



ORDINARY MEETING OF COUNCIL

Held on

Wednesday 23 May 2018

1.08 pm

at

Armidale Council Chambers

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

IN ATTENDANCE: Mr Chris Rose (Interim Chief Executive Officer), Mr Lindsay Woodland (Group Leader Organisation Services), Mr Mark Piorkowski (Group Leader Service Delivery), Mr Keith Lockyer (Service Leader Finance and Information Technology), Mr Ambrose Hallman (Service Leader Sustainability and Development), Ms Nathalie Heaton (Service Leader Governance Risk and Corporate Planning), Mr Peter Wilson (Senior Governance Officer) and Ms Renata Davis (Executive Officer).

MINUTES

1. CIVIC PRAYER AND RECOGNITION OF TRADITIONAL OWNERS
2. STATEMENT IN RELATION TO LIVE STREAMING OF COUNCIL MEETING
3. APOLOGIES - NIL
4. DISCLOSURE AND DECLARATION OF INTERESTS

Name	Item	Nature of Interest	Reason/Intended Action
Chris Rose (Interim Chief Executive Officer)	12.3	<input type="checkbox"/> Pecuniary <input checked="" type="checkbox"/> Non Pecuniary – Significant Conflict <input type="checkbox"/> Non Pecuniary – Non Significant Conflict	Reason: Mr Rose has previously worked with a party that is working with The Armidale School Intended action: Leave the Chamber

5. HAVE YOUR SAY

David Mills – Speaking ‘For’ Item 8.1 - Notice of Rescission Motion - Rail Trail Business Case

Michael Kean – Speaking ‘For’ Item 8.1 – Notice of Rescission Motion - Rail Trail Business Case

Matthew Tierney – Speaking ‘Against’ Items 8.1 – Notice of Rescission Motion - Rail Trail Business Case

6. CONFIRMATION OF MINUTES

CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 26 APRIL 2018 AND EXTRAORDINARY COUNCIL MEETING HELD ON 16 MAY 2018

82/18

Moved Cr Widders

Seconded Cr Robinson

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

The Motion on being put to the vote was CARRIED.

7. MAYORAL MINUTE

7 FOR DECISION: Mayoral Minute

Ref: AINT/2018/07860 (ARC16/0085)

83/18

Moved Cr Murray

That for the purposes of the resolution passed by Armidale Regional Council on 28 February 2018, concerning the approval of council's area being included in the joint organisation's area, that – in addition to those council areas prescribed in the previous resolution – council endorses the area of the Narrabri Shire Council being included in the area of the joint organisation.

The Motion on being put to the vote was CARRIED.

8. RESCISSION MOTIONS

**8.1 FOR DECISION: Notice of Rescission Motion - Council Meeting 26 April 2018 -
Item 13.6 Rail Trail Business Case**

Ref: AINT/2018/07860 (ARC16/0085)

84/18

Moved Cr Gray

Seconded Cr Murat

MOTION TO RESCIND

That Resolution 59/18 be rescinded which RESOLVED –

“That Council take no further action in relation to letting a contract for a feasibility study or business case for the Guyra Rail Trail and that the matter be addressed as an in house desktop study.”

The Motion on being put to the vote was CARRIED.

PROCEDURAL MOTION

85/18

Moved Cr Murat

Seconded Cr Gray

That Item 9.1 be brought forward for consideration following Item 8.1.

The Motion on being put to the vote was CARRIED.

9.1 FOR DECISION: Notice of Motion - Councillor Diane Gray - Rail Trail Business Case

Ref: AINT/2018/07861 (ARC16/0085)

86/18

MOTION

Moved Cr Gray

Seconded Cr Murat

That Council engage an external, appropriately skilled and creditable firm to undertake a Business Case for the New England Rail Trail as the priority, as required under clause 4.2 of Councils Economic Development Strategy (adopted unanimously by Council on 7 December 2017), and explore other options for rail corridor tourism opportunities, to provide additional feasibility information to Council and for the public, noting that such a Business Case would be required should an application for grant funding be required on any aspect of this potential project in the future, and further noting that the funding of such is within the approved current economic development budget.

AMENDMENT

Moved Cr O'Brien

Seconded Cr O'Connor

That Council engage an external, appropriately skilled and creditable firm to undertake a Business Case to explore options for rail corridor tourism opportunities, to provide additional feasibility information to Council and for the public, noting that such a Business Case would be required should an application for grant funding be required on any aspect of this potential project in the future, and further noting that the funding of such is within the approved current economic development budget.

