



EXTRAORDINARY MEETING OF COUNCIL

Held on

Wednesday, 13 May 2020
9am

at

Audiovisual

PRESENT: Councillor Simon Murray (Mayor), Councillor Libby Martin (Deputy Mayor), Councillor Peter Bailey, Councillor Diane Gray, Councillor Jon Galletly, Councillor Andrew Murat, Councillor Debra O'Brien, Councillor Margaret O'Connor, Councillor Dorothy Robinson, Councillor Ian Tiley, Councillor Bradley Widders.

IN ATTENDANCE: Ms Susan Law (Chief Executive Officer), Ms Kim Bryan (General Manager Organisational Development), Mr Mark Piorkowski (General Manager Operations), Mr Scot MacDonald (General Manager Businesses), Mr Scott Waterson (Principal Advisor Governance and Risk), Mr Andrew Brown (Senior Advisor People & Governance), Ms Stacey Drew (Executive Policy Officer) and Ms Hayley Ward (Executive Officer).

MINUTES

1. CIVIC AFFIRMATION AND ACKNOWLEDGEMENT OF COUNTRY
2. STATEMENT IN RELATION TO LIVE STREAMING OF COUNCIL MEETING
3. APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE BY COUNCILLORS
NIL.
4. DISCLOSURES OF INTERESTS

Name	Item	Nature of Interest	Reason/Intended Action
Cr O'Connor	8.1	<input type="checkbox"/> Pecuniary <input type="checkbox"/> Non Pecuniary – Significant Conflict <input checked="" type="checkbox"/> Non Pecuniary – Non Significant Conflict	Reason: Member of the Friends of the ABC Intended action: Remain in the Chamber

5. PUBLIC FORUM (HAVE YOUR SAY)
NIL.
6. MAYORAL MINUTE
7. RESCISSION MOTIONS

MOTION

Moved Cr Gray

Seconded Cr Widders

With utmost respect and fairness for fellow councillors and in light of the decision made yesterday by the Land and Environment Court regarding injunction orders, in relation to an apprehension of bias and potential conflict for certain councillors, that Notices of Motion 8.3, 8.7 and 15.2 be deferred.

The substance of the motions mentioned above are integral to the matter before the court, therefore it would unfair and inappropriate for Council to consider these motions while the substantive matter is still before the court to be finalised.

DIVISION The result being:-

FOR: Crs P Bailey, D Gray, L Martin, S Murray and B Widders

AGAINST: Crs J Galletly, A Murat, D O'Brien, M O'Connor, D Robinson and I Tiley

The Mayor declared the Motion LOST.

PROCEDURAL MOTION

94/20

Moved Cr O'Connor Seconded Cr Robinson

Dissent to the ruling - procedural motion put by Cr Gray.

DIVISION The result being:-

FOR: Crs J Galletly, A Murat, D O'Brien, M O'Connor, D Robinson and I Tiley

AGAINST: Crs P Bailey, D Gray, L Martin, S Murray and B Widders

The Mayor declared the Motion CARRIED.

7.1 FOR DECISION: That items 10.1 and 10.2 New England Rail Trail be rescinded

Ref: AINT/2020/05216 (ARC16/0025)

95/20

Moved Cr O'Brien Seconded Cr O'Connor

That Minute No. 11/20 passed at 26 February 2020 Council Meeting be rescinded.

Cr Robinson and Cr Widders left the meeting.

DIVISION The result being:-

FOR: Crs D O'Brien and M O'Connor

AGAINST: Crs P Bailey, J Galletly, D Gray, L Martin, A Murat, S Murray and I Tiley

The Mayor declared the Motion LOST.

8. NOTICES OF MOTION

8.1 FOR DECISION: Friends of the ABC

Ref: AINT/2020/09716 (ARC16/0025)

96/20

Moved Cr Martin Seconded Cr Tiley

That Council acknowledge the dedication of the staff of the ABC and thank them for their emergency broadcasting services during the recent months of catastrophic fires.

DIVISION The result being:-

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

AGAINST: Nil

The Mayor declared the Motion CARRIED unanimously.

PROCEDURAL MOTION

Moved Cr Gray

Seconded Cr Tiley

That the meeting is briefly adjourned to address technical issues.

The MOTION was CARRIED.

Meeting suspended at 10.26am.

