



ORDINARY MEETING OF COUNCIL

Held on

Wednesday, 25 November 2020
4pm

at

Armidale 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 Marissa Racomelara (Acting Director Organisational & Corporate Services), Ms Colleen Cutts (Acting Manager Governance, People and Systems), Mr Ambrose Hallman (Manager Development and Regulatory Services), Mr Darren Schaefer (Manager Communications and Marketing), and Ms Hayley Ward (Executive Officer).

MINUTES

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1. **CIVIC AFFIRMATION AND ACKNOWLEDGEMENT OF COUNTRY**
2. **STATEMENT IN RELATION TO LIVE STREAMING OF COUNCIL MEETINGS**
3. **APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE**
Nil
4. **DISCLOSURES OF INTEREST**
Nil.
5. **PUBLIC FORUM (Have Your Say)**

Ms Lexia Neilsen - Speaking against Item 10.10 Approval of Da-77-2020: Intensive Animal Husbandry – Construction and Operation of 999 SCU feedlot.

6. **CONFIRMATION OF MINUTES**

CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 28 OCTOBER 2020

314/20

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

CONFIRMATION OF THE MINUTES OF THE EXTRAORDINARY COUNCIL MEETING HELD ON 3 NOVEMBER 2020

315/20

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 MINUTE

7.1 Interim Administrator Minute - Councillor Workshops and Briefings/Transparency

When appointed to the role of Interim Administrator at Armidale Regional Council I assured residents that I would do my best to independently serve in an honest, open and transparent way, ensuring all voices are heard.

I have had the opportunity to meet with many people and one of the common themes has been a perceived secrecy on the part of Council – both elected and administrative. In meetings with former and suspended Councillors, concerns were expressed that all Councillors were not supplied with all information in the decision making process. It was alleged that in some instances decisions were not being made by the governing body and I was presented with a number of examples.

To test the above an audit has recently been completed on all Councillor Workshops and Briefings since October 2017 a copy of which is attached. It is clear that some decisions were not being made by the governing body and that CEO's (and other staff) had no delegation to proceed in many important matters and this is of course both totally unacceptable and unlawful. Between October 2017 and June 2020 more than 60 Councillor Workshops/Briefings were held between Councillors and Council officers. While there were agendas for the meetings and a number of reports and/or PowerPoint presentations available within Council's records management system, minutes were not recorded and in some instances there is only a "topic" included on the Agenda, with no further detail about what was presented and/or discussed. Furthermore, there is no record of a Conflict of Interest register for the meetings.

More than 150 matters were considered across this time period, although some of these were updates on items already considered at prior session.

In relation to Workshops/Briefings it is important to note that Council's Code of Meeting Practice, adopted 22 May 2019 includes "pre-meeting briefing sessions". The following excerpt applies to these sessions:

*3.31 Prior to each ordinary meeting of the council, the general manager **will** arrange, if requested by a majority of Councillors, a pre-meeting briefing session to brief Councillors on the items of business to be considered at the meeting. Pre-meeting briefing sessions may also be held for extraordinary meetings of the council and meetings of committees of the council.*

3.32 Pre-meeting briefing sessions are to be held in the absence of the public.

3.3.3 The general manager or a member of staff nominated by the general manager is to preside at the pre-meeting briefing sessions.

3.34 Councillors (including the Mayor) must not use pre-meeting briefing sessions to debate or make preliminary decisions on items of business they are being briefed on, and any debate and decision-making must be left to the formal council or committee meeting at which the item of business is to be considered.

3.35 Councillors (including the Mayor) must declare and manage any conflicts of interest they may have in relation to any item of business that is the subject of a briefing at a pre-meeting briefing session, in the same way that they are required to do at a council or committee meeting. The council is to maintain a record of all conflicts of interest declarations made at pre-meeting briefing sessions and how the conflict of interest was managed by the Councillor who made declaration.

While there are many instances where matters considered at Workshops/Briefings were later considered at Council meetings, a number of significant matters, such as the Expression of Interest for the Airport, ARMIDALE PLAN 2040 "Master 2040", the Business Symposium and Business HUB, ARC2022 Transformation Program and decisions around implementation of water restrictions do not appear to have been presented to Council for ratification following Workshop/Briefings being held with Councillors.

Another area of concern is in relation to applications for grant funding and Council formal acceptance once the applications are approved. There are a number of instances where applications do not appear to have been endorsed by Council.

In some instances, significant work has been carried out with costly consultants engaged to develop plans and strategies and although these matters have been considered at Workshops they have not been presented to Council for adoption. These include the Dumaresq Creek Master Plan, ARMIDALE PLAN 2040 and Dumaresq Dam Redevelopment Plan Stage 1. In the case of these three items, this has since been rectified.

The task of addressing the above shortcomings is going to be mammoth and I have now had brought to my attention by the Acting General Manager that there are also a number of MOU's that have been agreed without reference to the governing body and signed leases that do not comply with statutory requirements. The task of addressing these matters will take months. I also take the view that the use of Closed Council in many instances has been a very liberal interpretation of the Code of Meeting Practice, and I have endeavoured to address this matter to ensure transparency while respecting statutory obligations.

The *Local Government Act* – Chapter 3 provides "Principles for Local Government" and clearly states that Council decision-making should be transparent and decision makers are to be accountable for decisions and omissions - clearly the audit identified in many instances the council at all levels has failed in this regard.

To address the inappropriate use of Workshops/Briefings and community perceptions of lack of transparency, I have asked the Acting General Manager to prepare a report for the December meeting on the opportunities available for such gatherings in the future to be open to the public and/or initiating a more formal method of reporting same to Council.