The Amendment was withdrawn.

The Motion on being put to the vote was CARRIED.

8.2 FOR DECISION: Notice of Rescission Motion - Council Meeting 26 April 2018 - Item 11.2 Modification DA-19-2009/A

Ref: AINT/2018/07888 (DA-19-2009/A)

87/18

Moved Cr Tiley

Seconded Cr O'Connor

MOTION TO RESCIND

**That Resolution 64/18 be rescinded which RESOLVED -
"That Council delete Conditions 7 and 47 from DA-19-2009/A"**

The Motion on being put to the vote was LOST.

DIVISION

FOR: Councillors O'Brien, O'Connor, Robinson and Tiley

AGAINST: Councillors Bailey, Galletly, Gray, Martin, Murat, Murray and Widders

9. NOTICES OF MOTION

**9.2 FOR DECISION: Notice of Motion - Councillor Margaret O'Connor -
Modification to DA-19-2009/A**

Ref: AINT/2018/07895 (DA-19-2009/A)

Submitted by Councillor O'Connor

Should the rescission motion be adopted, I give notice that it is my intention to move the following motion:

That DA-19-2009/A deletion of Conditions 7 and 47 not proceed and Council retain the Conditions 7 and 47, on the basis of securing the public interest now and for future generations for retention of riparian (creekside) access for recreation and ecological amenity.

As the Rescission Motion at Item 8.2 was Lost, this Item was not considered.

10. REPORTS FOR DECISION - LEADERSHIP FOR THE REGION

**10.1 FOR DECISION: Acquisition of Drainage Reserve - 180A Kentucky Street,
Armidale**

Ref: AINT/2018/06410 (ARC18/2586)

18/18

Moved Cr Robinson

Seconded Cr Murat

- a) That Council approve of the transfer of the 'Drainage Reserve', described as Lot C DP 409378, from Roman and Olga Pivinski to Armidale Regional Council;
- b) That the Council seal be affixed to the documents associated with the transfer; and
- c) That the land be classified as Operational Land on acquisition.

The Motion on being put to the vote was CARRIED.

10.2 FOR DECISION: Proposed Road Rename - 'Pine Forest Road South' to 'Montes Lane'

Ref: AINT/2018/06460 (ARC16/0043)

82/18

Moved Cr Murat

Seconded Cr Gray

- a) That Council advertise its intention to re-name the Pine Forest Road South extent to 'Montes Lane';
- b) That Council also notify the relevant agencies of its preferred road name in accordance with Part 2 of the NSW Roads Regulation 2008;
- c) That in the absence of any objections, the road extent be so named in accordance with Council's Policy 071- Regulatory - Local Road and Place Naming and related procedure; and
- d) That Council notify all affected property owners and the relevant organisations of the proposed new road name and new rural road numbers.

The Motion on being put to the vote was CARRIED.

10.3 FOR DECISION: Proposed Renaming of 'Cookes Road' extent off Grafton Road to "Autumn Lane"

Ref: AINT/2018/07257 (ARC16/0043)

90/18

Moved Cr Murat

Seconded Cr Martin

- a) That Council advertise it's intention to rename the Cookes Road extent off Grafton Road to 'Autumn Lane';
- b) That Council notify the relevant agencies of its preferred road name, in accordance with Part 2 of the NSW Roads Regulation 2008;
- c) That in the absence of any objections, the road extent be so named in accordance with Council's Policy 071- Regulatory - Local Road and Place Naming and related procedure; and
- d) That Council notify all affected property owners and the relevant organisations of the proposed new road name and new rural road numbers.

The Motion on being put to the vote was CARRIED.

10.4 FOR DECISION: Council Meeting Cycle for Ordinary Meetings for July 2018 to August 2020

Ref: AINT/2018/08020 (ARC16/0620)

91/18

Moved Cr Bailey

Seconded Cr Galletly

- a) That Ordinary Meetings of Council be held at Armidale, on the fourth Wednesday of the months of March, April, June, July, August and September, commencing at 4.00pm;
- b) That an Ordinary Meeting of Council be held at Armidale, on the second Wednesday of the month of December, commencing at 4.00pm;
- c) That Ordinary Meetings of Council be held at Guyra, on the fourth Wednesday of the months of February, May and October, commencing at 4.00pm; and
- d) That an Ordinary Meeting of Council be held at Tingha, on the fourth Wednesday of the month of November, commencing at 1.00pm.

