



ORDINARY MEETING OF COUNCIL

Held on

Wednesday, 23 September 2020
4pm

at

Guyra Council Chamber

PRESENT: Mr VHR (Viv) May PSM (Interim Administrator)

IN ATTENDANCE: Mr John Rayner (Acting General Manager), Mr Scot MacDonald (Director Businesses & Services), Ms Leah Cook (Acting Director Organisational & Corporate Services), Ms Amanda Campbell (Preschool Nominated Supervisor), Ms Stacey Drew (Executive Policy Advisor) and Ms Hayley Ward (Executive Officer).

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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
Nil.
4. DISCLOSURES OF INTERESTS

4.1 The Interim Administrator Mr Viv May declared a non pecuniary/non significant conflict in Item 10.7 Airport Business Park - respond to offer to purchase Lot 19. *By virtue of my appointment as Interim Administrator I am a Member of the New England Weeds Authority.*
INTENDED ACTION: Remain in the meeting.

4.2 Director Businesses and Services Mr Scot MacDonald declared a non pecuniary/non significant conflict in Item 12.2 Streets as Shared Spaces funding. Mr MacDonald is married to the President of Renew Armidale, Ms Aileen MacDonald, the organisation delivering the project.
INTENDED ACTION: Remain in the meeting. This declaration was made at the commencement of Item 12.2.

5. PUBLIC FORUM (HAVE YOUR SAY)
Nil.

6. CONFIRMATION OF MINUTES

CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 19 AUGUST 2020

212/20

RESOLVED

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

Moved and declared carried by the Interim Administrator

7. INTERIM ADMINISTRATOR MINUTES

7.1 The Interim Administrator read and tabled the following minute:

Community Update

For the Council record I can advise that the Minister for Local Government The Hon Shelley Hancock MP acceded to my request for a three month extension of the suspension of Councillors until 11 December 2020. The additional suspension was officially gazetted on 4 September 2020.

Mr John Rayner PSM took up duties as Acting General Manager on 24 August 2020 and I again thank Northern Beaches Council for seconding Mr David Kerr who made a substantial contribution during his short stay.

The recruitment of a new General Manager commenced on 28 August 2020 and was to close on Monday, however this has now been extended until 5 October 2020. In consultation with the recruitment advisor two participants from the resident meeting convened to assist in defining the qualities of the new General Manager will be selected to assist Mr Rayner and myself in the final selection process.

In accordance with the statutory obligations I was required to submit a report to the Minister for Local Government no less than 14 days before the end of the initial period of suspension of Councillors.

I advised the Minister that in my view the community has lost trust in their elected representatives and staff are confused and demoralised by a lack of leadership and direction and political infighting. Put simply, Armidale Regional Council (ARC) is dysfunctional and in disarray and an embarrassment to and a poor example of good local government.

There is much to be done to restore the community's confidence in ARC. Since my appointment all suspended Councillors have been interviewed as was former Councillor Ms D Gray who resigned prior to suspension, together with the former CEO and Directors. I have met with the local State and Federal Members, most adjoining Councils and many individual residents and organisations. The University of New England is an integral player in the area and accordingly I met with its Vice Chancellor. Current and former staff have contacted me and meetings have been held both in and out of normal business hours.

As a result of the above I have had the opportunity of hearing wide ranging and varied opinions of what led to the suspension of ARC. However there was a consistent theme that deep divisions existed and that Council was not providing a proper and safe place of work for its staff.

The Local Government Act 1993 requires that my report include any recommendations in relation to improving or restoring the proper and effective functioning of the Council. Accordingly I advise that I made two recommendations for the Minister's consideration:

1. A Public Inquiry under s438U of the Act into Armidale Regional Council be held
2. Review the Councillor structure following community consultation.

My initial observations that I have outlined in earlier Minutes have now been also informed by Messrs Kerr and Rayner and it is clear that significant work needs to be done to restore the proper and effective functioning, governance and financing of ARC before there is any chance of improving same. ARC has failed the community it was meant to serve in the exercise of its functions, provision of core services, decision making, community participation, financial management and Integrated Planning and Reporting as best exemplified as follows:

- The deterioration in the performance and functioning of the Council is evidenced through the "Inglis Report" in which underlying issues were explored in mid 2019 by Glenn Inglis and in Graham Sansom's March 2020 advice to the Mayor and Chief Executive Officer that "ARC needs to re-focus on providing the effective local governance its citizens have a right to expect".
- It appears to be the position of the suspended Councillors that the result of the widely reported Court Case brought the dysfunction to an end. This view clearly understates the unfortunate culture that had developed amongst Councillors which is highlighted by the subsequent resignations of the Mayor and Deputy Mayor. In my view the decision

of the staff under delegation to commence the proceedings was a misuse of same and I have been unable to obtain a clear picture of what actually occurred as I do not have the powers of a Commissioner. A Public Inquiry will allow a closer examination of this matter. That said I believe the Court Case was simply a further example of how the toxic culture among Councillors of ARC was playing out.

- The resignations of four Councillors puts at risk full representative democracy in the ARC local government area should the Council be returned. There still remains no acknowledgement by some of the suspended Councillors that their behaviour was not acceptable.
- In my interviews with suspended Councillors and staff (past and present) it is clear there are relationship issues both in and out of the Chamber that require closer examination under oath. Some of what I have been told is very disturbing but I am not in a position to breach the trust of confidentiality that has been placed in me by so many people who have assisted in my forming the view in relation to a Public Inquiry. Such a decision will give residents the opportunity to come forward and potentially 'clear the air'.
- The financial position of the Council needs closer examination and stabilisation. A forensic review, particularly in respect of cash reserves and expenditure since the 2016 merger is being conducted and should be available for report to Council at its October or November meeting. The report will also clearly reconcile funds given to Council by the State at merger. I am advised that the estimated unrestricted cash as at 30 June 2020 is \$2.14 million compared with \$9.853 million at the time of merger (12 May 2016).
- An example of Council's poor financial position is the lack of funds for the maintenance of its basic infrastructure in the 2020/21 Budget.
- Recruitment of a new General Manager is critical to the restoration of Council's proper and effective functioning. In addition to working to address the significant reputational, legal and Work Health and Safety issues, there is a need to complete the process of the merger. Mr Rayner and myself were both Administrators in the 2016 mergers and are aware of the complexities involved but governance, policy, financial, structural and community engagement failures demand that a new General Manager be provided with 'clean air' before the return of an elected Council and this will not be achieved in the short term.
- Despite the considerable investment in Councillor Induction training, the roles and responsibilities of Councillors and staff are clearly not understood and there appears to have been a complete disregard on the part of some Councillors and staff of their statutory obligations. There are examples since I was appointed of a failure on the part of staff to declare interests/conflicts in matters before Council and the Acting General Manager is dealing with an issue involving a suspended Councillor together with what is best described as operational conflicts. No doubt a Public Inquiry would provide the opportunity for residents to come forward.
- It appears that some decisions of the Council were not being made by meetings of the governing body and that the CEO (and other staff) did not have the delegation to proceed in many important matters. Briefings and Workshops may have been de facto