FOR DECISION: 7.1 Interim Administrator Minute - Councillor Workshops and Briefings/Transparency *Ref: AINT/2020/41033 (ARC16/0025)*

316/20

RESOLVED:

That the Minute be received and noted.

Moved and declared carried by the Interim Administrator

7.2 Interim Administrator Minute – Performance Improvement Order

Last Friday the Council was given notice by the Minister for Local Government the Hon Shelley Hancock MP of her intention to issue a Performance Improvement Order on Armidale Regional Council under the *Local Government Act 1993*. Council has seven days to make any submissions.

I am attaching the letter from the Minister together with the draft Order. My term as Interim Administrator concludes on 11 December 2020 and I am required to submit a further report including recommendations to the Minister by 27 November. While it is pleasing to report that there are some “green shoots” there is still a long way to go to put in place a Council that undertakes its statutory obligations and has the respect of the community it seeks to serve.

I was extremely fortunate to secure the services of Mr John Rayner PSM as the Acting General Manager and together we have used our experience to start to rebuild systems and procedures within the Administration and to stabilise the Council’s failing finances. In my view the former and suspended Councillors together with CEO’s and some staff failed and there remains a denial on the part of some to acknowledge their contribution in that regard.

A new General Manager (James Roncon former General Manager Broken Hill City Council) has been appointed and will commence duties on 11 January 2021. I am very confident that Mr Roncon is the right fit to address the many challenges of the organisation but he will need “air”.

The organisational structure of the Council is complex and confusing. Since the 2016 merger there have been four formal reorganisations and eight General Managers including acting and interim. The cost not only in dollars but mental health considerations of staff and service delivery is considerable. While Mr Rayner and myself have our views on the structure that would best serve ARC we have taken the decision that it is best left to the incoming General Manager and there remains a number of vacancies at all levels across the organisation.

In my earlier report to the Minister I recommended that consideration be given to the conduct of a Public Inquiry and outlined a number of examples where in my view the Council had failed the community it was meant to serve in the exercise of its functions, provision of core services and decision making, community participation, financial management and Integrated Planning and Reporting.

I can now report that many of the matters raised are being addressed and have or will be reported to Council and many plans and policies are rightfully being put to public consultation. The workload of the Administration has been enormous and staff have responded with professionalism and confidence.

Yesterday Council received the independent review of its finances from Finch Consulting. I requested this forensic assessment in view of the deterioration of the Council’s unrestricted cash position since the merger in 2016. The review focuses on

General Fund over expenditures, unplanned expenditures and the status and utilisation of reserves, both pre and post merger.

Having regard to the Minister's notice to issue the Order and appoint a Financial Controller to the Council the receipt of the Finance Review is timely.

The Review confirms my worst fears and provides a clear picture of the financial ineptitude that has occurred particularly in the first three years of the new Council. It identifies considerable cost overruns on poorly scoped projects, a significant lapse in oversight and reporting from a financial perspective on project management and control was inadequate. It notes that some projects were initiated in the assumption that Reserves existed but in fact they had been extinguished.

The Acting General Manager has independently reported to the meeting on the Review and Financial Sustainability, both of which are self explanatory.

The Review makes eleven recommendations and the community can be assured that they must be implemented under the Minister's Draft Performance Order if there is agreement for same from the Financial Controller.

Very importantly ARC is now enthusiastically responding to both Federal and State Government grant opportunities and there appears to be a renewed trust with not only local Members but government departments and agencies. The capacity of the Council to manage these opportunities should not be underestimated and is stretching some areas of the Council to the limit. The Acting General Manager is recruiting Project Managers with a 'can do' approach.

As outlined in the Acting General Manager's Financial Sustainability Report some legacy issues are now the subject of independent financial scoping and will be the subject of report to Council as soon as possible.

In addition to all of the above the Acting General Manager is introducing a 'Back to basics' culture in the organisation and emphasising the importance of the Council Community Strategic Plan (CSP) process and delivery of same.

Clearly there is a strong commitment of the staff under both Messers Kerr and Rayner's leadership to ensure that ARC is a good example of sound local government.

Given the governance and financial matters raised in the Minister's Draft Performance Improvement Order and the appointment of both an Independent Financial Controller and Temporary Advisor with clear briefs I am confident the incoming General Manager will have the "air" to address the myriad of challenges that confront ARC.

The Council is in a rebuilding phase; governance and Council's financial management weaknesses are being rectified and improved. That process has commenced and has been recognised by the Minister in announcing a very strong independent oversight on Councillors - limiting opportunities for further mismanagement.

My only remaining concern is a more political matter and that relates to full representative democracy in the ARC Local Government Area with the resignation of four Councillors and the fact that there still remains no acknowledgement by some of the Suspended Councillors that their behaviour was not acceptable. I have no control over these matters but electors will have the chance to pass judgement in September 2021.

The letter from the Minister makes it very clear that if the proposed Performance Improvement Order is not complied with she may consider again temporarily suspending the Council.

In my first minute to Council in June 2020 I stated that the ARC community deserved better from its Council and committed to work to restore a democratically elected body as soon as possible.

I welcome the Draft Performance Improvement Order of the Minister for Local Government. It is a comprehensive approach to the management of what was a toxic environment and will allow the return of the Council and democratic leadership to the people of ARC. An honest, open and transparent approach to decision making has been introduced to ARC over the past six months and I expect this will continue with the return of elected members.

I will remain as Interim Administrator until 11 December 2020 and will continue to drive a reform agenda and of course am available to meet with and assist residents.

