



## ORDINARY MEETING OF COUNCIL

Held on

Wednesday, 24 June 2020  
4pm

at

Armidale Council Chamber

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

**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 Andrew Brown (Senior Advisor People & Governance), Scott Waterson (Principal Advisor Governance & Risk) Ms Kelly Stidworthy (Manager Financial Services), Ms Stacey Drew (Executive Policy Advisor), Leah Cook (Asset Management & Strategic Planning) Ambrose Hallman (Manager Development and Regulatory Services).

MINUTES

Meeting Opened at 04.03pm

1. CIVIC AFFIRMATION AND ACKNOWLEDGEMENT OF COUNTRY  
- delivered by Interim Administrator
2. STATEMENT IN RELATION TO LIVE STREAMING OF COUNCIL MEETING  
- delivered by CEO
3. APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE BY COUNCILLORS - NIL
4. DISCLOSURES OF INTERESTS - NIL
5. PUBLIC FORUM (HAVE YOUR SAY) - NIL
6. CONFIRMATION OF MINUTES

**CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 27 MAY 2020, EXTRAORDINARY COUNCIL MEETING 1 JUNE 2020 (12 NOON), EXTRAORDINARY COUNCIL MEETING 18 JUNE 2020**

134/20

OFFICER RECOMMENDATION:

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

**The Interim Administrator indicated there was no Secorder for item 131/20 within the Extraordinary Council Meeting minutes of 1 June 2020. The Interim Administrator sought clarification with regards to the minutes of 1 June 2020 (see item 152/20).**

**Moved and declared carried by the Interim Administrator that:**

**That minutes of 27 May 2020 and 18 June 2020 be adopted.**

7. INTERIM ADMINISTRATOR MINUTE

The Interim Administrator read and tabled the following minute:

During my term at the ARC I will do my best to engage with as many residents as possible. The arrangements that were put in place to ensure residents can confidentially contact me appear to be working well and I have been kept very busy.

Under the Local Government Act an Interim Administrator must report any recommendations they may have to improving or restoring the proper and effective functioning of the Council. The meetings and correspondence are assisting my forming a view for that report.

As part of my engagement I took the opportunity on Saturday of attending the Lower Creek Local Area Committee meeting at the RFS Shed, and a good number of local residents attended. The main concern of the meeting was the condition of the Kempsey Road following the drought, fires and then flooding.

I was pleased I went down into the valley, as a picture paints a thousands words and it was hard to disagree with the local view. I undertook to get back to the group within seven days on what I was able to ascertain from the Council about the history of what has been expended in the past few years on the road from the Council's own resources and also grants and to seek some clarification about the road's classification.

I am told that in the past four years, about \$3.5 million has been spent from Council's operational budget on the road and that both Federal and State grants have been received. Money received as a result of the fires last year was expended only to be washed away by the floods of early 2020. I do know that a \$4.6 million grant to upgrade 15km of the road, including the Big Hill section was announced by the Member for Northern Tablelands Adam Marshall MP in March 2019.

The disasters that have confronted this community, together with COVID-19 have added complexity in maintaining and improving a road that is said to be a key route to the coast. Added to this is an understanding on a part of the Council (and emphasised by those at the meeting) that the road is to be reclassified as a Regional Road by the State in the near future.

Finding out the exact amount of money that has been spent on the road from all sources over the past couple of years will take some time. It was suggested at the meeting by residents that some of the funds may have been diverted to other capital projects in the Council area.

Until I have the facts, it is impossible for me to form a view one way or the other, but experience tells me that conditioned grants have to be certified.

The best way to ensure the financial truth is to independently audit all funds expended on the road for the 2018/19 and 2019/20 financial years and such action will now be put in place with the Council's external auditors/the NSW Audit Office, for report directly to me.

There is an acknowledgement within the Administration of the Council, that it lacks the full expertise or capacity to undertake the works necessary to maintain the road to the condition expected by the residents whilst also managing the region's 2000km road network, not to mention the financial resources. To their credit, I think that such honesty is to be commended. I am not an engineer, but having seen first hand the topography of the area both maintenance and improvements have many challenges.

Accordingly I move:

1. That the Interim Administrator be authorised to approach through the Local Member, the Minister for Regional Transport and Roads for the NSW State Government to prioritise and accelerate the reclassification of Kempsey Road as a Regional Road.
2. The NSW Audit office be commissioned to examine all funds allocated to the Kempsey Road by ARC and grants received from State and Federal Government for the 2018/19 and 2019/20 financial years and expended for report to the Interim Administrator.
3. ARC continue with its obligations for the Kempsey Road until Item 1, above, is satisfied.

