



ORDINARY MEETING OF COUNCIL

Held on

Wednesday, 28 August 2019
4pm

at

Armidale Council Chambers

PRESENT: Councillor Simon Murray (Mayor), Councillor Dorothy Robinson (Deputy Mayor), Councillor Peter Bailey, 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), Ms Kim Bryan (General Manager Organisational Development), 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 AFFIRMATION AND ACKNOWLEDGEMENT OF COUNTRY
2. STATEMENT IN RELATION TO LIVE STREAMING OF COUNCIL MEETING
3. APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE BY COUNCILLORS
Cr Diane Gray is an apology.

MOTION

159/19

Moved Cr Murat

Seconded Cr Martin

That Cr Gray's apology be accepted.

The motion on being put to the vote was CARRIED.

4. DISCLOSURES OF INTERESTS

Name	Item	Nature of Interest	Reason/Intended Action
Clr Bailey	11.2	<input type="checkbox"/> Pecuniary <input type="checkbox"/> Non Pecuniary – Significant Conflict <input checked="" type="checkbox"/> Non Pecuniary – Non Significant Conflict	Reason: Owns property next to Armidale Pines Motel. Intended action: Remain in the Chamber
Clr Tiley	10.3	<input type="checkbox"/> Pecuniary <input type="checkbox"/> Non Pecuniary – Significant Conflict <input checked="" type="checkbox"/> Non Pecuniary – Non Significant Conflict	Reason: On Committee that determined original allocation of grant funds. Intended action: Remain in the Chamber

5. PUBLIC FORUM (HAVE YOUR SAY)

Mrs Linvana Hanlan of Armidale Pines Motel spoke against item 11.2 FOR DECISION: DA-45-1989/B Family Restaurant - (Consent Modification to Permit 24/7 Operation of the McDonalds Drive-Thru Area at 131 Marsh Street, Armidale).

Mr Ben Young of KDC Pty Ltd spoke for item 11.2 FOR DECISION: DA-45-1989/B Family Restaurant - (Consent Modification to Permit 24/7 Operation of the McDonalds Drive-Thru Area at 131 Marsh Street, Armidale).

Mr Justin Miller of McDonalds Australia Ltd spoke for item 11.2 FOR DECISION: DA-45-1989/B Family Restaurant - (Consent Modification to Permit 24/7 Operation of the McDonalds Drive-Thru Area at 131 Marsh Street, Armidale).

6. CONFIRMATION OF MINUTES

CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 26 JUNE AND 24 JULY 2019

160/19 Moved Cr Murat Seconded Cr Widders

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.

PROCEDURAL MOTION

161/19 Moved Cr Murat Seconded Cr O'Connor

That the notices of motion be moved to the end of the meeting.

The Motion on being put to the vote was CARRIED.

7. MAYORAL MINUTE – N/A

9. REPORTS FOR DECISION - LEADERSHIP FOR THE REGION – N/A

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

10.1 FOR DECISION: Rates Path Freeze Extension *Ref: AINT/2019/18901 (ARC17/2315)*

162/19 Moved Cr Widders Seconded Cr Murat

That Council resolves to advise the Office of Local Government that Armidale Regional Council wishes to opt out of the rates path freeze extension resulting in implementation of rates harmonisation from 1 July 2020.

The Motion on being put to the vote was CARRIED.

10.2 FOR DECISION: Special Rate Variation *Ref: AINT/2019/18902 (ARC17/2315)*

163/19 Moved Cr O'Connor Seconded Cr Tiley

That Council resolves to pursue the application of a Special Rate Variation effective 1 July 2021.

The Motion on being put to the vote was CARRIED.