meetings which of course is totally unacceptable and unlawful. A review is presently underway of all presentations to such gatherings to determine if my observation is correct and will be reported to the first available meeting.

- The dysfunction and disarray of ARC has not helped with the completion of the merger of 2016 and has been addressed above. Unfortunately many residents of the former Guyra Shire Council do not understand the poor state of their former Council's finances and are using the suspension to further their desire for demerger together with a group from the eastern area of the ARC area who are lobbying to create a new LGA.
- I question the maturity of ARC (political and organisational) to be able to address important community decisions if Council is returned. These include water security and a Drought Management Plan (which in my view should have been completed under the former Administration period), economic and tourism potential such as a final decision on the New England Rail Trail and some outstanding development matters. There is also a need to finalise a Special Rate Variation and untangle the complexity of the Council resolution to prepare the document Armidale 2040 as the priority over its statutory obligations of a Local Strategic Planning Statement and Community Strategic Plan. A mechanism needs to be developed and embedded to recognise and use in a constructive way the talent of so many resident volunteers who want to work with ARC.

ARC in my view has failed its community and needs a fresh start that focusses on the fundamentals of sound local government.

This will ensure that ARC will be an effective and well respected Council into the future and take its rightful place as the lead Council in the New England region.

(Viv May PSM)

Interim Administrator

MOTION: INTERIM ADMINISTRATOR MINUTE 7.1

213/20

Moved and declared carried by the Interim Administrator:

That the minute be received.

7.2 The Interim Administrator read and tabled the following minute:

Council's Drought Management Plan Consultation

Council's Drought Management Plan consultation will commence in the coming weeks. Following last month's Council meeting, staff have developed a consultation plan that begins with identifying key stakeholders by the end of September. The process will include a survey and a forum. Council is aiming to adopt a new Drought Management Plan by the end of March 2021. I have had many representations on me the significance of the Drought Plan following last year's record low rainfall and run off into our dams. While Council capably managed the emergency water conditions, it is clear the two Plans of Guyra and Armidale were not fit for purpose. The community has made it clear they want one updated Drought Management Plan for the Local Government Area and that work is now underway.

Making sound decisions on a Drought Management Plan and other water management issues means the community needs to be informed. I have decided Council will in future publish on its website every week the storage levels of its dams and water consumption patterns for Guyra and Armidale. The information will include comparisons of levels and demand compared to previous years.

(Viv May PSM)

Interim Administrator

MOTION: INTERIM ADMINISTRATOR MINUTE 7.2

214/20

Moved and declared carried by the Interim Administrator:

That the minute be received and the actions in this Minute be endorsed.

7.3 The Interim Administrator read and tabled the following minute:

Reallocation of Funds from State Drought Stimulus Funding

As indicated elsewhere on this agenda, over recent weeks I have spent many hours meeting with small communities across our local Government area to gain an understanding of residents' needs and priorities.

These priorities are small in the overall scheme of things but very important to locals. I have reviewed the projects underway, or planned under the State Drought Stimulus Funding, and discussed the matter with the member for Northern Tablelands, the Hon Adam Marshall

MP, and now propose to reallocate funds.

My objective is to start to improve facilities in many of our villages and localities. These communities have suffered through drought and bushfires (and in the case of Middle Creek, flooding) and deserve better attention from their Council.

The Acting General Manager has informed me that he proposes to suspend all work on the so called Business Hub in Faulkner Street Armidale until he reconciles the sources of funding. It appears that the Business Hub was not formally decided by Council and apparently includes a large allocation for moving Council staff into these former Library premises. If there is an accommodation problem with the existing Council facilities it should be the subject of a report and consideration. In our view it is a totally inappropriate use of State Drought Stimulus Funding. The Hub was also to provide space for the University and business groups, which is still under negotiation.

It is proposed that \$140,000 be reallocated as follows:

Wongwibinda RFS	Concrete apron and open space improvements in the vicinity of the hall	\$18,000
Leggo Park, Guyra	Guyra Local Aboriginal Land Council for concept plans, community consultation and preliminary project studies to restore and activate Leggo Park	\$10,000
Ebor RFS	Drainage	\$15,000
Armidale Playhouse	Improvements	\$10,000
Point Lookout RFS	Concrete apron	\$18,000
Jeogla RFS	Concrete apron	\$18,000
Black Gully	Funding to Visions for Armidale Creeklands Inc for pilot study on water pond reticulation 'Proof of Concept Proposal: Black Gully Billabongs' (subject to statutory approvals and adjoining owner's consent)	\$5,000
Ben Lomond Railway Station,	Maintenance of facility	\$40,000
Wollomombi RFS	Batter to structure	\$6,000
	TOTAL	\$140,000

I expect these projects will be managed and completed by Council staff or our project managers.

(Viv May PSM)

Interim Administrator

MOTION: INTERIM ADMINISTRATOR MINUTE 7.3

215/20

Moved and declared carried by the Interim Administrator:

That this Minute be received and that Council:

- a) **Note that there is no formal Council decision to establish a “Business Hub”.**
- b) **Suspend work on the “Business Hub” and staff provide an update to Council on funding, expenditure to date, proposed usage and business case to continue with the “Business Hub”.**
- c) **Adopt the amended allocation for the State Drought Stimulus Funding, as detailed in the minute.**
- d) **Receive a report on Council’s office accommodation needs and details of expenditure and source of funds of the Council Chambers, staff facilities since 1 January 2020.**

8. NOTICES OF MOTION

Nil.