The Motion on being put to the vote was CARRIED.

10.5 FOR DECISION: Quarterly Budget Review Statement Third Quarter 2017-2018

Ref: AINT/2018/08439 (ARC17/1519)

92/18

Moved Cr Gray

Seconded Cr Galletly

- a) That Council note the third Quarter Budget Review Statement (QBRs) and adjustments for the 2017-2018 financial year.
- b) That Council vote changes to budget of \$403,000 in operating and \$4.4 million in capital as detailed in table 1 of this report.

The Motion on being put to the vote was CARRIED.

10.6 FOR DECISION: Fixing of Mayor and Councillors Fees for 2018-2019

Ref: AINT/2018/08448 (ARC16/1146)

93/18

Moved Cr Bailey

Seconded Cr Martin

- a) That Council fix the 2018/19 fee payable to Councillors at \$19,790;
- b) That Council fix the 2018/19 fee payable to the Mayor at \$43,170; and
- c) That Council note that the fixing and payment of an annual fee to the Mayor, is in addition to the fee paid to the Mayor as a Councillor.

The Motion on being put to the vote was CARRIED.

Cr Murat requested that his dissenting vote be recorded.

10.7 FOR DECISION: Water Billing Adjustment

Ref: AINT/2018/08807 (ARC17/2153)

94/18

Moved Cr Murat

Seconded Cr Tiley

That the request for a water bill adjustment not be approved as it does not comply with the Water Adjustment Management Policy

The Motion on being put to the vote was CARRIED.

10.8 FOR DECISION: Community Strategic Plan 2027

Ref: AINT/2018/09526 (ARC16/0502)

95/18

Moved Cr Murat

Seconded Cr Gray

That the Community Strategic Plan 2027 be reaffirmed, noting the changes following the public exhibition period outlined in the report.

The Motion on being put to the vote was CARRIED.

11. REPORTS FOR DECISION - GROWTH, PROSPERITY AND ECONOMIC DEVELOPMENT - NIL

12. REPORTS FOR DECISION - ENVIRONMENT AND INFRASTRUCTURE

12.1 FOR DECISION: Draft Development Contributions Plans for Council's area

Ref: AINT/2018/08054 (ARC16/1051)

96/18

Moved Cr Tiley

Seconded Cr Gray

a) That the following draft plans be placed on public exhibition for at least 28 days in accordance with section 2.2 of the Environmental Planning and Assessment Act 1979 and clause 28 of the Environmental Planning and Assessment Regulation 2000:

- i) Draft Armidale Regional Council Section 7.12 Contributions Plan 2018, and
- ii) Draft Armidale Regional Council Section 7.11 Contributions Plan 2018 – Heavy Vehicles.

b) That a further report be provided to Council following the public exhibition period.

The Motion on being put to the vote was CARRIED.

DIVISION

FOR: Councillors Bailey, Galletly, Gray, Martin, Murat, Murray, O'Brien, O'Connor, Robinson, Tiley and Widders

AGAINST: Nil

12.2 FOR DECISION: Planning Proposal for Draft Amendment No.11 to Armidale Dumaresq LEP 2012

Ref: AINT/2018/08060 (ARC16/0484)

97/18

Moved Cr Gray

Seconded Cr Martin

a) That Planning Proposal No. 11 to amend Armidale Dumaresq Local Environmental Plan 2012, which proposes to:

- zone Lots 1, 2, and part 3 DP 1196907 at 16-22 Madgwick Drive, Armidale, from R2 Low Density Residential to R1 General Residential, and
- alter the lot size standard for Lots 1, 2, and part 3 DP 1196907 from 4,000m² to 500m²,

be forwarded to the Department of Planning and Environment with a request for a Gateway Determination, in accordance with section 3.34 of the *Environmental Planning and Assessment Act 1979*.

b) That, subject to a Gateway Determination, a further report be provided to Council following public exhibition of Planning Proposal No. 11 to amend Armidale Dumaresq Local Environmental Plan 2012.

c) That the proponent be advised of Council's resolution.

The Motion on being put to the vote was CARRIED.

