



ORDINARY MEETING OF COUNCIL

Held on

Wednesday, 27 October 2021
4pm

at

Guyra Council Chambers

PRESENT: Councillor Ian Tiley (Mayor), Councillor Peter Bailey, Councillor Jon Galletly and Councillor Dorothy Robinson.

IN ATTENDANCE: Mr James Roncon (General Manager), Mr Damien Connor (Chief Officer Corporate and Strategy), Mr Daniel Boyce (Chief Officer Sustainable Development), Mr Alex Manners (Chief Officer Assets and Services), Ms Jessica Bower (Executive Officer) and Ms Melissa Hault (Executive Officer).

MINUTES

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12. MATTERS OF AN URGENT NATURE - NIL

13. QUESTIONS ON NOTICE - NIL

1. CIVIC AFFIRMATION AND ACKNOWLEDGEMENT OF COUNTRY

Cr Robinson delivered the Civic Affirmation.

Cr Galletly delivered the Acknowledgement of 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

APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE BY COUNCILLORS

369/21

RESOLVED

That the apology from Cr O'Brien (Deputy Mayor), Cr Murat and Cr O'Connor be accepted and leave of absence be granted.

Moved Cr Robinson

Seconded Cr Galletly

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

The Mayor made a statement in relation to the natural disaster that occurred on 14 October 2021 and thanked the efforts of all parties involved. The Mayor noted that His Excellency Governor-General the Honourable David Hurley phoned last week offering his support and conveyed his best wishes to the residents of Armidale. Mayor Tiley and Armidale Regional Councillors "send their gratitude and appreciation to all emergency responders, businesses, volunteers and the general public who assisted in the emergency response and the ongoing recovery. We thank you all, we salute you and we honour you, thank you".

4. DISCLOSURES OF INTEREST - NIL

4a. CONFIRMATION OF MINUTES

CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 22 SEPTEMBER 2021

370/21

RESOLVED

That the minutes be taken as read and be accepted as a true record of the Meeting.

Moved Cr Robinson

Seconded Cr Bailey

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

5. MAYORAL MINUTE

5.1 Mayoral Minute: Recognition of Kathleen Anne Partridge OAM

Ref: AINT/2021/37481 (ARC16/0025)

371/21

RESOLVED

That Council accept on loan, safeguard and permanently display in a suitable public, accessible place, the three medals collection of the late Kathleen Anne Partridge OAM.

Moved Cr Tiley

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



"Citius, Altius, Fortius"

6. NOTICES OF MOTION

6.1 Request to the Premier - Impacts of Covid-19 on regional councils - enforcement of restrictions and support for businesses and individuals

Ref: AINT/2021/32174 (ARC16/0025)

372/21

RESOLVED

That item 6.1 Request to the Premier – Impacts of Covid-19 on regional councils – enforcement of restrictions and support for businesses and individuals be withdrawn on advice received by the Mayor on behalf of Cr O'Connor.

Moved Cr Robinson Seconded Cr Bailey

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

6.2 Request to the Premier - Impacts of Covid-19 on regional community councils including failure of border bubbles and NSW government's position regarding protection of NSW border communities' best interests during the coronavirus outbreaks and other national crises

Ref: AINT/2021/32177 (ARC16/0025)

373/21

RESOLVED

That item 6.2 Request to the Premier - Impacts of Covid-19 on regional community councils including failure of border bubbles and NSW government's position regarding protection of NSW border communities' best interests during the coronavirus outbreaks and other national crises be withdrawn on advice received by the Mayor on behalf of Cr O'Connor.

Moved Cr Robinson Seconded Cr Bailey

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

6.3 Request to the Premier - Impacts of Covid-19 on regional councils - issues for NSW border communities

Ref: AINT/2021/32178 (ARC16/0025)

374/21

RESOLVED

That item 6.3 Request to the Premier – Impacts of Covid-19 on regional councils – issues for NSW border communities be withdrawn on advice received by the Mayor on behalf of Cr O'Connor.

Moved Cr Robinson Seconded Cr Bailey

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

6.4 Annual Funding for Armidale and Region Aboriginal Cultural Centre and Keeping Place

Ref: AINT/2021/36466 (ARC16/0025)

375/21

RESOLVED

- a) Seek to fund the sum of \$39,600.00 (inc GST) for the Armidale and Region Aboriginal Cultural Centre and Keeping Place as part of the second quarter review, noting that a currently funded project may have to be removed to accommodate the inclusion.
- b) Give public notice for a period of 28 days in accordance with section 356 of the *Local Government Act 1993* of its intention to contribute up to \$39,600.00 (inc GST) to the Armidale and Region Aboriginal Cultural Centre and Keeping Place.
- c) A further report be presented back to Council following the conclusion of the public notice period to address any matters raised during the exhibition period, likely to be January 2022.
- d) That Council and the Armidale and Region Aboriginal Cultural Centre and Keeping Place enter into an MOU as soon as practicable and not later than the end of the 2021 calendar year to ensure future cooperation between Council and the Armidale and Region Aboriginal Cultural Centre and Keeping Place.
- e) That disability footpath access to the Armidale and Region Aboriginal Cultural Centre and Keeping Place be placed on Council's future works priorities list.