7.2 MOTION: Interim Administrator Minute – Performance Improvement Order

317/20

RESOLVED:

That the Minute be noted and the Minister for Local Government be advised that Council welcomes the proposed Performance Improvement Order and the appointment of a Financial Controller and Temporary Advisor.

Moved and declared carried by the Interim Administrator

8. LEADERSHIP FOR THE REGION

FOR DECISION: 8.1 Code of Conduct Complaint Statistics

Ref: AINT/2020/39902 (ARC16/0617)

2. OFFICERS' RECOMMENDATION:

That Council:

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

318/20

RESOLVED:

That Council:

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

Moved and declared carried by the Interim Administrator

FOR DECISION: 8.2 Legislation Compliance Policy

Ref: AINT/2020/39915 (ARC16/0617)

2. OFFICERS' RECOMMENDATION:

That Council:

- a. Endorse the draft Legislation Compliance Policy for public exhibition for a period of 28 days.
- b. Receives a further report at the conclusion of the exhibition period.
- c. Table the report at the next meeting of the Audit, Risk and Improvement Committee for information.

319/20

RESOLVED:

That Council:

- a. **Endorse the draft Legislation Compliance Policy for public exhibition for a period of 28 days.**
- b. **Receives a further report at the conclusion of the exhibition period.**
- c. **Table the report at the next meeting of the Audit, Risk and Improvement Committee for information.**

Moved and declared carried by the Interim Administrator

FOR DECISION: 8.3 Draft Fraud and Corruption Prevention Policy

Ref: AINT/2020/39992 (ARC16/0617)

2. OFFICERS' RECOMMENDATION:

That Council:

- a. Endorse the draft Fraud and Corruption Policy being placed on public exhibition for a period of 28 days.
- b. Receives a further report at the conclusion of the exhibition period.

320/20

RESOLVED:

That Council:

- a. **Endorse the draft Fraud and Corruption Policy being placed on public exhibition for a period of 28 days.**
- b. **Receives a further report at the conclusion of the exhibition period.**

Moved and declared carried by the Interim Administrator

FOR DECISION: 8.4 Business Ethics Policy

Ref: AINT/2020/39995 (ARC16/0617)

2. OFFICERS' RECOMMENDATION:

That Council:

- a. Endorse the draft Statement of Business Ethics Policy for public exhibition for a period of 28 days.
- b. Receives a further report at the conclusion of the exhibition period.
- c. Table the report at the next meeting of the Audit, Risk and Improvement Committee for information.

321/20

RESOLVED:

That Council:

- a. **Endorse the draft Statement of Business Ethics Policy for public exhibition for a period of 28 days.**
- b. **Receives a further report at the conclusion of the exhibition period.**
- c. **Table the report at the next meeting of the Audit, Risk and Improvement Committee for information.**

Moved and declared carried by the Interim Administrator

FOR DECISION: 8.5 Public Interest Disclosures - Internal Reporting Policy

Ref: AINT/2020/40044 (ARC16/0617)

2. OFFICERS' RECOMMENDATION:

That Council:

- a. Endorse the draft Public Interest Disclosure – Internal Reporting Policy for public exhibition for a period of 28 days.
- b. Receives a further report at the conclusion of the exhibition period.

322/20

RESOLVED:

That Council:

- a. **Endorse the draft Public Interest Disclosure – Internal Reporting Policy for public exhibition for a period of 28 days.**
- b. **Receives a further report at the conclusion of the exhibition period.**

Moved and declared carried by the Interim Administrator

FOR DECISION: 8.6 Leases, Licences and Agreements - Review

Ref: AINT/2020/40592 (ARC16/0539)

2. OFFICERS' RECOMMENDATION:

That Council:

- a. Receive and note the report.
- b. Note that action will be taken to properly resource and manage Council's property portfolio, including establishment of a property management system, clarifying the classification of land and progressively addressing the recommendations in the report.
- c. Prepare tender documents for the provision of property management services for commercial and residential portfolios.
- d. Note that having identified the range of leases, licences and agreements in place, Stage 2 is underway and will be reported to the Council on 9 December 2020.

323/20

RESOLVED:

That Council:

- a. **Receive and note the report.**
- b. **Note that action will be taken to properly resource and manage Council's property portfolio, including establishment of a property management system, clarifying the classification of land and progressively addressing the recommendations in the report.**
- c. **Prepare tender documents for the provision of property management services for commercial and residential portfolios.**
- d. **Note that having identified the range of leases, licences and agreements in place, Stage 2 is underway and will be reported to the Council on 9 December 2020.**

Moved and declared carried by the Interim Administrator

9. GROWTH, PROSPERITY AND ECONOMIC DEVELOPMENT

FOR DECISION: 9.1 2020/21 First Quarter Budget Review

Ref: AINT/2020/38763 (ARC20/4358)

2. OFFICERS' RECOMMENDATION:

That Council:

- a. Note the 2020/21 First Quarter Budget Review.
- b. Resolve to amend the 2020/21 budget in accordance with the Quarterly Budget review Statement for the period 1 July 2020 to 30 September 2020 tabled at the attachment.

