



ORDINARY MEETING OF COUNCIL

Held on

Wednesday, 12 April 2017
9am

at

Armidale Council Chambers

PRESENT: Administrator, Dr Ian Tiley.

IN ATTENDANCE: Mr Peter Dennis (Chief Executive Officer), Mr Lindsay Woodland (Group Leader Organisation Services), Mr Mark Piorkowski (Group Leader Service Delivery), Mr Greg Meyers (Director Planning and Environmental Services), Mr Keith Lockyer (Chief Financial and Information Officer), Mr Rob Shaw (Director Regional Infrastructure), Mr John Goodall (Manager Development Assessment), Mrs Jessica Bower (Executive Officer), Mr Peter Wilson (Senior Governance Officer).

MINUTES

1. CIVIC PRAYER AND RECOGNITION OF TRADITIONAL OWNERS
ADVICE REGARDING TAPING OF MEETINGS

The Administrator announced the winners of the Autumn Festival floats from the Grand Parade held on Saturday 18 March 2017 and presented trophies. The winners are:

Best School Float Award – Minimbah Primary School / Armidale Montessori Preschool
Best Community Float Award – 2ND Armidale Scout Group
Best Business Float Award – End of the Rainbow Fairy Shop
Best Overall Float Award – End of the Rainbow Fairy Shop

2. CONFIRMATION OF PREVIOUS MINUTES

CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 22 MARCH 2017

89/17

RECOMMENDATION:

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

The recommendation was ADOPTED.

3. DECLARATIONS OF INTEREST
Nil.

4. HAVE YOUR SAY ON AN AGENDA ITEM
Nil.

5. DEPUTATIONS BY GROUPS/COMMUNITY ORGANISATIONS
Nil.

6. ADMINISTRATOR MINUTES

6.1 Memorandum of Understanding - NSW Department of Family and Community Services

Ref: AINT/2017/04537 (ARC16/1315)

90/17

RECOMMENDATION:

That Armidale Regional Council (ARC) enter into a Memorandum of Understanding with the NSW Department of Family and Community Services Hunter New England and Central Coast District (NSW FACS HNECC) in accordance with the terms detailed in the report.

The recommendation was ADOPTED.

7. REPORTS OF OFFICERS

7.1 OUR ENVIRONMENT

7.1.1 Draft Amendment No 4 to Armidale Dumaresq LEP 2012

Ref: AINT/2017/04534 (ARC16/1360)

91/17

RECOMMENDATION:

- a) That Council exercise its local plan making delegations under section 59 of the Environmental Planning and Assessment Act 1979 to adopt and make Draft Amendment No 4 to Armidale Dumaresq Local Environmental Plan 2012, consistent with Planning Proposal No 4 (amended January 2017).
- b) That the proponent and persons who made submissions during the public exhibition period for Planning Proposal No 4 (amended January 2017) be advised of Council's decision.

The recommendation was ADOPTED.

7.1.2 DA-155-2016, 1 Green Street Guyra NSW 2365 , 29 Lot Rural Residential
Subdivision

Ref: AINT/2017/04890 (DA-155-2016)

92/17

RECOMMENDATION:

- (a) That having regard to the assessment of the Application, DA-155-2016 be granted a conditional deferred commencement consent in the terms set out in Appendix 1 to this report, as amended by revised proposed conditions of consent with the inclusion of new deferred commencement conditions A2, A3 under Part A and conditions 29 & 30 under Part B as follows:
 - i. *A2. Satisfactory evidence is to be produced to Council demonstrating the closure and purchase of the crown roads within the development.*
 - ii. *A3. Satisfactory evidence of the completion of the identified target surveys as recommended in the Ecological Assessment Prepared by Geolink Consultants Dated 4 May 2016 and clear procedures on how any recommendations from such surveys are to be implemented as part of the development, including but not limited to where necessary any management plans and/or Title restrictions.*
 - iii. *29. A construction Certificate shall not be issued over any part of the site requiring a Controlled Activity approval until a copy of the approval has been provided to the relevant Certifying Authority, to ensure the required Integrated approval is obtained.*
 - iv. *30. Compliance with all relevant conditions relating to the bush fire safety authority issued by the NSW Rural Fire Service for the site, prior to the issue of a Subdivision Certificate for each stage of the development.*
- (b) That those persons that made submissions in relation to the Application be notified of the determination in writing.

- (c) That the integrated agencies that provided their response and general terms of approval to Council be notified of the determination in writing.**

The recommendation was ADOPTED.

