



ORDINARY MEETING OF COUNCIL

Held on

Wednesday, 27 March 2019
2pm

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 (Director Operations), Ms Kim Bryan (Acting Director Organisational Services and Transformation), 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

The Mayor acknowledged the attendance of Ms Megan Hawley of Lindsay Taylor Lawyers to advise on items 9.1 and 9.2.

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 27 FEBRUARY 2019

46/19

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: Water security

Ref: AINT/2019/05743 (ARC16/0025)

47/19

Moved Cr Bailey Seconded Cr Murat

MOTION

That Council receive a briefing on the draft 30 year Infrastructure Plan for Water and Waste Water which begins a program to significantly enhance the water storage capacity of the Armidale region.

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

SUSPENSION OF STANDING ORDERS

48/19

Moved Cr Murat Seconded Cr Robinson

That standing orders be suspended to allow discussion on items 9.1 and 9.2.

The Motion on being put to the vote was CARRIED.

PROCEDURAL MOTION

49/19

Moved Cr Murat Seconded Cr Widders

That the meeting adjourn until 4:18pm.

The Motion on being put to the vote was CARRIED.

PROCEDURAL MOTION

50/19

Moved Cr Murat Seconded Cr Gray

That the meeting and standing orders resume at 4:20pm.

The Motion on being put to the vote was CARRIED.

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

**9.1 FOR DECISION: Adoption of Model Code of Conduct and Administration
Procedures 2018**

Ref: AINT/2019/05741 (ARC16/0617)

51/19

Moved Cr Murat Seconded Cr Gray

- a) That the Model Code of Conduct for Local Councils in NSW 2018, with any amendments identified during the suspension of standing orders, be adopted; and**
- b) That the Procedures for the Administration of the Model Code of Conduct, with any amendments identified during the suspension of standing orders, be adopted.**

The Motion on being put to the vote was CARRIED.

9.2 FOR DECISION: Public Exhibition of Model Code of Meeting Practice for Local Councils in NSW

Ref: AINT/2019/05742 (ARC16/0620)

52/19

Moved Cr Murat

Seconded Cr Martin

- a) That the Draft Model Code of Meeting Practice, with any amendments identified during the suspension of standing orders, be endorsed;
- b) That the Draft Model Code of Meeting Practice go on public exhibition for a period of at least 28 days, from Friday 29 March 2019 to Monday 29 April 2019, and members of the community be given at least 42 days, to Monday 15 May 2019, in which to comment on the Draft Code;
- c) That a further report be provided to the 22 May 2019 Council meeting for consideration of any submissions received; and
- d) That if no submissions are made within the submission period, then the Model Code of Meeting Practice be adopted.

The Motion on being put to the vote was CARRIED.

9.3 FOR DECISION: Acquisition of Land at Guyra for the Purpose of Creating a Public Road

Ref: AINT/2019/04058 (DA-155-2016)

53/19

Moved Cr Bailey

Seconded Cr Murat

- (a) That part of Lot 7309 of Travelling Stock Reserve 11091 in Guyra, being the area marked "Road 1" on pages 2 and 6 of the Plan of Proposed Subdivision referred to in Development Consent No. 155-2016, be compulsorily acquired pursuant to section 29 of the *Land Acquisition (Just Terms Compensation) Act 1991*.
- (b) That the Chief Executive Officer and Mayor be authorised to Sign and Seal any required documents to complete the acquisition and sale.
- (c) That costs relating to the acquisition of the land be borne by the developer.

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: Public Exhibition of Draft GreenPrint

Ref: AINT/2019/00586 (ARC17/2304)

54/19

Moved Cr Gray

Seconded Cr Widders

- a) That the Draft GreenPrint be placed on public exhibition for a period of at least 40 days for members of the community to provide comment;
- b) That a further report be provided to Council following the public exhibition period for consideration of any submissions received; and
- c) That if no submissions are made within the submission period, then the GreenPrint be adopted retrospectively.