324/20

RESOLVED:

That Council:

- a. **Note the 2020/21 First Quarter Budget Review.**
- b. **Resolve to amend the 2020/21 budget in accordance with the Quarterly Budget review Statement for the period 1 July 2020 to 30 September 2020 tabled at the attachment.**
- c. **Net proceeds from the sale of the old Kolora Aged Care Facility and from the land transfer to the Ex Services Club (\$1.07m) be placed in reserve until Council adopts a strategy for the proceeds from property sales.**

Moved and declared carried by the Interim Administrator

FOR DECISION: 9.2 Expansion of New England Rail Trail Business Case *Ref: AINT/2020/39541 (A*

2. OFFICERS' RECOMMENDATION:

That Council:

- a. Note receipt of the business case which now includes costs from Armidale to Black Mountain and acknowledge the comprehensive work that has been produced by New England Rail Trail Incorporated and its contracted contributors to date.
- b. Support the project in principle recognising there needs to be a period of due diligence so that all implications for both Armidale Regional Council and Glen Innes Severn Council are understood.
- c. Support future investigations for funding applications, jointly or separately between the two Councils.

325/20

RESOLVED:

That Council:

- a. **Note receipt of the business case which now includes costs from Armidale to Black Mountain and acknowledge the comprehensive work that has been produced by New England Rail Trail Incorporated and its contracted contributors to date.**
- b. **Support the project acknowledging there needs to be a period of due diligence so that all implications for both Armidale Regional Council and Glen Innes Severn Council are understood.**
- c. **Delegate to the General Manager authority to seek funding jointly or separately between the two Councils.**
- d. **Prepare a report on the status of the rail viaduct at McLennan Street Armidale for consideration at the December meeting.**

Moved and declared carried by the Interim Administrator

FOR INFORMATION: 9.3 Cash And Investment Report October 2020

Ref: AINT/2020/39731 (ARC16/0001-5)

2. OFFICERS' RECOMMENDATION:

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

326/20

RESOLVED:

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

Moved and declared carried by the Interim Administrator

FOR DECISION: 9.4 Application to the Regional Airports Program 2

Ref: AINT/2020/39899 (ARC20/4302)

2. OFFICERS' RECOMMENDATION:

That Council:

- a. Apply for a Grant application up to the maximum amount of \$300,000 in the RAP2 program that does not require Council contribution.
- b. Approve the Acting Airport Manager to engage local aviation community and key stakeholders to ascertain the most beneficial infrastructure for airport users and emergency services.
- c. Note that the December Ordinary Council Meeting will include a recommendation of projects for the RAP2 submission that is due 15 Dec 20.

327/20

RESOLVED:

That Council:

- a. **Apply for a Grant application up to the maximum amount of \$300,000 in the RAP2 program that does not require Council contribution.**
- b. **Approve the General Manager to engage local aviation community and key stakeholders to ascertain the most beneficial infrastructure for airport users and emergency services.**
- c. **Note that the December Ordinary Council Meeting will include a recommendation of projects for the RAP2 submission that is due 15 Dec 20.**

Moved and declared carried by the Interim Administrator

FOR DECISION: 9.5 Light Freight and Logistics Centre - Armidale Regional Airport

Ref: AINT/2020/39901 (ARC16/0875-4)

2. OFFICERS' RECOMMENDATION:

That Council does not undertake any further investigations for the development of a Light Freight and Logistics Centre at Armidale Regional Airport.

328/20

RESOLVED:

That Council does not undertake any further investigations for the development of a Light Freight and Logistics Centre at Armidale Regional Airport.

Moved and declared carried by the Interim Administrator

FOR DECISION: 9.6 Successful Application to the NSW Public Spaces Legacy Program

Ref: AINT/2020/41058 (ARC20/4295)

2. OFFICERS' RECOMMENDATION:

That Council acknowledge the successful application notification from the NSW Department of Planning, Industry and Environment for participation in the next stage of the NSW Public Spaces Legacy Program.

329/20

RESOLVED:

That Council acknowledge the successful application notification from the NSW Department of Planning, Industry and Environment for participation in the next stage of the NSW Public Spaces Legacy Program.

Moved and declared carried by the Interim Administrator

FOR DECISION: 9.7 Disposal of part of Lot 2 DP 1129942, Link Road, Armidale

Ref: AINT/2020/41102 (ARC20/4408)

2. OFFICERS' RECOMMENDATION:

That Council:

- a. Delegate to the General Manager authority to sell part of Lot 2 DP 1129942 Link Road, Armidale with authority to execute contract documentation on behalf of Armidale Regional Council.
- b. Delegate approval for the General Manager to accept an offer that is commensurate with its independent valuation.

330/20

RESOLVED:

That Council:

- a. **Delegate to the General Manager authority to sell part of Lot 2 DP 1129942 Link Road, Armidale with authority to execute contract documentation on behalf of Armidale Regional Council.**
- b. **Delegate approval for the General Manager to accept an offer that is commensurate with its independent valuation.**

Moved and declared carried by the Interim Administrator

10. ENVIRONMENT AND INFRASTRUCTURE

FOR DECISION: 10.1 Climate Emergency Action Plan: Allocation of Budgeted Funding

Ref: AINT/2020/38931 (ARC16/0864)

2. OFFICERS' RECOMMENDATION:

That Council:

- a. Approve the expenditure of \$41,573 for Solar panels at Monckton Aquatic Centre from budgeted funding of \$60,000 for the Climate Emergency action plan.
- b. Note that the expenditure is from the priority actions recommended by the Climate Emergency Working Group and Council staff stemming from the CEWG report, *A Framework for Climate Action*.