9. REPORTS FOR DECISION - LEADERSHIP FOR THE REGION

9.1 Delegation of Authority - General Manager *Ref: AINT/2020/31027 (ARC18/2516-3)*

OFFICER RECOMMENDATION:

That pursuant to Section 377 of the *Local Government Act 1993*, Council delegates the functions to the General Manager as described in the Instrument of Delegation attached to this Report.

216/20

RESOLVED:

That the officer’s recommendation be adopted subject to the instrument of delegation being amended to include authority to commence legal proceedings does not include the authority to commence proceedings against the Council or individual Councillors.

Moved and declared carried by the Interim Administrator

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

10.1 Expansion of Rail Trail Business Case

Ref: AINT/2020/30219 (ARC16/0085)

OFFICER RECOMMENDATION:

That Council note the advice from consultants Mike Halliburton and Associates that the draft final report regarding the New England Rail Trail will be received by Council by the week commencing 5 October 2020. A further report regarding this matter will be provided to a future meeting.

217/20

RESOLVED:

That Council note the advice from consultants Mike Halliburton and Associates that the draft final report regarding the New England Rail Trail will be received by Council by the week commencing 5 October 2020. A further report regarding this matter will be provided to a future meeting.

Moved and declared carried by the Interim Administrator

10.2 Cash and Investment Report August 2020

Ref: AINT/2020/30429 (ARC16/0001-5)

OFFICER RECOMMENDATION:

That Council note the Cash and Investment Report for August 2020.

218/20

RESOLVED:

That Council note the Cash and Investment Report for August 2020.

Moved and declared carried by the Interim Administrator

10.3 Grant Application for Guyra Preschool and Long Day Care

Ref: AINT/2020/30865 (ARC17/2055)

OFFICER RECOMMENDATION:

That Council:

- a) Note that applications are now open under the NSW Infrastructure Grants – Clubgrants Category 3 Fund via the State Government’s Office of Responsible Gambling.
- b) Endorse the submission of an application to the current round of the NSW Infrastructure Grants – Clubgrants Category 3 Fund for the fit out of the existing and proposed new Guyra Preschool and Long Day Care Centre.

219/20

RESOLVED:

That Council:

- a) **Note that applications are now open under the NSW Infrastructure Grants – Clubgrants Category 3 Fund via the State Government’s Office of Responsible Gambling.**
- b) **Endorse the submission of an application to the current round of the NSW Infrastructure Grants – Clubgrants Category 3 Fund for the fit out of the existing and proposed new Guyra Preschool and Long Day Care Centre.**

Moved and declared carried by the Interim Administrator

PROCEDURAL MOTION

220/20

MOVED

That Item 10.5 be considered before Item 10.4.

Moved and declared carried by the Interim Administrator

10.5 Draft Financial Statements For The Year Ended 30 June 2020

Ref: AINT/2020/31003 (ARC19/3591)

The Manager Financial Services spoke to the report. This report requests that Council adopt the draft financial statements for the year ended 30 June 2020 for the purpose of providing them to Council's external auditor. Following this, the audit will be conducted and the auditor will issue a report on the financial statements.

The draft financial statements included in the report contain a \$6.056m operating deficit position and a \$2.113m unrestricted cash position. Council officers have since identified further required adjustments that have resulted in an improved revised operating result of a \$5.268m operating deficit and a \$2.14m unrestricted cash position. As a result of these amendments, a revised set of financial statements is presented today for the purposes of signing and referral to audit.

I recommend adoption of the draft financial statements for the year ended 30 June 2020 as presented today recognising that the overall results contained therein represent the culmination of 12 months of a significant amount of work by the organisation. The 2019/20 financial year has presented an unprecedented level of challenges that have impacted on Council's financial position, however, it is of note that the cash position has not deteriorated from 30 June 2019.

OFFICER ECOMMENDATION:

That Council:

- a) Adopt the Draft Financial Statements for the Year Ended 30 June 2020, as presented, for referral to Council's Auditor in accordance with Section 413(1) of the *Local Government Act 1993*.
- b) Authorise the Interim Administrator, Acting General Manager and Responsible Accounting Officer to sign the Statements by Councillors and Management on the preparation of the General Purpose and Special Purpose Financial Statements for the year ended 30 June 2020 as prescribed by Section 413(2)(c) of the *Local Government Act 1993*.
- c) Authorise the Acting General Manager to issue the audited Financial Statements for the Year Ended 30 June 2020 immediately upon receipt of the Auditor's Reports subject to there being no material audit changes or audit issues.

221/20

RESOLVED:

That Council:

- a) **Adopt the Draft Financial Statements for the Year Ended 30 June 2020, as amended and presented at the meeting, for referral to Council's Auditor in accordance with Section 413(1) of the *Local Government Act 1993*.**
- a) **Authorise the Interim Administrator, Acting General Manager and Responsible Accounting Officer to sign the Statements by Councillors and Management on the preparation of the General Purpose and Special Purpose Financial Statements for the year ended 30 June 2020 as prescribed by Section 413(2)(c) of the *Local Government Act 1993*.**

- b) Authorise the Acting General Manager to issue the audited Financial Statements for the Year Ended 30 June 2020 immediately upon receipt of the Auditor's Reports subject to there being no material audit changes or audit issues.**

Moved and declared carried by the Interim Administrator

10.4 2020/21 Carry Forward Budget Review

Ref: AINT/2020/30975 (ARC19/3335)

The Manager Financial Service spoke to the report. This report contains the proposed adjustments to the 2020/21 budget as a result of incomplete projects as at 30 June 2020. As result of the amendments outlined for Item 10.5 the recommendation for this report is proposed to be amended to reflect revised carry forward estimates. Including the proposed amendments, the 2020/21 carry forwards will reduce the capital expenditure budget by \$746,030 and the capital revenue budget by \$1,942,858.

The operating expenditure budget will be increased by \$385,837 and the operating revenue budget by \$295,759. The cash impact of the 2020/21 carry forwards has required \$1,090,526 to be held as internally restricted cash at 30 June 2020.