The Motion on being put to the vote was CARRIED.

11.2 FOR DECISION: On-Site Wastewater Management Policy

Ref: AINT/2019/05713 (ARC17/1883)

55/19

Moved Cr Murat

Seconded Cr Gray

- a) That the one (1) written submission received by the public in relation to the exhibition of the "Local Approvals Policy – On-Site Wastewater Management" be noted and acknowledged by Council.
- b) Council adopts the amended draft local policy under *Section 161 of the Local Government Act 1993*.

The Motion on being put to the vote was CARRIED.

12. REPORTS FOR DECISION - OUR PEOPLE AND COMMUNITY

13. REPORTS FOR INFORMATION

13.1 FOR INFORMATION: Cash & Investment Report for February 2019

Ref: AINT/2019/05572 (ARC16/0001-3)

56/19

Moved Cr Murat

Seconded Cr Bailey

The Council note the Cash and Investment Report, as at 28 February 2019, reporting investments held of \$72,449,888 and a consolidated Bank Account of \$7.93, excluding the Trust Fund.

The Motion on being put to the vote was CARRIED.

13.2 FOR INFORMATION: Monthly Financial Report February 2019

Ref: AINT/2019/05720 (ARC16/0488)

57/19

Moved Cr Tiley

Seconded Cr Robinson

That Council note the Monthly Financial Report for February 2019.

The Motion on being put to the vote was CARRIED.

13.3 FOR INFORMATION: Status Report on Stronger Communities Fund and New Council Implementation Fund

Ref: AINT/2019/05794 (ARC16/1152)

58/19

Moved Cr Tiley

Seconded Cr Gray

That Council note the current status of projects funded by the Stronger Communities Fund and New Council Implementation Fund.

The Motion on being put to the vote was CARRIED.

13.4 FOR INFORMATION: Guyra Preschool and Long Day Care Centre Assessment and Rating Outcome

Ref: AINT/2019/05685 (ARC17/2469)

59/19

Moved Cr Robinson

Seconded Cr Martin

a) That Council note that the Guyra Preschool and Long Day Care Centre has been officially rated as Meeting the National Early Childhood Quality Standards after undertaking Assessment and Rating Process (Accreditation).

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 - Traffic Advisory Committee Meeting - 5 March 2019

Ref: AINT/2019/05290 (ARC16/0168)

60/19

Moved Cr Martin

Seconded Cr Murat

- a) That the Minutes of the Traffic Advisory Committee meeting held on 5th March 2019 be noted and endorsed.
- i. That the requested for the temporary road closure of Faulkner Street between Dumaresq and Kirkwood Street for the Special Event BMW Central Special Safari Ride from 7am 11th April 2019 until 10am 12th April be endorsed.
 - ii. That a “No Stopping” signs be installed for the no stopping zone in Niagara Street.
 - iii. That the PLC Bus Zone be extended by 58m on the northern side of the existing bus zone in Crest road.
 - iv. That to formalise the Kelly's Plains Public School Carpark Entry and Exit Point, Entry and Exit signs be approved for installation.
 - v. That request for existing “Give Way” signs in Miller Street at the intersection with Waterfall Way, be replaced by “Stop” signs be denied, Council will seek funding for the construction of a roundabout.
 - vi. That the installation of double barrier lines at the following locations be endorsed.
 - Murray Ave on the western side of the intersection with Markham Street.
 - The curve section of road at the Douglas and Jeffrey Street.
 - Elm Avenue at the Dumaresq Creek Bridge
 - vii. That the Bus Zone at Armidale High School be removed.
 - viii. That a “No Stopping” signs and barriers be installed at the intersection of Harden and Scholes Street.
 - ix. That the bus zone at Martins Gully School on Bona Vista Road Street be removed.
 - x. That reinforcement “No Stopping” yellow line markings be installed on the corner of Kurrawatha Avenue and Bona Vista Road.
 - xi. That approval be granted for the request to extend the New England Festival Road Closure times for Beardy Street to Dangar Street, into Moore St until 5pm to hold the massed Pipe Band, Burns Highland Dancers and Quintet Competition and the display of Classic Cars on the road junction.
 - xii. That the Special Event Transport Management Plan for the Armidale Athletic Club Campus City Canter as part of the 2018 Armidale Autumn Festival on Saturday 16th March 2018 at 8am to 9.30am in accordance with the submitted Traffic Management Plans.”