331/20

RESOLVED:

That Council:

- a. **Approve the expenditure of \$41,573 for Solar panels at Monckton Aquatic Centre from budgeted funding of \$60,000 for the Climate Emergency action plan.**
- b. **Note that the expenditure is from the priority actions recommended by the Climate Emergency Working Group and Council staff stemming from the CEWG report, *A Framework for Climate Action*.**

Moved and declared carried by the Interim Administrator

FOR DECISION: 10.2 Bushfire Local Economic Recovery Fund - Grant application

Ref: AINT/2020/39430 (ARC17/2177-6)

2. OFFICERS' RECOMMENDATION:

That Council:

- a. Endorse the submission of a funding application to Department of Regional NSW under the Bushfire Local Economic Recovery (BLER) Fund Program with total cost of \$8,000,000 for the following projects:
 1. New Guyra Early Childhood Learning Centre (ECLC) : \$2,500,000
 2. Guyra Landfill Rehabilitation: \$4,000,000
 3. Groundwater in sporting facilities and parks in Armidale: \$1,500,000
- b. Delegate authority to the General Manager to enter into the funding agreement subject to an offer being received and the General Manager being satisfied that the terms and conditions of the agreement are to the net benefit of Council.

332/20

RESOLVED:

That Council:

- a. **Endorse the submission of a funding application to Department of Regional NSW under the Bushfire Local Economic Recovery (BLER) Fund Program with total cost of \$8,000,000 for the following projects:**
 1. **New Guyra Early Childhood Learning Centre (ECLC) : \$2,500,000**
 2. **Guyra Landfill Rehabilitation: \$4,000,000**
 3. **Groundwater in sporting facilities and parks in Armidale: \$1,500,000**
- b. **Delegate authority to the General Manager to enter into the funding agreement subject to an offer being received and the General Manager being satisfied that the terms and conditions of the agreement are to the net benefit of Council.**

Moved and declared carried by the Interim Administrator

**FOR DECISION: 10.3 Approval of Modification to DA-108-2020 175 Dumaresq Street
in relation to deletion of 7.12 contribution**

Ref: AINT/2020/39556 (DA-108-2020)

2. OFFICERS' RECOMMENDATION:

That Council:

- a. Approve waiving of 7.12 Contribution in relation to DA-108-2020.
- b. Authorise issue of a Modification to DA-108-2020 under delegated authority to reflect Council's waiving of 7.12 Contribution.

333/20

RESOLVED:

That Council:

- a. **Approve waiving of 7.12 Contribution in relation to DA-108-2020.**
- b. **Authorise issue of a Modification to DA-108-2020 under delegated authority to reflect Council's waiving of 7.12 Contribution.**

Moved and declared carried by the Interim Administrator

FOR DECISION: 10.4 Closure of Tillbuster Transfer Station

Ref: AINT/2020/39912 (ARC20/4402)

2. OFFICERS' RECOMMENDATION:

That Council closes the Tillbuster Waste Transfer station on the 31 December 2020.

334/20

RESOLVED:

That Council closes the Tillbuster Waste Transfer station on the 31 December 2020.

Moved and declared carried by the Interim Administrator

FOR DECISION: 10.5 Local Roads and Community Infrastructure Program - Extension

- Projects' nomination

Ref: AINT/2020/39428 (ARC17/2177-6)

2. OFFICERS' RECOMMENDATION:

That Council:

- a. Endorse the submission of projects' nomination to the Department of Infrastructure, Transport, Regional Development under the Local Roads and Community Infrastructure (LRCI) Program – Extension with total cost of \$1,762,217 for the following projects:
 - New Nature Playground \$225,000 (approved at the 28 October Council meeting, resolution 293/20)
 - Gravel Resheeting program \$400,000
 - Guyra Men's Shed \$100,000
 - Lower Creek (earthworks and road works) \$50,000
 - Monckton Aquatic Centre Armidale (pool heat pump replacement) \$350,000
 - Bitumen resealing program \$637,217
- b. Delegate authority to the General Manager to enter into the funding agreement subject to an offer being received and the General Manager being satisfied that the terms and conditions of the agreement are to the net benefit of Council.

335/20

RESOLVED:

That Council:

- a. **Endorse the submission of projects' nomination to the Department of Infrastructure, Transport, Regional Development under the Local Roads and Community Infrastructure (LRCI) Program – Extension with total cost of \$1,762,217 for the following projects:**
 - **New Nature Playground \$225,000 (approved at the 28 October Council meeting, resolution 293/20)**
 - **Gravel Resheeting program \$400,000**
 - **Guyra Men's Shed \$100,000**
 - **Lower Creek (earthworks and road works) \$50,000**
 - **Monckton Aquatic Centre Armidale (pool heat pump replacement) \$350,000**
 - **Bitumen resealing program \$637,217**
- b. **Delegate authority to the General Manager to enter into the funding agreement subject to an offer being received and the General Manager being satisfied that the terms and conditions of the agreement are to the net benefit of Council.**

Moved and declared carried by the Interim Administrator

FOR DECISION: 10.6 Adoption of Acceptance and Assessment of Applications Policy

Ref: AINT/2020/40282 (ARC16/0392)

2. OFFICERS' RECOMMENDATION:

That Council adopt the Acceptance and Assessment of Applications Policy.

336/20

RESOLVED:

That Council adopt the Acceptance and Assessment of Applications Policy.

Moved and declared carried by the Interim Administrator

FOR DECISION: 10.7 Revoke POL109 Electric Fence Policy

Ref: AINT/2020/40292 (ARC16/0392)

2. OFFICERS' RECOMMENDATION:

That Council:

- a. Revoke the existing electric fence policy (POL109).
- b. Place a notification on Councils website advising the community of this revocation.