Moved Cr Tiley

Seconded Cr Robinson

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

6.5 Motion for LGNSW Annual Conference – Depreciation

Ref: AINT/2021/36686 (ARC16/0025)

376/21

RESOLVED

That Council submits the motions below to the LGNSW Annual Conference:

- a. That LGNSW urges the NSW Government to review current depreciation rates to accurately reflect the life of Council assets.
- b. That a model template is developed to translate the official audited accounts into a format that is more easily understood by ordinary people. This could include summaries of recurrent and capital income (including external funding received, but not spent in the reporting year, and funding spent in the reporting year but received in previous years), as well as recurrent and capital expenditure (including employee costs for capital projects) and transfers to and from restricted and unrestricted reserves.

Moved Cr Robinson

Seconded Cr Bailey

DIVISION The result being:-

FOR: Crs P Bailey, D Robinson and I Tiley

AGAINST: Cr J Galletly

ABSENT Crs A Murat, D O'Brien and M O'Connor

The Motion on being put to the vote was CARRIED.

6.6 HEPA filters and Ventilation to Reducing Covid Risk Ref: AINT/2021/36743 (ARC16/0025)

377/21

RESOLVED

- a. That Council calls on the NSW Government to reduce the risk of Covid infections by installing HEPA filters and investigating ways to improve ventilation in schools and other public buildings (including council buildings), similar to the strategy already adopted in Victoria.
- b. That a similar motion is submitted to the LGNSW Conference: *"That LGNSW calls on the NSW Government to reduce the risk of Covid infections by installing HEPA filters and investigating ways to improve ventilation in schools and other public buildings (including council buildings), similar to the strategy already adopted in Victoria."*

Moved Cr Robinson

Seconded Cr Bailey

DIVISION The result being:-

FOR: Crs P Bailey, D Robinson and I Tiley

AGAINST: Cr J Galletly

ABSENT Crs A Murat, D O'Brien and M O'Connor

The Motion on being put to the vote was CARRIED.

6.7 World Health Organization (WHO) Clean Air Guidelines

Ref: AINT/2021/36746 (ARC16/0025)

378/21

RESOLVED

That Council seek to defer the item pending further information on the matter.

Moved Cr Robinson

Seconded Cr Bailey

DIVISION The result being:-

FOR: Crs P Bailey, D Robinson and I Tiley

AGAINST: Cr J Galletly

ABSENT Crs A Murat, D O'Brien and M O'Connor

The Motion on being put to the vote was CARRIED.

7. LEADERSHIP FOR THE REGION

7.1 Tabling of Disclosure of Pecuniary Interest *Ref: AINT/2021/32946 (ARC16/0662-4)*

379/21

RESOLVED

That Council note the tabling of Disclosures of Pecuniary Interest and Other Matters by designated persons lodged for the 12 months ending 30 June 2021.

Moved Cr Robinson Seconded Cr Galletly

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

7.2 Council Meeting Cycle for Ordinary Meetings 2021-2022 - amendment to first meeting date *Ref: AINT/2021/34870 (ARC16/0001-6)*

380/21

RESOLVED

That item b. of resolution 317/21 be rescinded and replaced with:

b. That the Ordinary Council Meeting dates for the newly-elected Council following the 2021 NSW Local Government Election be scheduled for:

- i. Wednesday 12 January 2022 in Armidale (induction meeting only)
- ii. Thursday 27 January 2022 in Armidale (first full meeting).

Moved Cr Robinson Seconded Cr Galletly

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

7.3 Code of Conduct Complaint Statistics *Ref: AINT/2021/35280 (ARC16/1155)*

381/21

RESOLVED

That Council:

- a. Receive and note the annual Code of Conduct Statistics.
- b. Forward a copy of the annual report on the Code of Conduct Statistics to the Office of Local Government.

Moved Cr Robinson Seconded Cr Galletly

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

7.4 Government Information Public Access Act (GIPA) Annual Report 20-21

Ref: AINT/2021/35292 (ARC16/0698)

382/21

RESOLVED

That Council:

- a. Endorse the attached GIPA Annual report for 2020/2021.

- b. Submit Armidale Regional Councils 2020/2021 Annual GIPA report to the Information Privacy Commissioner as required by legislation.