The Motion on being put to the vote was CARRIED.

16.2 FOR DECISION: Minutes - Sports Council Advisory Committee - 6 March 2019

Ref: AINT/2019/05556 (ARC16/0330)

61/19

Moved Cr Widders

Seconded Cr Martin

a) That the Minutes of the Sports Council Advisory Committee meeting held on Wednesday 6 March 2019 be noted and endorsed; and

i. That Council note the amendment to the priority list and endorse the new projects selected as follows:

- **Guyra Recreation ground canteen refurbishment**
- **Wicklow 3 irrigation installation**

ii) That Council endorse the Sports Council Small Grant as approved by Sports Council.

- **Lily Neilson – Under 18s Athlete Acceleration program – NSW Hockey - \$250**
- **Darby Chalmers – Under 21s Australian Hockey Team – Fiji Tour - \$500**
- **Cooper Heagney – 2018 National School Futsal Championships - \$250**
- **Angus Towie – 2018 National School Futsal Championships - \$250**
- **Charlise Deiderick – National Physical Culture Championships - \$250**
- **Sophie Parsons – National School Sports Australia Cricket Championships - \$250**
- **Latoya Foote – Indigenous Schoolgirl Netball Championships - \$250**
- **Kevisa Smith - Indigenous Schoolgirl Netball Championships - \$250**
- **Nicholas Jackson – FNNSW Futsal National Club Championships - \$250**
- **Fletcher Richardson – NSW Junior down the line clay target shooting championships - \$250.**

iii) That Council endorse the changes to the Sports Council Advisory Committee Terms of Reference so that the community representatives increase from four (4) to six (6), increasing the total from 10 members to 12 members.

iv) That Council endorse the change to the Sports Development Levy Terms and Conditions to eliminate the 3 year waiting period for Sports Council members to access funding through the Sports Council priority list.

v) That Council endorse the recommendation that the oval within the Guyra Recreation ground be named the Ted Mulligan Oval.

The Motion on being put to the vote was CARRIED.

17. MATTERS OF AN URGENT NATURE / GENERAL BUSINESS

The Mayor provided a report on the Tingha Fire Recovery Response.

18. QUESTIONS ON NOTICE - NIL

PROCEDURAL MOTION

62/19 **Moved Cr Murat** **Seconded Cr Widders**

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

19.1 FOR DECISION: Summary of Tender for Old Kolora. (AINT/2019/05983) - *As this report deals with commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it (Section 10A(2)(d)(i) 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.*

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 5:06pm.

Council returned to Open Session at 5:07pm.

OPEN SESSION

63/19 **Moved Cr Widders** **Seconded Cr Martin**

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: Summary of Tender for Old Kolora Ref: AINT/2019/05983 (ARC18/3039)

64/19

(a) That Council reject the Tender submitted by T Collins as it did not meet the Reserve price set by Council.

(b) That Council advise the Tenderer of its decision to not accept their Tender.

(c) That the Chief Executive Officer be authorised to enter into negotiations with the rejected tenderer or any other person who previously expressed an interest in the sale as provided by s178 of the Local Government (General) Regulation in an attempt to secure the sale of the property as Tendered for the reserve price as a minimum.

- (d) Further, that the Chief Executive Officer be authorised to instigate the most appropriate method and process to secure a sale of the property, including, but not limited to - the engagement of Real Estate Agent services, extensive advertising and marketing, testing the market for the separate sale of the units and the hostel.**

The Motion on being put to the vote was CARRIED.

There being no further business the Mayor declared the meeting closed at 5:07pm.