337/20

RESOLVED:

That Council

- a. **Revoke the existing electric fence policy (POL109).**
- b. **Place a notification on Councils website advising the community of this revocation.**

Moved and declared carried by the Interim Administrator

FOR DECISION: 10.8 Fixing Local Roads Program - Grant Application

Ref: AINT/2020/39433 (ARC17/2177-6)

2. OFFICERS' RECOMMENDATION:

That Council:

- a. Endorse the submission of a funding application to Transport for NSW under the Fixing Country Roads Program with total cost of \$37,000,000 for the following projects:
 1. Sealed Local Roads (Preparation for Bitumen Resealing and Bitumen Resealing): \$5,000,000
 2. Sealed Local Roads (Pavement rehabilitation): \$5,000,000
 3. Unsealed Local Roads (Prepare road, table drains and gravel re-sheet): \$5,000,000
 4. Kerb, Gutter and Footpath Renewals: \$2,000,000
 5. Kempsey Road Project 1: \$5,000,000
 6. Kempsey Road Project 2: \$5,000,000
 7. Kempsey Road Project 3: \$5,000,000
 8. Kempsey Road Project 4: \$5,000,000
- b. Delegate authority to the General Manager to enter into the funding agreement subject to an offer being received and the General Manager being satisfied that the terms and conditions of the agreement are to the net benefit of Council.

338/20

RESOLVED:

That Council:

- a. **Endorse the submission of a funding application to Transport for NSW under the Fixing Country Roads Program with total cost of \$37,000,000 for the following projects:**
 1. **Sealed Local Roads (Preparation for Bitumen Resealing and Bitumen Resealing): \$5,000,000**
 2. **Sealed Local Roads (Pavement rehabilitation): \$5,000,000**
 3. **Unsealed Local Roads (Prepare road, table drains and gravel re-sheet): \$5,000,000**
 4. **Kerb, Gutter and Footpath Renewals: \$2,000,000**
 5. **Kempsey Road Project 1: \$5,000,000**
 6. **Kempsey Road Project 2: \$5,000,000**
 7. **Kempsey Road Project 3: \$5,000,000**
 8. **Kempsey Road Project 4: \$5,000,000**
- b. **Delegate authority to the General Manager to enter into the funding agreement subject to an offer being received and the General Manager being satisfied that the terms and conditions of the agreement are to the net benefit of Council.**

Moved and declared carried by the Interim Administrator

FOR DECISION: 10.9 Revoke POL176 Strategic Companion Animals Management Plan

Ref: AINT/2020/40302 (ARC16/0392)

2. OFFICERS' RECOMMENDATION:

That Council:

- a. Revoke the Strategic Companion Animals Management Plan (POL176).
- b. Place a notification on Council's website advising the community of this revocation.

339/20

RESOLVED:

That Council:

- a. **Revoke the Strategic Companion Animals Management Plan (POL176).**
- b. **Place a notification on Council's website advising the community of this revocation.**

Moved and declared carried by the Interim Administrator

FOR DECISION: 10.10 Approval of DA-77-2020: Intensive Animal Husbandry - Construction and Operation of 999 SCU Feedlot

Ref: AINT/2020/40489 (DA-77-2020)

2. OFFICERS' RECOMMENDATION:

That Council:

- a. Approve Development Application DA-77-2020 subject to the conditions, as detailed in the conditions documented in Attachment 2 to this report and as follows:
- b. Notify all those who made a submission on the Application of the determination.

340/20

RESOLVED:

That Council:

- a. **Approve Development Application DA-77-2020 subject to the conditions, as detailed in the conditions documented in Attachment 2 to this report and as follows:**
 - I. **That landscape screening be installed surrounding the development to enhance its appearance and providing satisfactory screening of views from non associated residential dwellings external to the proposed feedlot.**
 - II. **The details to be indicated on landscape plan approved by Council before commencement of the development. Detailed landscaping plans to indicate the proposed species to be used (which must be appropriate for the New England climate), height and spread at maturity, and a specification for soil preparation, drainage, weed control, watering, fertilising and general maintenance during establishment.**
- b. **Notify all those who made a submission on the Application of the determination.**

Moved and declared carried by the Interim Administrator

FOR DECISION: 10.11 Policy for Burning of Vegetation within the Local Government Area

Ref: AINT/2020/40924 (ARC16/0392)

2. OFFICERS' RECOMMENDATION:

That Council:

- a. Endorse the draft Burning of Vegetation within the Local Government Area Policy for public exhibition for a period of 28 days.
- b. Receive a further report should any submissions be received as a result of the exhibition period, however should no submission be received the policy be adopted.

341/20

RESOLVED:

That Council:

- a. **Endorse the draft Burning of Vegetation within the Local Government Area Policy for public exhibition for a period of 28 days.**
- b. **Receive a further report should any submissions be received as a result of the exhibition period, however should no submission be received the policy be adopted.**

Moved and declared carried by the Interim Administrator

FOR DECISION: 10.12 Dumaresq Dam Wall Upgrading Tender Acceptance

Ref: AINT/2020/40935 (ARC19/3456)

2. OFFICERS' RECOMMENDATION:

That Council accepts the tender from Leed Engineering and Construction Pty Ltd for the upgrading of the Dumaresq Dam wall for the sum of \$ 5,606,517.62 including GST.

342/20

RESOLVED:

That Council accepts the tender from Leed Engineering and Construction Pty Ltd for the upgrading of the Dumaresq Dam wall for the sum of \$ 5,606,517.62 including GST.

Moved and declared carried by the Interim Administrator

FOR INFORMATION: 10.13 Local Strategic Planning Statement - Population Projections Update

Ref: AINT/2020/41032 (ARC19/3364)

2. OFFICERS' RECOMMENDATION:

That Council receive and note the report in relation to Local Strategic Planning Statement – Population Projections Update.

343/20

RESOLVED:

That Council receive and note the report in relation to Local Strategic Planning Statement – Population Projections Update.