DIVISION

FOR: Councillors Bailey, Galletly, Gray, Martin, Murat, Murray, O'Brien, O'Connor, Robinson, Tiley and Widders

AGAINST: Nil

The Interim CEO left the Chamber at 2.40pm

12.3 FOR DECISION: Modification to DA-198-2016/A - New Boarding School constructed at The Armidale School - Modification concerns the re-calculation of Water and Sewer Contributions under Section 64 of the Local Government Act, 1993

Ref: AINT/2018/08569 (ARC16/0001-3)

98/18

Moved Cr Gray

Seconded Cr Tiley

That Council resolve to investigate the application of Developer Servicing Plan (DSP) contributions based upon the devising of an Equivalent Tenement (ET) per person, being either an enrolled student or full-time staff member. The method of devising an ET would be based upon water usage data retained by Council.

The Motion on being put to the vote was CARRIED.

DIVISION

FOR: Councillors Bailey, Galletly, Gray, Martin, Murat, Murray, O'Brien, O'Connor, Robinson, Tiley and Widders

AGAINST: Nil

The Interim CEO returned to the Chamber at 2.48pm

13. REPORTS FOR DECISION - OUR PEOPLE AND COMMUNITY

13.1 FOR DECISION: Request to waive fees for the use of the Town Hall

Ref: AINT/2018/08385 (ARC16/0137-2)

99/18

Moved Cr Robinson

Seconded Cr Gray

That Council endorse a donation of 50% of the total cost for the Hire of the Town Hall fees for IMSA (International Muslim Student Association) to hold two community dinners in accordance with S356 of the *Local Government Act 1993*.

The Motion on being put to the vote was CARRIED.

14. REPORTS FOR INFORMATION

14.1 FOR INFORMATION: Cash & Investments Report for April 2018

Ref: AINT/2018/08472 (ARC17/2209)

100/18

Moved Cr Murat

Seconded Cr Galletly

That Council note the Cash & Investments Report, as at 30 April 2018, reporting Investments held of \$60,313,900.74 and a consolidated Bank Account balance of \$4,361,925.93, excluding the Trust Fund.

The Motion on being put to the vote was CARRIED.

**14.2 FOR INFORMATION: Independent Report on the Feasibility of a Rail Line
Between Armidale and Tenterfield**

Ref: AINT/2018/09549 (ARC16/0085)

101/18

Moved Cr Gray

Seconded Cr Murat

That Council note the independent desktop report on the feasibility of a rail line between Armidale and Tenterfield.

The Motion on being put to the vote was CARRIED

Cr O'Connor requested her dissenting vote be recorded.

15. REQUESTS FOR LEAVE OF ABSENCE - NIL

16. AUTHORITY TO AFFIX COUNCIL SEAL - NIL

17. COMMITTEE REPORTS

17.1 FOR DECISION: Minutes - Traffic Advisory Committee - 1 May 2018

Ref: AINT/2018/08371 (ARC16/0168)

102/18

Moved Cr Martin

Seconded Cr Murat

(a) That the Minutes of the Traffic Advisory Committee meeting held on Tuesday 1 May 2018 be noted;

(b) That the application for the 2018 Armidale Athletic Club's Wednesday Winter Social Cross-Country be approved, as per the Special Event Transport Management Plan;

(c) That 2 half hour parking bays be installed on the northern side of Drew Street in front of Armidale Pumps and Irrigation;

(d) That Council deny the request from the Guyra and District Historical Society Machinery Group 'Trike's', to operate past the Ollera Street Crossing, until the group meets with the RMS Roads and Traffic Authority and Rail Authority, and addresses the safety and legal requirements in accordance with the relevant Australian Standards and NSW legislation and that:

- 1) a full risk assessment is completed by the RMS Roads and Traffic Authority, as the RMS has oversight for all road approaches to level crossings, to ensure all standards are to be met; and
 - 2) a full risk assessment on the condition and useability of the lines be completed by the Rail Authority, and an agreement for the use of the line be entered into with the Rail Authority to ensure all the requirements are satisfied as per the Rail Authority's legislation 107 Interface coordination—rail infrastructure and public roads.
- (e) That Council deny the request from the Guyra and District Historical Society Machinery Group 'Trike's', to operate past the Ollera Street crossing until such time as the group addresses the following concerns of the Committee:
- 1) infrequent use of Trike and local traffic not being on the look out for the Trike;
 - 2) minimum sight and visibility for approaching traffic;
 - 3) traffic control and awareness;
 - 4) pedestrians crossing the railway track;
 - 5) the need for lights and bells to comply with the current standards;
 - 6) substandard stacking length between the railway line and the highway;
 - 7) Ollera Street Crossing is off the New England Highway and is the main access road to Inverell and the intersection carries B-Double's, Articulated Vehicles and large volumes of traffic;
 - 8) congestion and confusion during the Lamb and Potato Festival; and
 - 9) Guyra and District Historical Society Machinery Group investigate an alternative route.
- (f) That temporary kerbing be installed as a trial measure, in the south bound kerb side parking lane, north of the marked pedestrian crossing on Glen Innes Road near Duval Street Armidale.