Moved Cr Robinson Seconded Cr Galletly

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

8. GROWTH, PROSPERITY AND ECONOMIC DEVELOPMENT

8.1 Armidale Region Tourism Strategy - for Adoption (Post Public Exhibition)

Ref: AINT/2021/33568 (ARC16/0575-2)

383/21

RESOLVED

That Council

- a) Receive this report in relation to the updated Armidale Region Tourism Strategy, noting the recommendations received from the public during the 28 day public exhibition period.
- b) Adopt the revised Armidale Region Tourism Strategy 2021-2023.

Moved Cr Bailey Seconded Cr Robinson

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

FOR INFORMATION: 8.2 Cash and Investment Report 30 September 2021

Ref: AINT/2021/34967 (ARC16/0001-6)

384/21

RESOLVED

That Council note the Cash and Investment Report for September 2021.

Moved Cr Galletly Seconded Cr Robinson

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

8.3 Public Exhibition of the Community Engagement and Benefit Sharing for Renewable Energy Projects Policy

Ref: AINT/2021/35459 (ARC20/4286)

385/21

RESOLVED

That Council endorse the draft Community Engagement and Benefit Sharing for Renewable Energy Projects Policy, and place it on public exhibition for comment for a period of 28 days.

Moved Cr Galletly Seconded Cr Robinson

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

8.4 YMCA Partnership - Pilot Project for the operation of Council's Armidale and Guyra Pools *Ref: AINT/2021/36191 (ARC20/4448)*

386/21

RESOLVED

That the:

1. General Manager negotiate and enter a non-binding Memorandum of Understanding with YMCA NSW, with the focus on maximising the operation of Council's pool assets in Armidale and Guyra.
2. Memorandum of Understanding also explore the strategic opportunities available to master plan an Armidale Aquatic Centre to include a hydrotherapy pool within the Monkton facility.

Moved Cr Bailey

Seconded Cr Robinson

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

9. ENVIRONMENT AND INFRASTRUCTURE

9.1 Guyra and District Pony Club Inc - Expenditure of Grant Funding from Phase Two, NSW Showgrounds Stimulus Program for the Construction of a Toilet/Shower Building *Ref: AINT/2021/34848 (ARC21/4664)*

387/21

RESOLVED

That Council:

- a. Give public notice for a period of 28 days in accordance with section 356 of the *Local Government Act 1993* of Armidale Regional Council's intention to transfer funds by progress payments totalling \$319,710.60 inclusive of GST to the Guyra and District Pony Club Incorporated to construct a Toilet / Shower Block.
- b. A further report be presented back to Council following the conclusion of the public notice period to address any matters raised during the exhibition period.
- c. Note that the Guyra Pony Club and local contractor will be required to adhere to a strict budget and project milestone schedule, with milestone payment claims paid in arrears.

Moved Cr Galletly

Seconded Cr Bailey

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

9.2 NSW Road Classification Review and Transfer Program

Ref: AINT/2021/35067 (ARC20/4302)

388/21

RESOLVED

That Council endorse the application to reclassify the following proposed roads, noting that the application is pending further assessments on eligibility and benefits for the greater community:

- a. Guyra Road (from Regional Road to State Road)

- b. Wards Mistake Road (from Local Road to Regional Road)

Moved Cr Galletly

Seconded Cr Bailey

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

9.3 Engagement of Contractor: Kempsey Road Restoration - Installation of 6

Culvert Structures and Corn Patch Culvert

Ref: AINT/2021/35421 (ARC21/4723)

389/21

RESOLVED

That Council:

- a. Accept the tender submitted by JNC Group Indigenous Contractors Pty Ltd of \$5,051,424.00 inc. GST (\$4,592,203.64 exc. GST) for Restoration Works of 6 Culvert Structures and Corn Patch Culvert
- b. Delegate authority to the General Manager to approve expenditure up to the upper limit funding of \$6,742,350.00 exc. GST that is available for the project as approved by the Administrating Agency (TfNSW)
- c. Delegate authority to the General Manager to execute all documents in relation to the Contract.

Moved Cr Galletly

Seconded Cr Bailey

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

9.4 Planning Agreement with Tilbuster Solar Farm

Ref: AINT/2021/35346 (ARC20/4376)

390/21

RESOLVED

That Council:

- a) Reject the general terms of the Planning Agreement proposed by the Proponent in relation to the Tilbuster Solar Farm.
- b) Determine that Council would accept the following offer if it were made:
 1. A lump sum amount of \$1,529,000 (adjusted annually for CPI) to be paid into a Community Benefit Fund on commencement of construction;
 2. Community Benefit Fund to be overseen by a 355 Committee of Council;
 3. The proponent will fund and undertake a community engagement process to co-design the benefit sharing strategy for the Community Benefit Fund; and
 4. One (1) representative (with non-voting rights) from the proponent on the Committee.
- c) Advise the Department of Planning, Industry and Environment and the Proponent of the Council decision.
- d) Request that the Department of Planning, Industry and Environment apply Council's Section 7.12 plan in the event that a Planning Agreement cannot be agreed with the proponent.
- e) Advise the Department of Planning, Industry and Environment that Council expects for future projects that proponents engage earlier in the process when negotiating community benefit sharing arrangements