Moved and declared carried by the Interim Administrator

FOR INFORMATION: 10.14 Bushfire Recovery for Wildlife and Habitat: Community Grants Application *Ref: AINT/2020/41186 (ARC17/2304)*

2. OFFICERS' RECOMMENDATION:

That Council:

- a. Endorse the submission of a funding application to the Federal Department of Industry, Science, Energy and Resources under the Bushfire Recovery for Wildlife and Habitat Community Grants with a total cost of up to \$150,000 in partnership with Northern Tablelands Local Land Services and New England Weeds Authority.
- b. Note that the area this funding is being applied for is in the Jeogla through to Carrai Plateau area via Kempsey Road for feral animal control and weed control in the bushfire affected areas.
- c. Develop a Memorandum of Understanding with the project partners if the grant is successful whereby:
 - I. Northern Tablelands Local Land Services will be responsible for the feral animal control work; and
 - II. New England Weeds Authority will be responsible for the weed control works.
- d. That Council delegate authority to the General Manager to enter into the funding agreement subject to an offer being received and the General Manager being satisfied that the terms and conditions of the agreement are to the net benefit of Council and the landowners in the area of the project.

344/20

RESOLVED:

That Council:

- a. **Endorse the submission of a funding application to the Federal Department of Industry, Science, Energy and Resources under the Bushfire Recovery for Wildlife and Habitat Community Grants with a total cost of up to \$150,000 in partnership with Northern Tablelands Local Land Services and New England Weeds Authority.**
- b. **Note that the area this funding is being applied for is in the Jeogla through to Carrai Plateau area via Kempsey Road for feral animal control and weed control in the bushfire affected areas.**
- c. **Develop a Memorandum of Understanding with the project partners if the grant is successful whereby:**
 - I. Northern Tablelands Local Land Services will be responsible for the feral animal control work; and**
 - II. New England Weeds Authority will be responsible for the weed control works.**
- d. **That Council delegate authority to the General Manager to enter into the funding agreement subject to an offer being received and the General Manager being satisfied that the terms and conditions of the agreement are to the net benefit of Council and the landowners in the area of the project.**

Moved and declared carried by the Interim Administrator

FOR DECISION: 10.15 Armidale Regional Airport New Runway Design and Construction

Ref: AINT/2020/41060 (ARC20/4105)

2. OFFICERS' RECOMMENDATION:

That Council:

- a) Note the work undertaken to date on the Airport Runway Expansion Project and the current status of the preliminary design documentation.
- b) Determine that further work on the design phase not be pursued.
- c) Authorise the General Manager to seek funding for the construction and delivery of the project based on existing design documentation.

345/20

RESOLVED:

That Council:

- a) **Note the work undertaken to date on the Airport Runway Expansion Project and the current status of the preliminary design documentation.**
- b) **Determine that further work on the design phase not be pursued.**
- c) **Authorise the General Manager to seek funding for the construction and delivery of the project based on existing design documentation.**

Moved and declared carried by the Interim Administrator

FOR DECISION: 10.16 Malpas Dam Options Progress Report

Ref: AINT/2020/41167 (ARC18/2622)

2. OFFICERS' RECOMMENDATION:

That Council approve the update on the progress of the Integrated Water Cycle Management (IWCM) Strategy and The Secure Yield assessment including options to upgrade Malpas Dam.

346/20

RESOLVED:

That Council approve the update on the progress of the Integrated Water Cycle Management (IWCM) Strategy and The Secure Yield assessment including options to upgrade Malpas Dam.

Moved and declared carried by the Interim Administrator

FOR DECISION: 10.17 Kempsey Road - Removal of Hazardous Trees

Ref: AINT/2020/41451 (ARC20/4415)

2. OFFICERS' RECOMMENDATION:

That Council

- a. Acknowledges the instability of trees on Kempsey as a result of fires and storms and the risk to road users and the urgency to remove the unstable trees and
- b. Invokes Section 55 (3)(i) of the Local Government Act.

347/20

RESOLVED:

That Council

- a. **Acknowledges the instability of trees on Kempsey as a result of fires and storms and the risk to road users and the urgency to remove the unstable trees and**
- b. **Invokes Section 55 (3)(i) of the Local Government Act.**

Moved and declared carried by the Interim Administrator

11. OUR PEOPLE AND COMMUNITY

FOR INFORMATION: 11.1 Kolora Aged Care - Rescission of Council Policies

Ref: AINT/2020/40485 (ARC16/0617)

2. OFFICERS' RECOMMENDATION:

That Council rescind the policies POL211 to POL221 as detailed in this report.

348/20

RESOLVED:

That Council rescind the policies POL211 to POL221 as detailed in this report.

Moved and declared carried by the Interim Administrator

FOR DECISION: 11.2 Council Committees - Review *Ref: AINT/2020/41121 (ARC20/4323)*

2. OFFICERS' RECOMMENDATION:

That Council:

- a. Receive and note the report "Review of Council Committees" by David Ackroyd.
- b. Exhibit the report "Review of Council Committees" until 26 January 2021.

349/20

RESOLVED:

That Council:

- a. Receive and note the report "Review of Council Committees" by David Ackroyd.
- b. Exhibit the report "Review of Council Committees" until 26 January 2021.
- c. Acknowledge it is the intent to build the necessary capacity within the Administration to properly resource the 7 Partner Panels with the view to them commencing after the September 2021 elections.

Moved and declared carried by the Interim Administrator

12. REQUESTS FOR LEAVE OF ABSENCE

Nil.

13. AUTHORITY TO AFFIX COUNCIL SEAL

Nil.