OFFICER RECOMMENDATION:

That Council:

- a) Note the 2020/21 Carry Forward Budget Review.
- b) Resolve to amend the 2020/21 budget in accordance with the budget adjustments proposed in this report.

222/20

RESOLVED:

That Council:

- a) **Note the 2020/21 Carry Forward Budget Review.**
- b) **Resolve to amend the 2020/21 budget in accordance with the budget adjustments proposed in this report with the following amendments:**

Project No	Description	2020/21 Original Budget	Proposed 2020/21 Carry Forward	Revised 2020/21 Budget	Funding Source	Total Grant	2020/21 Carry Forward Grant Amount
210115	Armidale Regional Adventure Playground	794,897	(33,016)	761,881	Grant	999,700	200,000
210234	Airport Business Park	4,174,088	(2,354,410)	1,819,678	Grant	6,000,000	(1,952,553)
300074	Guyra Home Support Services (Contributions to be paid back to funding agency and Uralla Shire Council)	0	0	0	Grant	0	0

Moved and declared carried by the Interim Administrator

10.6 Financial Support to Community Groups

Ref: AINT/2020/32534 (ARC19/3335)

OFFICER RECOMMENDATION:

That Council approve payment of 2020/21 contributions to the following community groups in accordance with the terms and conditions contained in the existing funding agreements:

1. Armidale Neighbourhood Centre \$20,000 plus CPI excluding GST
2. New England Regional Art Museum (NERAM) \$364,445.01 excluding GST
3. New England Conservatorium of Music (NECOM) \$8,500 excluding GST plus in kind support.

223/20

RESOLVED:

That Council:

- a) **Approve 50% payment of 2020/21 contributions to the Armidale Neighbourhood Centre, New England Regional Art Museum and New England Conservatorium of Music.**
- b) **Negotiate partnership agreements to accord with the Council's resolution of 19 August with the groups outlined in 1 above prior to the balance of the funds being allocated.**
- c) **The Acting General Manager be delegated authority to pay 50% of 2020/21 contributions to community groups subject to 2 above.**

Moved and declared carried by the Interim Administrator

11. REPORTS FOR DECISION - ENVIRONMENT AND INFRASTRUCTURE

11.1 Declaring Stagecoach Lane Ebor a Council Public Road

Ref: AINT/2020/29931 (ARC16/0262)

OFFICER RECOMMENDATION:

That Council supports the proposal by NSW Crown Lands to survey and declare Stagecoach Lane, Ebor a Public Road in the NSW Government gazette.

224/20

RESOLVED:

That Council supports the proposal by NSW Crown Lands to survey and declare Stagecoach Lane, Ebor a Public Road in the NSW Government gazette.

Moved and declared carried by the Interim Administrator

11.2 Crown Land Acquisition - Izzard Park (part of)

Ref: AINT/2020/30228 (ARC19/3333)

OFFICER RECOMMENDATION:

That Council endorse the commencement of negotiations to be conducted with NSW Crown Lands for the acquisition of all, or part, of the land reserve known as Lot 7302 DP1157890.

225/20

RESOLVED:

That Council endorse the commencement of negotiations to be conducted with NSW Crown Lands for the acquisition of all, or part, of the land reserve known as Lot 7302 DP1157890.

Moved and declared carried by the Interim Administrator

11.3 Acquisition of Springhill Lane, Armidale from NSW Crown Lands

Ref: AINT/2020/30681 (ARC16/0001-5)

OFFICER RECOMMENDATION:

That Council seeks the transfer, at no cost, of the Crown Land Public roads described as adjoining Lot 265 DP755808 north to Lot 262 DP755808 known as Springhill Lane, Armidale. The road to be acquired will not include the section north of Ross Street adjoining Lot 169 DP755808. The land to be acquired is identified by the black and orange hatching in the attached Crown Land plan (other than the Crown Land road north of Ross Street) and the section marked in orange (designated "Crown Road No Application & Proposed For Closure) adjoining Lot 266 DP755808. The land to be acquired from NSW Crown Lands is for the purpose of community use.

226/20

RESOLVED:

That Council seeks the transfer, at no cost, of the Crown Land Public roads described as adjoining Lot 265 DP755808 north to Lot 262 DP755808 known as Springhill Lane, Armidale. The road to be acquired will not include the section north of Ross Street adjoining Lot 169 DP755808. The land to be acquired is identified by the black and orange hatching in the attached Crown Land plan (other than the Crown Land road north of Ross Street) and the section marked in orange (designated "Crown Road No Application & Proposed For Closure) adjoining Lot 266 DP755808. The land to be acquired from NSW Crown Lands is for the purpose of community use.

Moved and declared carried by the Interim Administrator

11.4 Acceptance and Assessment of Applications Policy

Ref: AINT/2020/30682 (ARC16/0142-5)

OFFICER RECOMMENDATION:

That Council:

- a) Endorse the public exhibition of the draft Acceptance and Assessment of Applications Policy from 24 September 2020 to 26 October 2020.
- b) Be presented with a further report after the exhibition period closes, including any submissions, for final adoption of the policy.

227/20

RESOLVED:

That Council:

- a) **Endorse the public exhibition of the draft Acceptance and Assessment of Applications Policy from 24 September 2020 to 26 October 2020.**
- b) **Be presented with a further report after the exhibition period closes, including any submissions, for final adoption of the policy.**

Moved and declared carried by the Interim Administrator

11.5 Purchase of Surface Infrastructure at Izzard Park Bore

Ref: AINT/2020/30872 (ARC19/3333)

OFFICER RECOMMENDATION:

That Council endorse the commencement of negotiations to purchase all surface infrastructure assets owned by the Costa Group located at the Izzard Park, Guyra bore.

228/20

RESOLVED:

That Council:

- a. **Negotiate the purchase all the surface infrastructure assets at the bore at Izzard Park, Guyra owned by the Costa Group.**
- b. **Commission an independent report that addresses the following:**
 - i. **The provision of water to the Costa Group during 2019/20,**
 - ii. **The circumstances surrounding the request from Council for the Costa Group to fund the construction of public infrastructure at Izzard Park**
 - iii. **Details of any and all Memorandum of Understanding between Council and the Costa Group, including draft MOU's, meetings and negotiations**
 - iv. **The relationship between Council, including Councillors and staff, and the Costa Group**
- c. **Consider the independent report at a future meeting of Council.**

Moved and declared carried by the Interim Administrator

11.6 Public consultation on Policy for Stock Grids on Council Roads

Ref: AINT/2020/30878 (ARC16/0001-5)

OFFICER RECOMMENDATION:

That Council commence community consultation on a harmonised policy for Stock Grids on Council roads.