Meeting resumed at 10.40am

8.2 FOR DECISION: Air quality working group

Ref: AINT/2020/05598 (ARC16/0025)

97/20

Moved Cr Robinson

Seconded Cr O'Brien

- a) **That Council notes the intended interpretation of Resolution 273/19 c) was to give Council Advisory Committees the power to set up Working Groups as long as their functions lie within the responsibilities of each Committee, as set out in its TOR.**
- b) **That Council endorses the intended interpretation of 273/19.**
- c) **That Council endorses the TOR and advertises the Expressions of interest for an Air Quality Working Group unanimously approved by the Environmental Sustainability Advisory Committee (ESAC), as requested in an email to the CEO on 14 February 2020 by 7 councillors.**
- d) **That Council authorizes ESAC to review applications and select members for its Air Quality Working Group.**

DIVISION The result being:-

FOR: Crs J Galletly, D Gray, A Murat, D O'Brien, M O'Connor, D Robinson, I Tiley and B Widders

AGAINST: Crs P Bailey, L Martin and S Murray

The Mayor declared the Motion CARRIED.

8.3 FOR DECISION: Request for information

Ref: AINT/2020/05599 (ARC16/0025)

UNLAWFUL

- a) That ARC notes the Information and Privacy Commissioner's (IPC) Report recommending that Council reconsiders its decision to withhold information. The IPC report, a public document, is available at https://www.dropbox.com/s/1a3tt17covz1ufr/IPC_Review_GIPA_ARC_Should_Reconsider.pdf
- b) That Council complies with the IPC recommendation and GIPA requirement to release all requested information for which there is no overriding public interest against confidential disclosure to the parties concerned.
- c) That Council releases in confidence to all councillors the brief and all associated material provided to Chris Ronalds that formed the basis of her confidential report that Council paid for.

PROCEDURAL MOTION

98/20

Moved Cr Robinson

Seconded Cr O'Connor

Moved a dissent against Item 8.3 being declared unlawful.

DIVISION The result being:-

FOR: Crs J Galletly, D O'Brien, M O'Connor, D Robinson and I Tiley

AGAINST: Crs P Bailey, D Gray, L Martin, A Murat, S Murray and B Widders

The Mayor declared the Motion LOST.

8.4 FOR REQUEST: Meeting with Council's legal team

Ref: AINT/2020/05603 (ARC16/0025)

NOT MOVED OR SECONDED

That a follow-up to the 12 March meeting of council's legal team with councillors is held as soon as possible for further clarification of the issues that were discussed.

Lapsed for want of a mover/seconded.

8.5 FOR DECISION: Council's panel of solicitors *Ref: AINT/2020/05612 (ARC16/0025)*

99/20

Moved Cr O'Connor **Seconded Cr Robinson**

That Councillors are provided with a copy of the scope document for all Solicitors that are on Council's panel of solicitors.

DIVISION *The result being:-*

FOR: *Crs J Galletly, A Murat, D O'Brien, M O'Connor and D Robinson*

AGAINST: *Crs P Bailey, D Gray, L Martin, S Murray and B Widders*

The Mayor declared the Motion LOST on casting vote of the Mayor.

8.6 FOR DECISION: Copy of Sparke Helmore retainer *Ref: AINT/2020/05613 (ARC16/0025)*

WITHDRAWN

That Councillors are provided with a copy of its document of retainer for Sparke Helmore Solicitors.

8.7 FOR DECISION: Legal advice provided to CEO *Ref: AINT/2020/10276 (ARC16/0025)*

UNLAWFUL

a) That all councillors are provided with the legal advice obtained in 2019 by ARC concerning emails sent by Councillors to each other and the CEO, including any advice on apprehended bias, and the brief and instructions on which that advice was based.

b) That all councillors are provided with the brief and instructions issued to Chris Ronalds SC and on which her legal advice was based.

PROCEDURAL MOTION

Moved Cr Robinson **Seconded Cr O'Connor**

Moved a Dissent against Item 8.7 being declared unlawful.

DIVISION *The result being:-*

FOR: *Crs J Galletly, D O'Brien, M O'Connor, D Robinson and I Tiley*

AGAINST: *Crs P Bailey, D Gray, L Martin, A Murat, S Murray and B Widders*

The Mayor declared the MOTION LOST.

9. REPORTS FOR INFORMATION

MOTION

100/20

Moved Cr Tiley **Seconded Cr O'Brien**

- a) **That Items 9.1, 12.1 and 12.2 be dealt together.**
- b) **That the former chair of the Arts, Cultural and Heritage Advisory Committee is reinstated as Chair.**
- c) **The other recommendations in 12.1 and 12.2 be endorsed.**

DIVISION *The result being:-*

FOR: *Crs J Galletly, A Murat, D O'Brien, M O'Connor, D Robinson and I Tiley*

AGAINST: *Crs P Bailey, D Gray, L Martin, S Murray and B Widders*

The Mayor declared the Motion CARRIED.

9.1 FOR INFORMATION: Arts, Cultural and Heritage Advisory Committee change of chair

Ref: AINT/2020/02631 (ARC16/0217)

- a) That the Terms of Reference of the Arts, Cultural and Heritage Advisory Committee provides for the Mayor to assume chair of it.