The Motion on being put to the vote was CARRIED.

**17.2 FOR INFORMATION: Minutes - Environmental Sustainability Advisory
Committee - 18 April 2018**

Ref: AINT/2018/07748 (ARC16/0864)

103/18

Moved Cr Robinson

Seconded Cr Gray

That Council note the Minutes of the Environmental Sustainability Committee meeting held on 18 April 2018, as there were no Committee recommendations that require a Council decision.

The Motion on being put to the vote was CARRIED.

The Mayor expressed his appreciation to Mr Chris Rose for his contribution and support during his term as Interim CEO.

18. MATTERS OF AN URGENT NATURE – NIL

19. QUESTIONS ON NOTICE - NIL

PROCEDURAL MOTION

104/18 **Moved Cr Murat** **Seconded Cr Bailey**

That the meeting be adjourned at 3.00pm.

The Motion on being put to the vote was CARRIED.

PROCEDURAL MOTION

105/18 **Moved Cr Gray** **Seconded Cr Martin**

That the meeting resume at 3.15pm.

The Motion on being put to the vote was CARRIED.

PROCEDURAL MOTION

106/18 **Moved Cr Gray** **Seconded Cr Martin**

a) That Council move into Closed Session to receive and consider the following items:

20.1 FOR DECISION: Request for Tender Plant Hire Services July 2018 - June 2020. (AINT/2018/07276) - *As this report deals with commercial information of a confidential nature which, if disclosed, confers a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business (Section 10A(2)(c) of the Local Government Act 1993). Council closes the meeting, in accordance with Council's Code of Meeting Practice, as consideration of this matter in open Council would be contrary to the public interest.*

20.2 FOR DECISION: Acquisition and disposal of land involving the Armidale Ex Services Memorial Club . (AINT/2018/08477) - *As this report deals with commercial information of a confidential nature which, if disclosed, confers a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business (Section 10A(2)(c) of the Local Government Act 1993). Council closes the meeting, in accordance with Council's Code of Meeting Practice, as consideration of this matter in open Council would be contrary to the public interest.*

b) That Council exclude the press and public from the proceedings of the Council in Confidential Session pursuant to Section 10A, subsections 2 & 3 and section 10B of the Local Government Act 1993, on the basis that the items to be considered are of a confidential nature.

c) That Council make the resolutions made in Confidential Session public as soon as practicable.

The Motion on being put to the vote was CARRIED.

Council entered Closed Session at 3.15pm.
Council returned to Open Session at 3.40pm.

20. CLOSED SESSION

107/18 **Moved Cr Widders** **Seconded Cr Gray**

That the recommendations of Closed Session be adopted as follows:

20.1 FOR DECISION: Request for Tender Plant Hire Services July 2018 - June 2020

Ref: AINT/2018/07276 (ARC18/2568)

108/18 **Moved Cr Widders** **Seconded Cr Gray**

That Council accepts thirty-eight tenders and rejects two, received for a supplier panel contract for the Provision of Plant Hire Services July 2018 – June 2020.

The Motion on being put to the vote was CARRIED.

20.2 FOR DECISION: Acquisition and disposal of land involving the Armidale Ex Services Memorial Club

Ref: AINT/2018/08477 (ARC18/2525)

109/18 **Moved Cr Widders** **Seconded Cr Gray**

a) That Council agree “in principle” to the acquisition of Lot 105 DP 1237922, from the Armidale Ex Services Club and the sale of Lot 101 DP 1237922, to the Armidale Ex Services Club, based on the independent property valuations; and

b) That the land transactions be subject to the Planning Proposal, to reclassify Lot 101 from Community Land to Operational Land, for the purpose of a car park, being approved.

The Motion on being put to the vote was CARRIED.

The Motion on being put to the vote was CARRIED.

There being no further business the Ordinary Council meeting closed at 3.42pm.