229/20

RESOLVED:

That the Officer's recommendation be adopted subject to the consultation including an assessment of the policies of adjoining Councils on the control and management of grids.

Moved and declared carried by the Interim Administrator

11.7 Fixing Country Bridges - Grant Application

Ref: AINT/2020/30900 (ARC17/2177-5)

OFFICER RECOMMENDATION:

That Council endorse the submission of a funding application to the Transport for New South Wales Fixing Country Bridges Program for funds totalling \$2,524,500 to be utilised for the construction of replacement bridges at the following locations:

1. Bakers Creek Bridge on Hillgrove Road for an amount of \$1,320,000
2. Boorolong Creek Bridge on Boorolong Road for an amount of \$1,204,500

230/20

RESOLVED:

That Council endorse the submission of a funding application to the Transport for New South Wales Fixing Country Bridges Program for funds totalling an estimated \$3,366,621 to be utilised for the construction of replacement bridges at the following locations:

- 1. Bakers Creek Bridge on Hillgrove Road for an amount of \$1,320,000**
- 2. Boorolong Creek Bridge on Boorolong Road for an amount of \$1,204,500**
- 3. Laura Creek Bridge on Baldersleigh Road for an estimated amount of \$501,907**
- 4. Lambs Valley Bridge on Lyndhurst Road for an estimated amount of \$340,214**

Moved and declared carried by the Interim Administrator

11.8 Regional Connectivity Program - Grant Application

Ref: AINT/2020/30906 (ARC17/2177-5)

OFFICER RECOMMENDATION:

That Council note the report regarding the Department of Infrastructure, Transport, Regional Development and Communications Regional Connectivity Program.

231/20

RESOLVED:

That Council note the report regarding the Department of Infrastructure, Transport, Regional Development and Communications Regional Connectivity Program.

Moved and declared carried by the Interim Administrator

**11.9 Strengthening Telecommunications Against Natural Disasters (STAND) -
Temporary Telecommunications Infrastructure Deployment Program - Grant
Application**

Ref: AINT/2020/30908 (ARC17/2177-5)

OFFICER RECOMMENDATION:

That Council acknowledge the Strengthening Telecommunications Against Natural Disasters (STAND) - Temporary Telecommunications Infrastructure Deployment Program but does not submit an application as it does not meet the eligibility criteria.

232/20

RESOLVED:

That Council acknowledge the Strengthening Telecommunications Against Natural Disasters (STAND) - Temporary Telecommunications Infrastructure Deployment Program but does not submit an application as it does not meet the eligibility criteria.

Moved and declared carried by the Interim Administrator

11.10 Acquisition of Land Condition Of Development Consent

Ref: AINT/2020/31056 (ARC16/0020-5)

OFFICER RECOMMENDATION:

That Council:

- a) Acquire Lots 22 and 23 DP 1168082 for the purpose of denying access to Monro Street, Armidale.
- b) Authorise the Interim Administrator and Acting General Manager to execute the documents associated with the transfer.
- c) Classify the land as Operational following acquisition.

233/20

RESOLVED:

That Council:

- a) Acquire Lots 22 and 23 DP 1168082 for the purpose of denying access to Monro Street, Armidale.**
- b) Authorise the Interim Administrator and Acting General Manager to execute the documents associated with the transfer.**
- c) Classify the land as Operational following acquisition.**

Moved and declared carried by the Interim Administrator

11.11 Grant submission changes to Safer Roads and Deferral Black Spot Programs

Ref: AINT/2020/31135 (ARC17/2177-5)

OFFICER RECOMMENDATION:

That Council note the following funding application was made to the Australian Government Black Spot Program and the NSW Government Safer Roads Program with the following amendments:

	Project	Approved at Council on 19 th August	Amended Amount
i.	Boorolong Road	\$50,000	\$53,400
ii.	Kennedy Street Mann Street	\$50,000	No change
iii.	Cluny Road intersecting with Madgwick Drive	\$254,000	No change
iv.	Niagara Street intersection with McLennan Street	\$30,000	\$46,200
v.	Minor projects	\$16,000	No change

234/20

RESOLVED:

That Council note the following funding application was made to the Australian Government Black Spot Program and the NSW Government Safer Roads Program with the following amendments:

	Project	Approved at Council on 19 th August	Amended Amount
i.	Boorolong Road	\$50,000	\$53,400
ii.	Kennedy Street Mann Street	\$50,000	No change
iii.	Cluny Road intersecting with Madgwick Drive	\$254,000	No change
iv.	Niagara Street intersection with McLennan Street	\$30,000	\$46,200
v.	Minor projects	\$16,000	No change

Moved and declared carried by the Interim Administrator

11.12 Recommendation Report - Armidale Regional Airport Flood Lighting

Ref: AINT/2020/31237 (ARC20/4197)

OFFICER RECOMMENDATION:

That Council:

- a) Accept the tender submitted by Alan Kneale Pty Ltd of \$237,542 (GST included) for the supply and installation of Flood Lighting for the Armidale Regional Airport.
- b) Authorise the Acting General Manager to execute all documents in relation to the contract.

235/20

RESOLVED

That Council:

- a) **Accept the tender submitted by Alan Kneale Pty Ltd of \$237,542 (GST included) for the supply and installation of Flood Lighting for the Armidale Regional Airport.**
- b) **Authorise the Acting General Manager to execute all documents in relation to the contract.**

Moved and declared carried by the Interim Administrator

12. REPORTS FOR DECISION - OUR PEOPLE AND COMMUNITY

**12.1 Guyra Preschool and Long Day Care Centre and Guyra OSHC User Fee
Amendment 2021**

Ref: AINT/2020/29769 (ARC16/1213)

OFFICER RECOMMENDATION:

That Council:

- a) Endorse for public exhibition the proposed amendments to attendance fees for the Guyra Preschool and Long Day Care Centre and Guyra OSHC as outlined in this report.
- b) Publicly exhibit the proposed amended attendance fees in accordance with the *Local Government Act 1993 (608)*.
- c) Provide a further report addressing any matters raised through the public exhibition period prior to finalising the proposed amended attendance fees.