7.1.3 DA-124-2011-03 Condition 34 - Cycleway design review

Ref: AINT/2017/06124 (DA-124-2011/C)

93/17

RECOMMENDATION:

That Council not require the existing footway along Box Hill Drive to be upgraded as required by condition 34 of the Notice of Determination for DA-124-2011/C as amended and dated 21 August 2015.

The recommendation was ADOPTED.

7.2 OUR GOVERNANCE

7.2.1 Cash & Investments Report March 2017

Ref: AINT/2017/05727 (ARC16/0291)

94/17

RECOMMENDATION:

That the Cash & Investments report for Armidale Regional Council as at 31 March 2017 be received and noted.

The recommendation was ADOPTED.

7.2.2 Second Quarter Budget Review

Ref: AINT/2017/05929 (ARC16/0441)

95/17

RECOMMENDATION:

- (a) That the Second Quarter Budget Review for the 2016/2017 financial year as required by the Local Government General Regulation 2005 be noted.**

The recommendation was ADOPTED.

7.2.3 Draft Fees and Charges 2017/2018

Ref: AINT/2017/04929 (ARC16/0390)

96/17

RECOMMENDATION:

- (a) That Council endorse the draft 2017-2018 Fees and Charges for public exhibition.
- (b) That Council advertise the draft 2017-2018 Fees and Charges for 28 days calling of public submissions.
- (c) That a further report be submitted at the completion of the formal exhibition period detailing any submissions received during the exhibition period for Council's consideration.

The recommendation was ADOPTED.

7.2.4 Annual Financial Statements for the former Guyra Shire Council and the former Armidale Dumaresq Council

Ref: AINT/2017/04786 (ARC16/0347)

97/17

RECOMMENDATION:

That Council notes the finalisation of the Financial Statements for the former Guyra Shire Council and the former Armidale Dumaresq Council required by Section 419 of the *Local Government Act 1993*.

The recommendation was ADOPTED.

7.2.5 Write off of Guyra Show Society Cattle Yard Loan

Ref: AINT/2017/03985 (ARC16/0291)

98/17

RECOMMENDATION:

That Council write off the Guyra Show Society Cattle yard loan amounting to \$17,562.50.

The recommendation was ADOPTED.

7.2.6 Request for Debt Change for New England Regional Indoor Sporting Complex (NERISC)

Ref: AINT/2017/04785 (ARC16/1073)

99/17

RECOMMENDATION:

That Council write off interest costs to bring the outstanding debt of \$189,455.91 back to \$150,000 and negotiate an interest free repayment of \$10,000 (minimum) per year over 15 years.

The recommendation was ADOPTED.

7.2.7 Tingha Boundary Adjustment Survey Results

Ref: AINT/2017/05352 (ARC17/1637)

100/17

RECOMMENDATION:

- a) That Council note 57% support for a boundary adjustment from those landowners surveyed (and follow up telephone calls to the non-respondents) for the larger area south and south west of the Tingha Village as agreed to between Armidale Regional Council and Inverell Shire Council.
- b) That Armidale Regional Council, based on the above survey results not oppose the proposed boundary adjustment of approximately 800sq kilometres (see attached map) including Tingha Village, Green Valley Farm and the Georges Creek area south and south west of Tingha.
- c) That Council's decision be provided to Inverell Shire Council and The Hon Adam Marshall MP and the Minister for Local Government.
- d) That Council undertake a due diligence review of all relevant matters should a local government boundary adjustment between Armidale Regional Council and Inverell Shire Council proceed.
- e) Should a boundary adjustment proceed, that the process of distribution of assets and liabilities be through a mutually agreed process coordinated by the Department of Premier and Cabinet and/or the Office of Local Government to ensure equity and fairness for both councils.
- f) That Council request all costs incurred by both councils due to the boundary adjustment be adequately funded by the NSW State Government.

The recommendation was ADOPTED.

7.2.8 NSW Parliament enacts Fire and Emergency Services Levy Bill (NSW) 2017

Ref: AINT/2017/05921 (ARC16/0086)

101/17

RECOMMENDATION:

That this report on NSW Parliament enacting the *Fire and Emergency Services Levy Bill (NSW) 2017* be noted.

The recommendation was ADOPTED.

7.3 OUR INFRASTRUCTURE

7.3.1 Renaming and Rescinding Sections of Cookes Road, Armidale

Ref: AINT/2017/04962 (ARC16/0043)

102/17

RECOMMENDATION:

- a) That a proposal to rename a section of Cookes Road, between Long Swamp Road and Mann Street, Armidale "Morris Street" be advertised for the period from Wednesday, 19 April 2017 to Tuesday, 17 May 2017 and should no objections be received, the name be adopted.
- b) That Council write to the Geographical Names Board to rescind the name "Cokes Road" for the unformed part-sections between:
 - i) Mann Street and Grafton Road, Armidale; and
 - ii) Simmons Street and Kirkwood Street, Armidale.