**MOTION: INTERIM ADMINISTRATOR MINUTE**

135/20

**Moved and declared carried by the Interim Administrator:**

- 1. The Interim Administrator be authorised to approach through the Local Member, the Minister for Regional Transport and Roads for the NSW State Government to prioritise and accelerate the reclassification of Kempsey Road as a Regional Road.**
- 2. The NSW Audit office be commissioned to examine all funds allocated to the Kempsey Road by ARC and grants received from State and Federal Government for the 2018/19 and 2019/20 financial years and expended for report to the Interim Administrator.**
- 3. ARC continue with its obligations for the Kempsey Road until Item 1, above, is satisfied.**

**8. RESCISSION MOTIONS**

**8.1 FOR DECISION: Rescission Motion: Item 113/20 be rescinded from 26 May 2020 Ordinary Council Meeting** *Ref: AINT/2020/18492 (ARC16/0025)*

Councillors hereby request that Minute No. 113/20 passed at 27 May 2020 Council Meeting be rescinded. The Minute read:

FOR DECISION: Green Waster Services and Fees Ref: AINT/2020/14365

- a) That Council recognizes that many residents have dead and dying tree and shrubs because of the drought and will need additional green waste services.
- b) That green waste disposal fees at the transfer station are waived on at least on day per month for 6 months, commencing when permitted under COVID-19 restrictions.

Bradley Widders

Diane Gray

Libby Martin

**MOTION DECLARED LASPED BY THE INTERIM ADMINISTRATOR**

**9. NOTICES OF MOTION - NIL**

10. REPORTS FOR DECISION - LEADERSHIP FOR THE REGION

**10.1 FOR DECISION: Council Meeting Cycle for Ordinary Meetings for 2020-2021**

*Ref: AINT/2020/15291 (ARC16/0001-5)*

136/20

OFFICER RECOMMENDATION

- (a) That the Ordinary Council Meeting cycle for the 2020-2021 financial year be scheduled the fourth Wednesday of each month as follows:
- Wednesday 22 July 2020, in Armidale
  - Wednesday 26 August 2020, in Armidale
  - Wednesday 23 September 2020, in Guyra
  - Wednesday 28 October 2020, in Armidale
  - Wednesday 25 November 2020, in Armidale
  - Wednesday 9 December 2020, in Guyra (Second Wednesday)
  - Wednesday 24 February 2021, in Armidale
  - Wednesday 24 March 2021, in Armidale
  - Wednesday 28 April 2021, in Guyra
  - Wednesday 26 May 2021, in Armidale
  - Wednesday 23 June 2021, in Armidale
- (b) That the time for the Ordinary Council meetings to commence is 9am.

**Moved and declared carried by the Interim Administrator:**

- (a) **That the Ordinary Council Meeting cycle for the 2020-2021 financial year be scheduled the fourth Wednesday of each month as follows:**
- **Wednesday 22 July 2020, in Armidale**
  - **Wednesday 26 August 2020, in Armidale**
  - **Wednesday 23 September 2020, in Guyra**
  - **Wednesday 28 October 2020, in Armidale**
  - **Wednesday 25 November 2020, in Armidale**
  - **Wednesday 9 December 2020, in Guyra (Second Wednesday)**
  - **Wednesday 24 February 2021, in Armidale**
  - **Wednesday 24 March 2021, in Armidale**
  - **Wednesday 28 April 2021, in Guyra**
  - **Wednesday 26 May 2021, in Armidale**
  - **Wednesday 23 June 2021, in Armidale**
- (b) **That the time for the Ordinary Council meetings to commence is 4pm.**

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

**11.1 FOR DECISION: 2019/20 Third Quarter Budget Review**

*Ref: AINT/2020/19341 (ARC18/2703)*

Manager Financial Services introduced the item

137/20

OFFICER RECOMMENDATION:

- a) That Council note the 2019/20 Third Quarter Budget Review; and
- b) That Council resolve to amend the 2019/20 budget in accordance with the Quarterly Budget Review Statement for the period 1 January 2020 to 31 March 2020 tabled at the attachment.

**Moved and declared carried by the Interim Administrator:**

- a) That Council note the 2019/20 Third Quarter Budget Review; and**
- b) That Council resolve to amend the 2019/20 budget in accordance with the Quarterly Budget Review Statement for the period 1 January 2020 to 31 March 2020 tabled at the attachment.**

**11.2 FOR DECISION: Suspension of Section 2.5.2 of the Street Trading Activities  
Local Approvals Policy and Alcohol Free Zone for Twilight Food Markets**

*Ref: AINT/2020/20087 (ARC20/3629)*

General Manager Operations introduced the item

138/20

**OFFICER RECOMMENDATION:**

- a) That the operation of the Alcohol Free Zone within Beardy Street Mall at 102 Faulkner Street be suspended within proposed contained areas for the purposes of the Twilight Food Markets (5.00pm-9.00pm) on the last Friday of each month from 25 September 2020 with the following conditions:
  - i) The lifting of the prohibition does not preclude Council or the Police from taking any action considered necessary under the provisions of all relevant legislation.
  - ii) Any necessary liquor licences through the Office of Liquor, Gaming and Racing must be obtained prior to the period's identified events.
  - iii) At the completion of the proposed markets the prohibition to consume alcohol will return.
- b) That the prescribed and required public notification be undertaken in accordance with the requirements of 645(1) of the Local Government Act 1993.