236/20

RESOLVED:

That Council:

- a) **Endorse for public exhibition the proposed amendments to attendance fees for the Guyra Preschool and Long Day Care Centre and Guyra OSHC as outlined in this report.**
- b) **Publicly exhibit the proposed amended attendance fees in accordance with the *Local Government Act 1993 (608)*.**
- c) **Provide a further report addressing any matters raised through the public exhibition period prior to finalising the proposed amended attendance fees.**

Moved and declared carried by the Interim Administrator

12.2 Streets as Shared Spaces funding

Ref: AINT/2020/30129 (ARC20/4281)

Director Businesses and Services Mr Scot MacDonald declared a non pecuniary/non significant conflict in Item 12.2 Streets as Shared Spaces funding. Mr MacDonald is married to the President of Renew Armidale, Ms Aileen MacDonald, the organisation delivering the project. INTENDED ACTION: Remain in the meeting. Mr MacDonald did not take part in the discussions.

OFFICER RECOMMENDATION:

That Council:

- a) Note the successful Streets as Shared Spaces funding of \$59,522 received from the NSW Government for temporary activation projects to support communities through COVID-19.
- b) Authorise the Acting General Manager to execute a MOU with Renew Armidale to deliver the Streets as Shared funding project.

237/20

RESOLVED:

That Council:

- a) **Note the successful Streets as Shared Spaces funding of \$59,522 received from the NSW Government for temporary activation projects to support communities through COVID-19.**
- b) **Authorise the Acting General Manager to execute a MOU with Renew Armidale to deliver the Streets as Shared funding project.**
- c) **That key representatives of Streets as Shared Spaces funding project and Central Business District Revitalisation projects liaise with each other to consolidate current and proposed Armidale Mall and CBD revitalisation activities to ensure the work aligns with the adopted Mall Vibrancy Plan 2017 – 2021.**

Moved and declared carried by the Interim Administrator

**12.3 Guyra Early Childhood Learning Centre Development - Community
Consultation and Site Selection**

Ref: AINT/2020/30139 (ARC17/2055)

OFFICER RECOMMENDATION:

That Council:

- a) Receive and note the community consultation regarding the proposed new Guyra Early Childhood Learning Centre (ECLC).
- b) Endorse the proposed site for the Early Childcare Learning Care building, being the north-west quadrant of the site bounded by Mackenzie, Bradley and Moredun Streets and Leggo Park, Guyra. The new carpark location being the south-west quadrant of the site, with entry from and exit to Moredun Street.

238/20

RESOLVED:

That Council:

- a) **Receive and note the community consultation regarding the proposed new Guyra Early Childhood Learning Centre (ECLC).**
- b) **Endorse the proposed site for the Early Childcare Learning Care building, being the north-west quadrant of the site bounded by Mackenzie, Bradley and Moredun Streets and Leggo Park, Guyra. The new carpark location being the south-west quadrant of the site, with entry from and exit to Moredun Street.**
- c) **Request a report detailing the estimated cost of the entire project, sources of funding and timetable following DA approval.**

Moved and declared carried by the Interim Administrator

12.4 Confirmation of Federal Bushfire Recovery Funding

Ref: AINT/2020/30898 (ARC17/2177-5)

The Interim Administrator advised that he had had discussions with the Member for New England, the Hon Barnaby Joyce MP, and his office, in relation to the reallocation of the funds. He further advised that in relation to Wollomombi, the children's playground allocation also includes open space improvements in the area, such as seating and a potential BBQ. In relation to the Ebor Community Group in addition to improvements to the hall there was an opportunity for a bore site in the showground but this would depend on the availability of funding for the hall improvements. The allocation also provides for \$20,000 for a community mower and shed.

OFFICER RECOMMENDATION:

That Council:

- a) Adopt the amended allocation for the Federal Bushfire Funding Grant \$1.3m as listed below:

	\$
Guyra Men's Shed - Payment towards relocation and welding bay	25,000
Guyra Historical Society Renovations - Payment towards Renovations	22,000
Community Facilities Renovations	100,000
Lamb & Potato Festival Renovation - Co-contribution Kitchen Upgrade	25,000
SES Guyra – Communications Improvements	5,000
Emergency Communications – Armidale Regional Council Satellite Phone Payment towards equipment number dependent on budget	20,000
NEW: Community Connectivity Assistance - provision for NFP community groups to stay connected through teleconference/ video equipment provisions (\$1,200 for 40 groups) Independently assessed	60,000
Women on the Land Events or substitute with something that will benefit Women on the Land	20,000
NEW: Armidale Street Art Additions	20,000
Guyra Street Art Additions - (to be added to Guyra Main Street Project)	20,000
Tree Safety Works	50,000
Armidale Golf Club Tree Work	50,000
Guyra Community 'The Hub' fit out building extension	40,000
Project Management for the Restoration of Damaged Infrastructure	129,803
Project Zero 30 - Project seed money	25,000
Support the recovery of local koala population	30,000
Business Community Facility Exchange - Transition of Building office space	15,000
Guyra Preschool Facility – new facility including expansion	313,197
Ben Lomond maintenance of Railway Station	20,000
Wards Mistake Progress Association (LAC) - Payment towards Children's play ground equipment	15,000

Ebor Community Group (LAC) – Village improvements	60,000
Wollomombi (LAC) – Payment towards Septic and toilet; playground	180,000
Lower Creek (LAC) Payment towards Multipurpose centre and park toilet block	40,000
LAC Skip bins to aid bushfire clean up	15,000
TOTAL Federal Bushfire Recovery Funding	1,300,000

- b) Note the allocation of the State Drought Stimulus Funding is under review.
- c) Note the original list of Projects & Activities for Bushfire Recovery & Drought stimulus funding was presented to Council under closed session on 22 April 2020 minute number 93/20 Item 20.1.