The recommendation was ADOPTED.

7.3.2 Timber Bridges Structural Assessment

Ref: AINT/2017/05202 (ARC16/1246)

103/17

RECOMMENDATION:

- a) That the programme of bridge upgrades as outlined in the report be endorsed by Council.
- b) That application be made for 50% funding of the programme (i.e. an amount of \$2.1 million) under the Australian Government's Bridges Renewal Programme, to match the amount of \$2.1m approved by Council under the Stronger Regions Fund, providing a total amount of \$4.2m to allow upgrade of the worst 20 timber bridges.
- c) That an application be submitted to the Stronger Regions Fund, seeking a further \$0.8 million, and if approved, that an additional \$0.8m of matching funding be requested under the Australian Government's Bridges Renewal Programme, providing a total amount of \$5.8 million to allow upgrade of all 32 timber bridges.
- d) That immediate action be taken to undertake temporary support work and load / speed restrictions recommended for the first ten (10) bridge priorities, using available funds from the 2016/17 Council budget for maintenance of bridges.

The recommendation was ADOPTED.

7.3.3 Compulsory acquisition of laneway for consolidation of Land & Stormwater Easements Section 21

Ref: AINT/2017/05614 (ARC17/1512)

104/17

RECOMMENDATION:

- (a) Council proceed with the compulsory acquisition of the Laneway between 136 and 138 Barney Street Armidale described as Residue of Lots 18 and 19 Section 21 as described in Bk 258 No 135 known as "lane 12 ft wide" for the purpose of allowing Council to proceed with the finalisation of formalisation and registration of the drainage easement within Section 21 Parish of Armidale, County of Sandon Map bounded by Barney, Jessie, Brown and Allingham Streets, Armidale in accordance with the requirements of the *Land Acquisition (Just Terms Compensation) Act 1991*.
- (b) Council make an application to the Minister and the Governor for approval to acquire Residue of Lots 18 and 19 Section 21 as described in Bk 258 No 135 known as "lane 21 ft wide" by compulsory process under section 186(1) of the *Local Government Act*.
- (c) That the land is to be classified as operational land.
- (d) Once acquired the land to be divided into three portions and ceded to the owners of 136 Barney Street, 139 and 141 Allingham Street.

The recommendation was ADOPTED.

Mr David Clifton of Clifton Legal spoke on item 7.3.3 Compulsory acquisition of laneway for consolidation of Land & Stormwater Easements Section 21.

7.3.4 Armidale Regional Airport - New England Highway roundabout funding

Ref: AINT/2017/06178 (ARC17/1497)

105/17

RECOMMENDATION:

That the correspondence from the Minister for Infrastructure and Transport to the Hon Barnaby Joyce MP confirming Australian Government funding of \$1 million for construction of a roundabout on the New England Highway at Armidale Regional Airport be noted and the Minister for Infrastructure and Transport and the Hon Barnaby Joyce be thanked for this financial support.

The recommendation was ADOPTED.

8. COMMITTEE REPORTS

8.1 Traffic Advisory Committee - Minutes of the meeting held 7 March 2017

Ref: AINT/2017/03962 (ARC16/0168)

106/17

RECOMMENDATION:

- a) That the Minutes of the Traffic Advisory Committee meeting held on 7 March 2017 be noted.
- b) That the request for the installation of a stop sign on the Erskine Street leg of the intersection with Oak Tree Drive be denied because the existing "Giveaway" sign conforms with the required sight distances at the intersection.
- c) That approval be provided for the creation of a new dual bus zone on Trevenna Road opposite Mary White College.
- d) That approval be provided for the temporary road closure of Rusden Street between Dangar & Faulkner Streets from 4pm to 10pm for the Carnivale Armidale event to be held on Saturday 1 April 2017, with the following conditions:
 - 1) That a current insurance certificate for the amount of \$20million be provided.
 - 2) That those manning the closure, if required, have a Certified Traffic Controller Certificate (Blue & yellow card) and that a copy of these certifications be provided to Council for approval prior to the event.
- e) That approval be provided for the request to extend the current construction zone in Cinders Lane until March 2018, or until the construction work at Tattersalls Hotel is completed whichever occurs first.
- f) That approval be provided for the requested road closure of Faulkner Street between Kirkwood Street and Dumaresq Street on Thursday 16th March from 6am until 11:00pm Saturday 18th March 2017, for the Autumn Festival Celebrations.