14. COMMITTEE REPORTS

FOR DECISION: 14.1 Community Health and Wellbeing Record of Meeting

Ref: AINT/2020/40030 (ARC16/1052)

OFFICERS' RECOMMENDATION:

That Council note the Record of Meeting for the Community Health and Wellbeing Committee held on 24 September 2020.

350/20

RESOLVED:

That Council note the Record of Meeting for the Community Health and Wellbeing Committee held on 24 September 2020.

Moved and declared carried by the Interim Administrator

15. MATTERS OF AN URGENT NATURE

PROCEDURAL MOTION

351/20

RESOLVED:

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

- **Item 8.7 - Councillor and Staff Interaction Policy**
- **Item 8.8 - Review of Council Finances**
- **Item 8.9 - Financial Sustainability**
- **Item 10.18 - Climate Emergency Action Plan: Allocation of final Budgeted Funding**
- **Item 10.19 - Hydrotherapy Centre**

be considered at this meeting and ruled them to be of great urgency noting that public notice of same was given on 24 November 2020.

Moved and declared carried by the Interim Administrator

FOR DECISION: 8.7 Councillor and Staff Interaction Policy

Ref: AINT/2020/42153 (ARC16/0617)

2. OFFICERS' RECOMMENDATION:

That Council

- a. Endorse the Councillor and Staff Interaction Policy (attached)
- b. Revoke the current Policy POL195 Interaction between Councillors and Staff

352/20

RESOLVED:

That Council

- a. **Endorse the Councillor and Staff Interaction Policy (attached)**
- b. **Revoke the current Policy POL195 Interaction between Councillors and Staff.**

Moved and declared carried by the Interim Administrator

FOR DECISION: 8.8 Review of Council Finances

Ref: AINT/2020/42245 (ARC20/4268)

2. OFFICERS' RECOMMENDATION:

That Council:

- a. Receive and note the report.
- b. Refer the recommendations to the Acting General Manager for consideration and report to Council on implementation.
- c. Formally thank Mr Finch, for his professional efforts in preparing the report and Ms Foley and Council's Finance staff for gathering information requested by Mr Finch.

353/20

RESOLVED:

That Council:

- a. **Receive and note the report.**
- b. **Refer the recommendations to the Acting General Manager for consideration and report to Council on implementation.**
- c. **Formally thank Mr Finch, for his professional efforts in preparing the report and Ms Foley and Council's Finance staff for gathering information requested by Mr Finch.**
- d. **Make Ms Foley's report also publicly available.**

Moved and declared carried by the Interim Administrator

FOR DECISION: 8.9 Financial Sustainability

Ref: AINT/2020/42019 (ARC20/4177)

2. OFFICERS' RECOMMENDATION:

That Council:

- a. Receive and note the report.
- b. Direct the Acting General Manager to identify further savings from the revised 2020/21 Budget to enable \$500,000 to be allocated to assist in addressing the Minister's proposed Performance Improvement Order.
- c. Commission an independent peer review of the Guyra Preschool business case.
- d. Receive a report from the incoming General Manager on a comprehensive improvement plan for Council operations.

354/20

RESOLVED:

That Council:

- a. Receive and note the report.
- b. Direct the Acting General Manager to identify further savings from the revised 2020/21 Budget to enable \$500,000 to be allocated to assist in addressing the Minister's proposed Performance Improvement Order.
- c. Commission an independent peer review of the Guyra Preschool business case.
- d. Receive a report from the incoming General Manager on a comprehensive improvement plan for Council operations.

Moved and declared carried by the Interim Administrator

FOR DECISION: 10.18 Climate Emergency Action Plan: Allocation of final Budgeted Funding.

Ref: AINT/2020/40976 (ARC16/0864)

2. OFFICERS' RECOMMENDATION:

That Council:

- a. Approve the expenditure of \$5,000 for Community education for decreasing energy use and increasing comfort within households.
- b. Approve the expenditure of \$13,427 for Rural community responses to climate change impacts - understanding and implementing adaptation options in the face of Climate Risk.
- c. Note that the expenditure is from the priority actions recommended by the Climate Emergency Working Group and Council staff stemming from the CEWG report, *A Framework for Climate Action*.

355/20

RESOLVED:

That Council:

- a. **Approve the expenditure of \$5,000 for Community education for decreasing energy use and increasing comfort within households.**
- b. **Approve the expenditure of \$13,427 for Rural community responses to climate change impacts - understanding and implementing adaptation options in the face of Climate Risk.**
- c. **Note that the expenditure is from the priority actions recommended by the Climate Emergency Working Group and Council staff stemming from the CEWG report, *A Framework for Climate Action*.**

Moved and declared carried by the Interim Administrator

FOR DECISION: 10.19 Hydrotherapy Centre

Ref: AINT/2020/41458 (ARC19/3235)

2. OFFICERS' RECOMMENDATION:

That Council:

- a. Pause the Hydrotherapy Centre project and not allocate any further time and resources to the project.
- b. Make representations to the local Federal and State Members and funding authorities and negotiate the possible re-allocation of grants from the Hydrotherapy Centre to the Guyra Long Day Care Centre Project and other projects.

356/20

RESOLVED:

That Council:

- a. **Take no further action in relation to the Hydrotherapy Centre project.**
- b. **Make representations to the local Federal and State Members and funding authorities and negotiate the possible re-allocation of grants from the Hydrotherapy Centre to the Guyra Long Day Care Centre Project and other projects.**

Moved and declared carried by the Interim Administrator

16. QUESTIONS ON NOTICE

Nil.

There being no further business the Interim Administrator declared the meeting closed at 5.23pm.