239/20

RESOLVED:

That Council:

- a) **Adopt the amended allocation for the Federal Bushfire Funding Grant \$1.3m as listed below:**

	\$
Guyra Men's Shed - Payment towards relocation and welding bay	25,000
Guyra Historical Society Renovations - Payment towards Renovations	22,000
Community Facilities Renovations	100,000
Lamb & Potato Festival Renovation - Co-contribution Kitchen Upgrade	25,000
SES Guyra – Communications Improvements	5,000
Emergency Communications – Armidale Regional Council Satellite Phone Payment towards equipment number dependent on budget	20,000
NEW: Community Connectivity Assistance - provision for NFP community groups to stay connected through teleconference/ video equipment provisions (\$1,200 for 40 groups) Independently assessed	60,000
Women on the Land Events or substitute with something that will benefit Women on the Land	20,000
NEW: Armidale Street Art Additions	20,000
Guyra Street Art Additions - (to be added to Guyra Main Street Project)	20,000
Tree Safety Works	50,000
Armidale Golf Club Tree Work	50,000
Guyra Community 'The Hub' fit out building extension	40,000
Project Management for the Restoration of Damaged Infrastructure	129,803
Project Zero 30 - Project seed money	25,000
Support the recovery of local koala population	30,000
Business Community Facility Exchange - Transition of Building office space	15,000
Guyra Preschool Facility – new facility including expansion	313,197
Ben Lomond maintenance of Railway Station	20,000
Wards Mistake Progress Association (LAC) - Payment towards Children's play	15,000

ground equipment	
Ebor Community Group (LAC) – Village improvements	60,000
Wollomombi (LAC) – Payment towards Septic and toilet; playground	180,000
Lower Creek (LAC) Payment towards Multipurpose centre and park toilet block	40,000
LAC Skip bins to aid bushfire clean up	15,000
TOTAL Federal Bushfire Recovery Funding	1,300,000

b) Note the allocation of the State Drought Stimulus Funding is under review.

c) Note the original list of Projects & Activities for Bushfire Recovery & Drought stimulus funding was presented to Council under closed session on 22 April 2020 minute number 93/20 Item 20.1.

Moved and declared carried by the Interim Administrator

12.5 Disaster / Emergency coordination

Ref: AINT/2020/30918 (ARC19/3474)

OFFICER RECOMMENDATION:

That Council:

- a) Note the Briefing Paper – Disaster / Emergency Coordination.
- b) Appoint Sharn Woolnough as Deputy Local Emergency Management Officer.
- c) Note the establishment of an internal committee to review the plan, procedures and guidelines and its relationship to the Local Emergency Management Plan.

240/20

RESOLVED:

That Council:

- a) That the matter be referred to the Acting General Manager for appropriate action.**
- b) Appoint Sharn Woolnough as Deputy Local Emergency Management Officer.**

Moved and declared carried by the Interim Administrator

12.6 Naming of children's park - Aboriginal naming *Ref: AINT/2020/30969 (ARC16/0605)*

OFFICER RECOMMENDATION:

That Council defers the naming of the new children's playground until further consultation with the Aboriginal community is undertaken.

241/20

RECOMMENDATION:

That no further action be taken in the matter.

Moved and declared carried by the Interim Administrator

13. REPORTS FOR INFORMATION

Nil.

14. REQUESTS FOR LEAVE OF ABSENCE

Nil.

15. AUTHORITY TO AFFIX COUNCIL SEAL

Nil.

16. COMMITTEE REPORTS

16.1 Minutes - Arts, Cultural & Heritage Committee 20 August 2020

Ref: AINT/2020/29639 (ARC16/0217)

OFFICER RECOMMENDATION:

That the Minutes of the Arts, Cultural & Heritage Committee meeting held on 20 August 2020 be noted and the following recommendations endorsed:

- a) That committee members consider a Draft Cultural Tourism Strategic Plan 2020 – 2022 after further inclusion from the Aboriginal community and ARC Tourism staff officers.
- b) That the Acting General Manager be invited to the next ACHAC meeting to further discuss the allocation of funds for a Creative Arts Small Grant.

242/20

RESOLVED:

That the Minutes of the Arts, Cultural & Heritage Committee meeting held on 20 August 2020 be noted and the following recommendations endorsed:

- a) That committee members consider a Draft Cultural Tourism Strategic Plan 2020 – 2022 after further inclusion from the Aboriginal community and ARC Tourism staff officers.**
- b) That the Acting General Manager be invited to the next ACHAC meeting to further discuss the allocation of funds for a Creative Arts Small Grant.**

Moved and declared carried by the Interim Administrator

16.2 Minutes - Regional Growth and Place Activation Peak Advisory Committee - 7 August 2020

Ref: AINT/2020/30774 (ARC19/3530)

OFFICER RECOMMENDATION:

That the Minutes of the Regional Growth and Place Activation Peak Advisory Committee meeting held on 7 August 2020 be noted.

243/20

RESOLVED:

That the Minutes of the Regional Growth and Place Activation Peak Advisory Committee meeting held on 7 August 2020 be noted.

Moved and declared carried by the Interim Administrator

16.3 Minutes - Traffic Advisory Committee meeting held 8th September 2020

Ref: AINT/2020/30834 (ARC16/0168-5)

OFFICER RECOMMENDATION:

That the Minutes of the Traffic Advisory Committee meeting held on 8th September 2020 be noted and endorsed.

- a) That approval be granted for the routes provided by the Armidale Triathlon Club Wednesday 18th September 2020 and concludes 21st March 2021, consisting of a cycle course from The Armidale School grounds via the southern gate into Kennedy St, left turn into Kentucky Street, right turn into Long Swamp Road then proceeding out along Long Swamp Road, returning to the school via the same route, and then followed by laps around The Armidale School, be approved in accordance with the submitted Transport Management Plan.
- b) That the actions relating to the off street parking area and the monitoring of the Donnelly Street school zone be placed on hold until works at O'Connor Catholic College are completed.
- c) That Council endorse the restriction of "Light 4 wheel Drive only vehicles" on the Kempsey Road between Raspberry Rd and Five Day Creek.
- d) That the No Stopping be extending west 25m on the northern side of the Donnelly, Faulkner Street intersection to provide a clear line of sight.
- e) That the request to consider adjusting the 100km zone on Bundarra Road be referred to TfNSW for investigation.
- f) That the No Stopping on the east side on Taylor Street leg of the intersection with Dumaresq Streets be extended by 10m.
- g) That a number of visual enhancements be undertaken at the Queen Elizabeth Drive pedestrian crossing.
 - i. That "Stop and Look" stickers be installed at either end of the pedestrian crossing.
 - ii. That the pedestrian crossing and associated zigzags be repainted in thermo plastic.
 - iii. That the pedestrian blisters be highlighted to provide a better visual.