The recommendation was ADOPTED.

8.2 Armidale Regional Sports Council - Minutes of the meeting held 22 February 2017

Ref: AINT/2017/03846 (ARC16/0330)

107/17

RECOMMENDATION:

That the Minutes of the Armidale Regional Sports Council Committee meeting held on 22 February 2017 be noted and the following recommendations endorsed:

- a) **That the minutes from the Armidale Sports Council Sub Committee meeting held 14 February 2017 be taken as read and be accepted as a true record of the meeting.**
- b) **That the updated Armidale priority list be endorsed.**
- c) **The Armidale Regional Sports Council allocated funding to the following projects:**
 - 1) **PA System for Lions Park in Guyra - \$10,000.00**
 - 2) **Fence at Lions Park to separate players and spectators in Guyra - \$10,000.00**
 - 3) **Cricket sight screens at the Recreation Ground in Guyra - \$10,500.00**
 - 4) **Regional Australia Regional Bank Sportsground changerooms in Armidale - \$20,000.00**
 - 5) **Regional Australia Regional Bank Cricket nets shed in Armidale - \$5,000.00**

Subject to firm quotes being received the above projects are to be funded from the \$65,000.00 allocated by the Administrator to the Sports Council for 2016/17.
- d) **That the Armidale Regional Sports Council endorse the Sports Council Small Grant funding applications to Mia Emanuel (\$250) and Madison Moran (\$250).**

The recommendation was ADOPTED.

8.3 Gayinyaga - Minutes of the meeting held on 8 March 2017

Ref: AINT/2017/04587 (ARC16/0605)

108/17

RECOMMENDATION:

That the Minutes of the Gayinyaga Committee meeting held on 8 March 2017 be noted and the following recommendations endorsed:

- a) **That the Gayinyaga committee supports the decision to rename the nominated section of Cookes Road to Morris Street.**
- b) **That the committee members declare their support and confidence in Veronica Walford as Chair of the Gayinyaga committee.**

The recommendation was ADOPTED.

9. PUBLIC FORUM

Nil.

DECISIONS FROM CLOSED SESSION

109/17 **RECOMMENDATION:**

Members of the press and public be excluded from the meeting of the Closed Session and access to the correspondence and reports relating to the items considered during the course of the Closed Session be withheld. This action is taken in accordance with Section 10A(s) of the Local Government Act, 1993 as the items lists come within the following provisions:-

- 10.1 Tender for the construction of landfill cell 1, associated roads, and water management infrastructure for the Armidale Regional Landfill. (AINT/2017/05241) - *As this report deals with commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the Council (Section 10A (2)(d)(ii) of the Local Government Act 1993). Council closes this 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.*
- 10.2 Tender No A2016/19 Provision of Professional Services for the investigation, Design, Documentation, Contract Management and Site Supervision for the Airport Apron and Lighting Upgrade at Armidale Regional Airport. (AINT/2017/05276) - *As this report deals with commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it (Section 10A(2)(d)(i) of the Local Government Act 1993). Council closes part of this 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.*

The recommendation was ADOPTED.

RESUMPTION OF MEETING

110/17 **RECOMMENDATION:**

That the decisions of Closed Session be noted as follows:-

The recommendation was ADOPTED.

10. CLOSED SESSION

10.1 Tender for the construction of landfill cell 1, associated roads, and water management infrastructure for the Armidale Regional Landfill

Ref: AINT/2017/05241 (ARC16/0393)

111/17 **RECOMMENDATION:**

That the tender for the Armidale Regional Landfill Contract #3 for the construction of landfill Cell #1, associated roads and water management Infrastructure be awarded to Ertech Pty. Ltd. for the total sum of \$7,538,639 including GST.

The recommendation was ADOPTED.

10.2 Tender No A2016/19 Provision of Professional Services for the investigation, Design, Documentation, Contract Management and Site Supervision for the Airport Apron and Lighting Upgrade at Armidale Regional Airport

Ref: AINT/2017/05276 (ARC16/0458)

112/17

RECOMMENDATION:

- a) That under Clause 178(3) of the Tendering Guidelines for NSW Local Government - October 2009, Council not accept any of the five (5) tenders received and cancels the proposal for the Contract; and
- b) That Council carries out the requirements of the proposed Contract in-house.

The recommendation was ADOPTED.

There being no further business the Administrator declared the meeting closed at 10:08am.