**10.3 FOR DECISION: Status Report on Stronger Communities Fund and New Council
Implementation Fund**

Ref: AINT/2019/18909 (ARC16/0014)

164/19

Moved Cr Tiley

Seconded Cr O'Connor

That Council:

- a) **note the current status of projects funded by the Stronger Communities Fund and New Council Implementation Fund; and**
- b) **apply to the NSW Government to redirect the following project savings towards the Guyra Main Street Upgrade:**
 - a. **Platform Road \$320,344**
 - b. **Central Park Armidale \$10,429**
- c) **apply to the NSW Government to continue expenditure on:**
 - a. **Kempsey Road Improvements \$159,137**
 - b. **Rockvale Road \$362,211.**
- d) **make representations to the NSW Government for the reimbursement of the additional cost of removing the fuel tanks in Guyra main street.**

AMENDMENT

Moved Cr Robinson

Seconded Cr Bailey

That the matter be deferred to the next Council meeting.

The Amendment on being put to the vote was LOST.

The Motion on being put to the vote was CARRIED.

10.4 FOR DECISION: Regional Growth and Place Activation Advisory Committee

Ref: AINT/2019/19086 (ARC16/0759)

165/19

Moved Cr Bailey

Seconded Cr Murat

- a) **That the Business Advisory Committee and Regional Growth Advisory Committees be dissolved and the Regional Growth and Place Activation Advisory Committee established, effective immediately.**
- b) **That an EOI for external members be sought on the basis of skills identified in the brief.**
- c) **That Cr Peter Bailey and Cr Diane Gray be appointed as Co-Chairs.**
- d) **That nominations be sought for the third Councillor on the Committee.**
- e) **That the TOR be amended to reflect that the Committee comprise three Councillors and a minimum of six external members with some representation from AGBA.**

Nominations were sought for the third Councillor on the Regional Growth and Place Activation Advisory Committee. Cr Andrew Murat was nominated and appointed.

The Motion on being put to the vote was CARRIED.

11. REPORTS FOR DECISION - ENVIRONMENT AND INFRASTRUCTURE

11.1 FOR DECISION: Planning Proposal No. 15 to amend Armidale Dumaresq LEP
2012

Ref: AINT/2019/18716 (ARC18/2910)

166/19

Moved Cr Widders

Seconded Cr Murat

- a) That Planning Proposal No. 15 to amend Armidale Dumaresq Local Environmental Plan (LEP) 2012, which proposes to:
- Alter the lot size standard for Lot 1 in DP 34495, Lot 9 in DP 112693, Lot 515-517, 730 and 733 in DP 755808 at 267 Long Swamp Road, Armidale from 40 hectares to 8 hectares.
- Be forwarded to the Department of Planning and Environment with a request for Gateway Determination, in accordance with section 3.34 of the *Environmental Planning and Assessment Act 1979*.
- b) That, subject to a Gateway Determination, a further report be provided to Council following public exhibition of Planning Proposal No. 15 to amend Armidale Dumaresq Local Environmental Plan 2012.
- c) That the proponent be advised of Council's resolution.

DIVISION *The result being:-*

FOR: *Crs P Bailey, J Galletly, L Martin, A Murat, S Murray, D O'Brien, M O'Connor, D Robinson, I Tiley and B Widders*

AGAINST: *Nil*

The Mayor declared the motion as CARRIED.

11.2 FOR DECISION: DA-45-1989/B Family Restaurant - (Consent Modification to Permit 24/7 Operation of the McDonalds Drive-Thru Area at 131 Marsh Street, Armidale)

Ref: AINT/2019/18726 (DA-45-1989/B)

167/19

Moved Cr Widders

Seconded Cr Galletly

That having regard to the assessment of DA-45-1989/B, Council:

- a) Grant consent to the Application subject to the conditions, including a reviewable condition, as detailed in the conditions document in Attachment 2 to this report.
- b) Notify all those who made a submission on the Application, of the determination.

DIVISION *The result being:-*

FOR: *Crs J Galletly, L Martin, S Murray, M O'Connor, D Robinson, I Tiley and B Widders*

AGAINST: *Crs P Bailey, A Murat and D O'Brien*

The Mayor declared the motion as CARRIED.