244/20

RESOLVED:

That the Minutes of the Traffic Advisory Committee meeting held on 8th September 2020 be noted and endorsed.

- a) **That approval be granted for the routes provided by the Armidale Triathlon Club Wednesday 18th September 2020 and concludes 21st March 2021, consisting of a cycle course from The Armidale School grounds via the southern gate into Kennedy St, left turn into Kentucky Street, right turn into Long Swamp Road then proceeding out along**

Long Swamp Road, returning to the school via the same route, and then followed by laps around The Armidale School, be approved in accordance with the submitted Transport Management Plan.

- b) That the actions relating to the off street parking area and the monitoring of the Donnelly Street school zone be placed on hold until works at O'Connor Catholic College are completed.**
- c) That Council endorse the restriction of "Light 4 wheel Drive only vehicles" on the Kempsey Road between Raspberry Rd and Five Day Creek.**
- d) That the No Stopping be extending west 25m on the northern side of the Donnelly, Faulkner Street intersection to provide a clear line of sight.**
- e) That the request to consider adjusting the 100km zone on Bundarra Road be referred to TfNSW for investigation.**
- f) That the No Stopping on the east side on Taylor Street leg of the intersection with Dumaresq Streets be extended by 10m.**
- g) That a number of visual enhancements be undertaken at the Queen Elizabeth Drive pedestrian crossing.**
 - i. That "Stop and Look" stickers be installed at either end of the pedestrian crossing.**
 - ii. That the pedestrian crossing and associated zigzags be repainted in thermo plastic.**
 - iii. That the pedestrian blisters be highlighted to provide a better visual.**

Moved and declared carried by the Interim Administrator

16.4 Minutes - Armidale Regional Aboriginal Advisory Meeting

Ref: AINT/2020/30937 (ARC16/0605)

OFFICER RECOMMENDATION:

That the Minutes of the Armidale Regional Aboriginal Advisory Committee meeting held on 26 August 2020 be noted.

245/20

RESOLVED:

That the Minutes of the Armidale Regional Aboriginal Advisory Committee meeting held on 26 August 2020 be noted.

Moved and declared carried by the Interim Administrator

16.5 Minutes - New England Weeds Authority

Ref: AINT/2020/30869 (ARC16/0463-2)

OFFICER RECOMMENDATION:

That Council note the Minutes of the New England Weeds Authority meeting held on 25 August 2020.

246/20

RESOLVED:

That Council note the Minutes of the New England Weeds Authority meeting held on 25 August 2020.

Moved and declared carried by the Interim Administrator

17. MATTERS OF AN URGENT NATURE

MOTION TO CONSIDER URGENT ITEMS

247/20

Pursuant to clause 9.3 of the Code Of Meeting Practise the Interim Administrator moved that late items:

- **Item 9.2 – Renewal of Council’s Legal Services Panel**
- **Item 10.7 – Airport Business Park – respond to offer to purchase Lot 19**
- **Item 10.8 – First right of first refusal to purchase Lot 2/182 Rusden Street Armidale.**

be considered at this meeting and ruled them to be of great urgency noting that public notice of same was given on 23 September 2020.

Moved and declared carried by the Interim Administrator

18. QUESTIONS ON NOTICE

Nil.

PROCEDURAL MOTION

248/20

That Council consider Item 19.1 Tender Selection for the Regional Airport Security Screening Fund (RASI) in Open Session.

Moved and declared carried by the Interim Administrator

19.1 Tender Selection for the Regional Airport Security Screening Fund (RASI) *Ref: AINT/2020/29*

OFFICER RECOMMENDATION:

That Council confirms MSS Security Pty Ltd as the successful tender as per the Recommendation Report for the Armidale Regional Airport Security Screening Services (3 years).

249/20

RESOLVED:

That Council confirms MSS Security Pty Ltd as the successful tender as per the Recommendation Report for the Armidale Regional Airport Security Screening Services (3 years).

Moved and declared carried by the Interim Administrator

9.2 Renewal of Council's Legal Services Panel

Ref: AINT/2020/32904 (ARC16/0622)

OFFICER RECOMMENDATION:

That Council note the intention to call for Expressions of Interest to establish a Panel of Suppliers of Legal Services.

250/20

RESOLVED:

That Council note the intention to call for Expressions of Interest to establish a Panel of Suppliers of Legal Services.

Moved and declared carried by the Interim Administrator

10.7 Airport Business Park - respond to offer to purchase Lot 19

Ref: AINT/2020/32814 (ARC17/1507)

OFFICER RECOMMENDATION:

That Council accepts the offer conveyed by First National Real Estate, Armidale on behalf of New England Weeds Authority for Lot 19, Armidale Airside Business Park. The offer is shown in the Attachments and is excluding GST.

251/20

RESOLVED:

That Council accepts the offer conveyed by First National Real Estate, Armidale on behalf of New England Weeds Authority for Lot 19, Armidale Airside Business Park. The offer is shown in the Attachments and is excluding GST.

Moved and declared carried by the Interim Administrator

**10.8 First right of first refusal to purchase Lot2/182 Rusden Street, Armidale
(2/SP84763)**

Ref: AINT/2020/32685 (ARC16/0606)

OFFICER RECOMMENDATION:

That Council decline the first right of refusal to purchase Lot 2/182 Rusden Street, Armidale being Lot 2 in Strata Plan 84763.

252/20

RESOLVED:

That Council decline the first right of refusal to purchase Lot 2/182 Rusden Street, Armidale being Lot 2 in Strata Plan 84763.

Moved and declared carried by the Interim Administrator

There being no further business the Interim Administrator declared the meeting closed at 5.03pm