Moved Cr Robinson Seconded Cr Galletly

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

9.5 Acquisition of Drainage Reserve - 14 Madgwick Drive, Armidale

Ref: AINT/2021/35437 (ARC18/2525)

391/21

RESOLVED

- a) That Council approve the acquisition of 14 Madgwick Drive, Armidale described as Lot 1 DP 728596 for the price of \$10,000 plus legal costs
- b) That a notice be published in the Government Gazette notifying that Lot 1 DP 728596 be vested in Council as Drainage Reserve
- c) That the Council seal be affixed to the documents associated with the transfer of these parcels; and
- d) That Lot 1 DP 728596 be classified as Operational Land on acquisition.

Moved Cr Galletly Seconded Cr Bailey

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

9.6 Airport East Planning Agreement

Ref: AINT/2021/36614 (ARC17/2196)

392/21

RESOLVED

That Council advise the developer of the Armidale East Airport Subdivision that responsibility of the provision of Biodiversity Offset credits required by condition 31 of DA-29-2019/A is that of the developer and not Armidale Regional Council.

Moved Cr Galletly Seconded Cr Bailey

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

10. OUR PEOPLE AND COMMUNITY

11. COMMITTEE REPORTS

11.1 Arts, Culture & Heritage Advisory Committee - Minutes of the meeting held 9 September 2021

Ref: AINT/2021/32115 (ARC16/0217)

393/21

RESOLVED

That the Minutes of the Arts, Culture and Heritage Advisory Committee held on 9 September 2021 be noted.

Moved Cr Robinson Seconded Cr Tiley

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

**11.2 Environmental Sustainability Advisory Committee - Minutes of meeting held 5
October 2021**

Ref: AINT/2021/35003 (ARC16/0864)

394/21

MOVED

That Council

- a) Note the Minutes of the Environmental Sustainability Advisory Committee meeting held on 5 October 2021
- b) Note the following recommendations from the Environmental Sustainability Advisory Committee (ESAC) meeting:
 - i) recommend that Council sign the Better Futures Australia Declaration;
 - ii) formally support the Council Resolution: that Council continue to seek funding sources for the security lighting along the cycle way to complete the works in the original grant application;
 - iii) recommend that Council seek funding to update the Walking and Cycling program;
 - iv) support the idea of investigating the feasibility of developing and implementing a Community Power Sharing Initiative to help maximise benefits (including emissions reduction) that our community will gain from the Renewable Energy Zone;
 - v) request that Council extend the public exhibition period for the Renewable Energy Policy, dependent on advice from the GM as to whether we should extend the period;
 - vi) endorse the EcoARC Implementation Plan: Priority actions; that 1 of the 3 action items be a Biodiversity Strategy and Action Plan;
 - vii) continue to work on two other priority items for inclusion into next financial year's budget;
 - viii) review the short term action items as to how they could be implemented, grant applications, community education etc.; and
 - ix) Determine the medium and long term priority action items.

AMENDMENT

Moved Cr Robinson

With inclusion of part c;

- c). That Council support in principle the recommendations of the committee.

The amendment lapsed for want of a seconder and reverted to original motion.

RESOLVED

Moved Cr Robinson

Seconded Cr Bailey

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

11.3 Traffic Advisory Committee - Minutes of the meeting held 5 October 2021

Ref: AINT/2021/35393 (ARC16/0168-6)

395/21

RESOLVED

That the Minutes of the Traffic Advisory Committee meeting held on 5 October 2021 be noted and Council approve:

- a) The change to the existing Give Way signs in Rusden Street at the intersection with Taylor Street to a "Stop Sign".
- b) The removal of the ¼ hour parking on the eastern side of Taylor Street south of Rusden Street.
- c) The extension of the length of the "No Stopping" zone by 10m on the eastern side of Taylor Street south of Rusden Street.
- d) The installation of 200m BB (Double Barrier lines) centreline for the sweeping bend in Seaton Street.

Moved Cr Robinson

Seconded Cr Tiley

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

11.4 Economic Development Committee - Minutes of the meeting held 8 September 2021

Ref: AINT/2021/35458 (ARC19/3530)

396/21

RESOLVED

That the Minutes of the Economic Development Committee meeting held 8 September 2021 be noted.

Moved Cr Robinson

Seconded Cr Tiley

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

12. MATTERS OF AN URGENT NATURE - NIL

13. QUESTIONS ON NOTICE - NIL

There being no further business the Mayor declared the meeting closed at 4:50pm.