**11.3 FOR DECISION: Local Strategic Planning Statement, Masterplan and Merged
Local Environmental Plan**

Ref: AINT/2019/18957 (ARC19/3364)

168/19

Moved Cr Tiley

Seconded Cr O'Connor

- a) **That the Planning Proposal to merge the Armidale Dumaresq Local Environmental Plan 2012 and Guyra Local Environmental Plan 2012 into one merged Local Environmental Plan be placed on hold until the completion of the State mandated Local Strategic Planning Statement.**
- b) **That Council commence the process of preparing the Local Strategic Planning Statement for the whole Armidale Regional Council Local Government Area in conjunction and with the Masterplan.**

Amendment

Moved Cr Robinson

- a) That the Planning Proposal to merge the Armidale Dumaresq Local Environmental Plan 2012 and Guyra Local Environmental Plan 2012 into one merged Local Environmental Plan be placed on hold until the completion of the State mandated Local Strategic Planning Statement.
- b) That Council commence the process of preparing the Local Strategic Planning Statement for the whole Armidale Regional Council Local Government Area in conjunction and with the Masterplan.
- c) That Council continues to lobby the NSW Government to cover the cost of creating a merged planning instrument.

The amendment lapsed as there was no seconder.

Amendment

Moved Cr O'Connor

Seconded Cr Bailey

- a) That the Planning Proposal to merge the Armidale Dumaresq Local Environmental Plan 2012 and Guyra Local Environmental Plan 2012 into one merged Local Environmental Plan be placed on hold until the completion of the State mandated Local Strategic Planning Statement.
- b) That Council commence the process of preparing the Local Strategic Planning Statement for the whole Armidale Regional Council Local Government Area in conjunction and with the Masterplan.
- c) That Council lobbies the NSW Government for financial assistance in developing the Local Strategic Planning Statement.

The Amendment was withdrawn.

Foreshadowed Motion
Moved Cr O'Connor

- a) That the Planning Proposal to merge the Armidale Dumaresq Local Environmental Plan 2012 and Guyra Local Environmental Plan 2012 into one merged Local Environmental Plan be placed on hold until the completion of the State mandated Local Strategic Planning Statement.
- b) That Council commence the process of preparing the Local Strategic Planning Statement for the whole Armidale Regional Council Local Government Area in conjunction and with the Masterplan.
- c) That Council lobbies the NSW Government for financial assistance in developing the Local Strategic Planning Statement.

The foreshadowed motion lapsed.

DIVISION *The result being:-*

FOR: *Crs J Galletly, L Martin, A Murat, S Murray, D O'Brien, M O'Connor, D Robinson, I Tiley and B Widders*

AGAINST: *Cr P Bailey*

The Mayor declared the motion as CARRIED.

12. REPORTS FOR DECISION - OUR PEOPLE AND COMMUNITY – N/A

13. REPORTS FOR INFORMATION

PROCEDURAL MOTION

169/19 **Moved Cr Galletly** **Seconded Cr Murat**

That items 13.1 to 13.3 be considered in globo.

The Motion on being put to the vote was CARRIED.

13.1 FOR INFORMATION: Cash and Investment Report July 2019

Ref: AINT/2019/19017 (ARC16/0001-4)

170/19 **Moved Cr Galletly** **Seconded Cr Murat**

That Council receive and note the Cash and Investment Report July 2019.

The Motion on being put to the vote was CARRIED.

13.2 FOR INFORMATION: Monthly Financial Report July 2019

Ref: AINT/2019/19093 (ARC16/0001-4)

171/19

Moved Cr Galletly Seconded Cr Murat

That Council receive and note the Monthly Financial Report July 2019.

The Motion on being put to the vote was CARRIED.

