest by Councillors and Designated Persons 2018

Ref: AINT/2018/19078 (ARC16/0662)

231/18 Moved Cr Tiley Seconded Cr Bailey

That item 13.2 FOR INFORMATION: Disclosure of Interest by Councillors and Designated Persons 2018 be deferred to the November Ordinary Council meeting.

The Motion on being put to the vote was CARRIED.

14. REQUESTS FOR LEAVE OF ABSENCE

14.1 FOR DECISION: Leave of Absence - Councillor Martin *Ref: AINT/2018/21597 (ARC17/2373)*

232/18 Moved Cr Murat Seconded Cr Gray

That Councillor Martin be granted leave of absence for the period Monday 22 October to Wednesday 24 October 2018, including the Ordinary Council meeting on 24 October 2018.

The Motion on being put to the vote was CARRIED.

14.2 FOR DECISION: Leave of Absence - Councillor Gray *Ref: AINT/2018/21842 (ARC17/2373)*

233/18 Moved Cr Murat Seconded Cr Galletly

That Councillor Gray be granted leave of absence for the period Monday 26 November to Monday 3 December 2018, including the Ordinary Council meeting on 28 November 2018.

The Motion on being put to the vote was CARRIED.

15. AUTHORITY TO AFFIX COUNCIL SEAL - NIL

16. COMMITTEE REPORTS

**16.1 FOR DECISION: Minutes - Armidale Regional Sports Council - 8 May 2018 and
28 August 2018**

Ref: AINT/2018/21051 (ARC16/0330)

RECOMMENDATION:

- a) That the Minutes of the Armidale Regional Sports Council Committee meeting held on 08 May 2018 be noted;
- b) That the Minutes of the Armidale Regional Sports Council Committee meeting held on 28 August 2018 be noted;
- c) That Council note the funding applications to Tyler McCann, Chelsea Thornton, Katrina Reknow, Mia Emanuel, Lily Neilson and Tara Jane;
- d) That the amended Terms of Reference for the Armidale Regional Sports Council Committee be endorsed and that Council endorse the changes to the structure of the Armidale Regional Sports Council Committee, to disburse the two local Sub Committees and continue as the one functional Armidale Regional Sports Council Committee; and
- e) That in future Council staff, when putting forward projects for special funding i.e. Stronger Communities Grants, give first preference to those projects listed on the Armidale Regional Council Sports Council Priority List as the Sports Council is a 355 Committee of Council and one that reports to Council on such issues and as such should be given the support of Council when allocating funding, and this priority list has been put together on the recommendation of all the sporting bodies who use Council facilities.

Management Comment in respect to d)

The Armidale Regional Sports Council (Advisory Committee) membership was made up of two Councillors, two executives from the Guyra Sports Council and two executives from the Armidale Sports Council.

Both the Armidale and Guyra Sports Councils (Sporting User Groups) have now been disbanded and the composition of the Advisory Committee has been increased from six to 12 members, including the 2 councillors.

The Armidale Regional Sports Council committee composition will now be made up of Councillors Widders (Chairperson) and Galletly, former Sports User Groups executive position holders – Steve McMillan, Mike Porter, Jess Sisson and Jason Campbell and six (6) community representatives, including a minimum of two youth representatives. The additional 6 community members will be appointed following the calling of Expressions of Interest.

The Terms of Reference have been amended to reflect the proposed changes to the Committee Structure.

This Item was withdrawn.

16.2 FOR DECISION: Minutes - Traffic Advisory Committee - 2 October 2018

Ref: AINT/2018/21788 (ARC16/0168)

234/18

Moved Cr Gray

Seconded Cr Murat

- a) That the Minutes of the Traffic Advisory Committee meeting held 2 October 2018 be noted; and
- b) That the following recommendations from the Traffic Advisory Committee Meeting be adopted:
- (i) That the Special Event Transport Management Plan for the New England Antique Machinery Club – Rally Advertising Run 9th November 2018, be approved as per the Special Events Transport Management Plan.
 - (ii) That approval be granted for the temporary road closures in conjunction with the Transport Management Plan for the Greater Bank Armidale Fun Run 4th November 2018.
 - (iii) That the application for an entry / exit to / from Dangar Street as requested by the owner of the Four Season Motel be rejected by the Traffic Advisory Committee as this is out of Council's jurisdiction.
 - (iv) That as advised by the RMS representative, the proprietor of the Four Season Motel be advised they need to contact development.northern@rms.nsw.gov.au seeking pre-DA advice.
 - (v) That the request to extending the 50kph zone, east past the Castledoyle Road intersection by 440mts be forward on for the RMS for their approval.
 - (vi) That Council install a new UA4 (L) straight ahead and left turning pavement arrow be installed on the Madgwick Drive leg of the intersection with Elm Avenue and two (2) sections of the current zigzag line be reduced to accommodate the arrows.
 - (vii) That approval be granted for Special Event Transport Management Plan for the Armidale Triathlon Club for the 2018/2019 event season commencing October 2018 and conclude March 2019 in accordance with the submitted Transport Management Plan.
 - (viii) That approval be granted for the Special Event Transport Management Plan for the Tour de North West to be held on Sunday 28 October 2018, in accordance with the submitted Transport Management Plan.
 - (ix) That "Restricted Parking Area" signs be installed adjacent to the western side of the Armidale Regional Airport terminal on entry to the specified area, and End of Restricted parking Area at the exit point for the Airport staff parking area.

The Motion on being put to the vote was CARRIED.

17. MATTERS OF AN URGENT NATURE - NIL

18. QUESTIONS ON NOTICE - NIL

PROCEDURAL MOTION

235/18 **Moved Cr Murat** **Seconded Cr Galletly**

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

19.1 FOR DECISION: Land Portfolio Divestment Strategy and Plan Phase Two.
(AINT/2018/22263) - *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 5.48pm.

Council returned to Open Session at 5:51pm.

OPEN SESSION

236/18 **Moved Cr Murat** **Seconded Cr Robinson**

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 Portfolio Divestment Strategy and Plan Phase Two

Ref: AINT/2018/22263 (ARC18/2525)

237/18

- a) **That Council endorse the Phase Two recommendations detailed in the report;**
- b) **That the CEO be delegated authority to dispose of the following properties based on the Reserve Prices detailed in the report:**
 - **Lots 2 and 5 DP 1165254**
 - **Lot 13 DP 237379**
 - **Lot 14 DP 237379**
 - **Lot 2 DP 867396**
- 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 5:52pm.