- b) In Terms of Clause a new Chair has been elected, Ms Caroline Downer, by the committee itself.

9.2 FOR INFORMATION Covid-19 - support provided to community by ARC

Ref: AINT/2020/13190 (ARC18/2692)

FOR INFORMATION

The attached report details some of the actions taken and proposed additional assistance by Council to help the community through these times. It is essential that any measures introduced are manageable and do not put the Council into an unsustainable situation.

10. REQUESTS FOR LEAVE OF ABSENCE

11. AUTHORITY TO AFFIX COUNCIL SEAL

12. COMMITTEE REPORTS

12.1 FOR DECISION: Minutes - Arts, Culture and Heritage Advisory Committee 12 February 2020

Ref: AINT/2020/02855 (ARC16/0217)

101/20

Moved Cr Tiley

Seconded Cr O'Brien

That the Minutes of the Arts, Cultural & Heritage Advisory Committee meeting held on 12 February 2020 be noted and the following recommendations endorsed:

- a) That Caroline Downer be elected the new chair of the Arts, Cultural and Heritage Advisory Committee.
- b) That Council affirm its commitment to arts, culture and heritage and retains specialist knowledge within the organisation to advocate, guide and provide advice in this area.
- c) That \$5,000 is allocated to an annual public art fund for current and future projects.
- d) That \$20,000 is allocated to an annual community arts grant program developed and administered by the Arts, Cultural and Heritage Advisory Committee.
- e) That cultural tourism is recognised as one of the key economic drivers for the region and receives appropriate resourcing, including budget, to strengthen and grow the industry.

The Motion on being put to the vote was CARRIED.

**12.2 FOR DECISION: Minutes - Arts, Cultural and Heritage Advisory Committee 11
March 2020**

Ref: AINT/2020/05421 (ARC16/0217)

102/20

Moved Cr Tiley

Seconded Cr O'Brien

That the Minutes of the Arts, Culture and Heritage Committee meeting held on 11 March be noted and the following recommendations endorsed:

- a) That Council base its cultural tourism planning on the following principles:**
- i. The Armidale Region has a rich arts and cultural life.**
 - ii. Visitors to the Armidale region are interested in local history and culture.**
 - iii. Visitors stay longer and spend more when they attend and experience arts, culture and heritage.**
 - iv. People travel for arts events and make return visits.**

The Motion on being put to the vote was CARRIED.

13. MATTERS OF AN URGENT NATURE

PROCEDURAL MOTION

103/20

Moved Cr Martin

Seconded Cr Gray

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

- 20.1 FOR DECISION: Mayoral Minute Item 6.1. (AINT/2020/05480) - *As this report deals with personnel matters concerning particular individuals (Section 10A(2)(a) of the Local Government Act 1993). Council closes the meeting, in accordance with Council's Code of Meeting Practice, as consideration of this matter in open Council would be contrary to the public interest.***
- 20.2 FOR DECISION: Legal advice provided to CEO. (AINT/2020/05615) - *As this report deals with personnel matters concerning particular individuals (Section 10A(2)(a) of the Local Government Act 1993). Council closes the meeting, in accordance with Council's Code of Meeting Practice, as consideration of this matter in open Council would be contrary to the public interest.***
- 20.3 FOR DECISION: Written advice is provided by Counsel Lucy Saunders. (AINT/2020/05617) - *As this report deals with personnel matters concerning particular individuals (Section 10A(2)(a) of the Local Government Act 1993). Council closes the meeting, in accordance with Council's Code of Meeting Practice, as consideration of this matter in open Council would be contrary to the public interest.***
- 20.4 FOR DECISION: Meeting to resolve deferred motion ECM 12 March 2020. (AINT/2020/05620) - *As this report deals with personnel matters concerning particular***

individuals (Section 10A(2)(a) of the Local Government Act 1993). Council closes the meeting, in accordance with Council's Code of Meeting Practice, as consideration of this matter in open Council would be contrary to the public interest.

- b) That Council exclude the press and public from the proceedings of the Council in Confidential Session pursuant to Section 10A, subsections 2 & 3 and section 10B of the Local Government Act 1993, on the basis that the items to be considered are of a confidential nature.**
- c) That Council make the resolutions made in Confidential Session public as soon as practicable.**
- d) The Motion on being put to the vote was CARRIED.**

Council entered Closed Session at 11.15am.

Council returned to Open Session at 11.23pm.

PROCEDURAL MOTION

104/20

Moved Cr Gray

Seconded Cr Martin

Council returned to open session

The recommendation was ADOPTED.

RESUMPTION OF MEETING

105/20

Moved Cr Martin

Seconded Cr Gray

That the recommendations of Closed Session be adopted.

The Motion on being put to the vote was CARRIED.

There being no further business the Mayor declared the meeting closed at 11.25am.