13.3 FOR INFORMATION: Summary of Resolutions of Council February 2019 - July 2019

Ref: AINT/2019/19021 (ARC16/0001-4)

172/19

Moved Cr Galletly Seconded Cr Murat

That the report outlining resolutions of Council from February 2019 to July 2019 and actions carried out, be noted.

The Motion on being put to the vote was CARRIED.

14. REQUESTS FOR LEAVE OF ABSENCE – N/A

15. AUTHORITY TO AFFIX COUNCIL SEAL – N/A

16. COMMITTEE REPORTS

16.1 FOR DECISION: Minutes - Traffic Advisory Committee - 6 August 2019

Ref: AINT/2019/19173 (ARC16/0168)

173/19

Moved Cr Tiley Seconded Cr Murat

- a) **That the Minutes of the Traffic Advisory Committee meeting held on 6 August 2019 be noted and endorsed.**
- b) **That the Special Event Transport Management Plan for the Armidale Markets in the Mall be endorsed as per the application.**
- c) **That approval be granted for the routes provided by the Armidale Triathlon Club for the 2019/2020 event season commencing 20 October 19 and conclude 29 March 2020, be approved in accordance with the submitted Transport Management Plan.**
- d) **That conditional approval be provided for the road closure routes required for the NESCC Rally Sprint, full approval will be provided on receipt of Police endorsement.**
- e) **That the new Public Liability for NESCC Rally Sprint event be provided prior to the event.**

- f) That a 10 mt Loading zone be installed in front of the Armidale Central Shopping Centre in Jessie Street on the northern side of the current Taxi Zone.
- g) That a loading zone in Marsh Street be installed using one parking space either side of the Pet Shop driveway adjacent to 100 Marsh Street.
- h) That the request for a Loading Zone in Beardy St (between Dangar & Jessie St) has the potential for a loading zone on the eastern side of Beardy Street midblock. The use of the old IGA Loading dock will be investigated prior to approval.
- i) That the existing 2 x 2hr parking bay in Moore St adjacent the Mall Arcade be endorsed as a temporary 'No Parking - Driverless Bus Excepted' for the ARDi trial period.
- j) That the 2 x ¼ Hr parking spaces adjacent to the New England Hotel in Dangar St be approved for a temporary 'No Parking Driverless - Bus Excepted' for the ARDi trial period.
- h) That a BB centreline (anti skid) be installed in Moore Street.
- i) That the No Parking zone in front of the Town Hall be extended to incorporate 1hr parking bay on the east end of the parking zone for the period of the ARDi trial.
- k) That reinforcement speed signs be installed near Meredith Road and Park Road for entering and exiting traffic.

The Motion on being put to the vote was CARRIED.

17. MATTERS OF AN URGENT NATURE – N/A

18. QUESTIONS ON NOTICE

8. NOTICES OF MOTION

8.1 FOR DECISION: Resolution 147/19 part (e) - 24 July 2019 Ordinary Council Meeting

Ref: AINT/2019/19732 (ARC16/0025)

174/19

Moved Cr O'Brien

Seconded Cr Robinson

That motion 147/19 part (e) to the 24th July Ordinary Council Meeting, supported by six of the ten Councillors present, but declared lost on the casting vote of the Mayor, be now recommitted to a fresh vote.

The Motion on being put to the vote was CARRIED.

MOTION

175/19

Moved Cr Widders

Seconded Cr Murat

9.1 FOR DECISION: Local Government NSW Annual Conference 14-16 October 2019

(e) That the following Motion submitted by Councillor Robinson and Councillor O'Brien on 'Council Amalgamations' be endorsed for submission to LG NSW:

- i. That LGNSW notes the financial information in the March 2019 report: *"Council Amalgamations, a sea of red ink"* and lobbies the NSW Government for financial assistance to enable councils whose finances have suffered since forced amalgamation to meet important commitments in their Delivery Programs.

The Motion on being put to the vote was CARRIED.

Note this resolution replaces 147/19 part (e).

The CEO took a Question on Notice from Cr Bailey about what is the cost to Council of the pensioner concession.

8.2 FOR DECISION: LGNSW Annual Conference - Motions

Ref: AINT/2019/19737 (ARC16/0025)

176/19

Moved Cr O'Brien

Seconded Cr Robinson

a) That Council submits the motions below to the LGNSW Annual Conferences, noting the statement on the LGNSW website that motions can be accepted for inclusion in the Conference Business Paper until 12 midnight, Monday 16 September 2019 -

<https://lgnsw.org.au/events-training/local-government-nsw-annual-conference/motions> :

- i. That LGNSW lobbies the NSW Government to consider extending pensioner concessions to low-income renters.
- ii. That LGNSW lobbies the NSW Government to cover any increases in election charges by the NSW Electoral Commission.

The Motion on being put to the vote was CARRIED.

8.3 FOR DECISION: Climate Change

Ref: AINT/2019/19739 (ARC16/0025)

177/19

Moved Cr O'Brien

Seconded Cr Widders

- a) **That Council offer moral support to student climate strikers who are asking the Government to enact laws and policies that put Australia at the forefront of proper action on climate change, and commend them for taking the lead in our community to protect Australia's future.**
- b) **That Council also recognise that many councils, including Sydney City Council, have included adapting to climate change as part of their strategic planning. A number have also declared a climate change emergency. It is well recognised that this is a major issue particularly impacting Australia with an increase in extreme weather events, record temperatures, and lower rainfall.**

The Motion on being put to the vote was CARRIED.

PROCEDURAL MOTION

178/19

Moved Cr Murat

Seconded Cr Robinson

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

- 19.1 FOR DECISION: Overdue Debts Write Off - Guyra Pre School and Long Day Care Centre. (AINT/2019/18904) - *As this report deals with the personal hardship of any resident or ratepayer (Section 10A(2)(b) 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: Guyra Show Society Guyra Showground Hire Fees. (AINT/2019/18905) - *As this report deals with the personal hardship of any resident or ratepayer (Section 10A(2)(b) 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.*
- 19.3 FOR DECISION: Request to Purchase Part of 203 Marsh Street. (AINT/2019/18340) - *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.*
- 19.4 Questions on Notice - Cr O'Brien, O'Connor, Robinson. (AINT/2019/19721) - *As this report deals with advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege (Section 10A(2)(g) 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 5:51pm.

Council returned to Open Session at 5:54pm.

RESUMPTION OF MEETING

179/19 **Moved Cr Murat Seconded Cr Widders**

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: Overdue Debts Write Off - Guyra Pre School and Long Day Care Centre

Ref: AINT/2019/18904 (ARC18/2692)

180/19 **That Council write off the overdue debts totalling \$4,607.29 as outlined in the report.**

The Motion on being put to the vote was CARRIED.

19.2 FOR DECISION: Guyra Show Society Guyra Showground Hire Fees

Ref: AINT/2019/18905 (ARC18/2692)

181/19 **That Council write off the amount of \$3,957.00 as outlined in the report.**

The Motion on being put to the vote was CARRIED.

19.3 FOR DECISION: Request to Purchase Part of 203 Marsh Street

Ref: AINT/2019/18340 (ARC18/2692)

182/19

Moved Cr Murat

Seconded Cr Tiley

- (a) That Council proceed with the purchase of a 4m strip of land from 203 Marsh Street (Lot 24 DP 758032) in College Avenue and authorise the Chief Executive Officer to sign and seal all necessary documentation to proceed with the sale.**
- (b) That the following conditions of sale form part of the agreement to purchase by the proponent:**
 - (i) That the land be sold for \$21,325 ex GST and that Council be responsible to meet all costs associated with the purchase.**
 - (ii) That Council be responsible for all survey and legal costs.**
- (c) That the land be registered as Operational Land.**

The Motion on being put to the vote was CARRIED.

There being no further business the Mayor declared the meeting closed at 5:54pm.