**Moved and declared carried by the Interim Administrator:**

- a) **That the operation of the Alcohol Free Zone within Beardy Street Mall at 102 Faulkner Street be suspended within proposed contained areas for the purposes of the Twilight Food Markets (5.00pm-9.00pm) on the last Friday of each month from 25 September 2020 with the following conditions:**
  - i) The lifting of the prohibition does not preclude Council or the Police from taking any action considered necessary under the provisions of all relevant legislation.**
  - ii) Any necessary liquor licences through the Office of Liquor, Gaming and Racing must be obtained prior to the period's identified events.**
  - iii) At the completion of the proposed markets the prohibition to consume alcohol will return.**
- b) **That the prescribed and required public notification be undertaken in accordance with the requirements of 645(1) of the Local Government Act 1993.**

12. REPORTS FOR DECISION - ENVIRONMENT AND INFRASTRUCTURE

**12.1 FOR DECISION: Council Nominated Representatives on the Northern Regional Planning Panel**

*Ref: AINT/2020/19625 (ARC16/1193)*

Manager Development and Regulatory Services introduced the item

139/20

OFFICER RECOMMENDATION:

- i. That Dr Jim White and Mr James McGregor be endorsed as the Council representatives for the Armidale Regional Council on the Northern Regional Planning Panel for all matters within the Armidale Regional Council Local Government Area.
- ii. That the Secretariat for the Northern Regional Planning Panel be advised of these endorsements.
- iii. That the former representatives Simon Murray and Diane Gray of the Armidale Regional Council be thanked for their time and representation on behalf of Council's on the Northern Regional Planning Panel.
- iv. That once the Councillor suspension is lifted, a further report be presented to Council on these appointments to allow a review of the representatives to occur.

**Moved and declared carried by the Interim Administrator:**

- i. That Dr Jim White and Mr James McGregor be endorsed as the Council representatives for the Armidale Regional Council on the Northern Regional Planning Panel for all matters within the Armidale Regional Council Local Government Area.**
- ii. That the Secretariat for the Northern Regional Planning Panel be advised of these endorsements.**
- iii. That the former representatives Simon Murray and Diane Gray of the Armidale Regional Council be thanked for their time and representation on behalf of Council's on the Northern Regional Planning Panel.**
- iv. That once the Councillor suspension is lifted, a further report be presented to Council on these appointments to allow a review of the representatives to occur.**



13. REPORTS FOR DECISION - OUR PEOPLE AND COMMUNITY

**13.1 FOR DECISION: Review of Council Committees** *Ref: AINT/2020/19656 (ARC16/0759)*

General Manager Organisational Development introduced the item, and altered the recommendation to include part c) v.) the Community Wellbeing Committee.

140/20

**OFFICER RECOMMENDATION:**

- a) That Council notes:
- i. that suspended former Councillors will not form part of the Advisory Committees of which they were previously members, in any capacity;
  - ii. that the external members of each Advisory Committee remain members;
  - iii. that each Advisory Committee elect a Chairperson from its members;
  - iv. that the Interim Administrator attends the meetings of each Advisory Committee when available.
- b) That Council receives the Review of Council Committees report ("Reynolds Report") prepared March 2019.
- c) That Council retain the following Advisory Committees:
- i. the Environmental Sustainability Advisory Committee ("ESAC");
  - ii. the Traffic Advisory Committee;
  - iii. the Arts, Cultural & Heritage Advisory Committee ("ACHC");
  - iv. the Sports Council Committee;
  - v. the Community Wellbeing Committee
  - vi. Regional Growth and Place Activation Advisory Committee;
- and review the Terms of Reference of each considering the recommendations of the Reynolds Report.
- d) That Council:
- i. undertake a review of the Charter of the Audit, Risk and Improvement Committee ("ARIC") in light of changes to the Local Government Act relating to ARIC Committee functions;
  - ii. review and if necessary refresh the membership of the ARIC Committee to address expertise shortfalls in light of the new requirements.

**Moved and declared carried by the Interim Administrator:**

- a) **That Council notes:**
- i. that suspended former Councillors will not form part of the Advisory Committees of which they were previously members, in any capacity;**
  - ii. that the external members of each Advisory Committee remain members;**
  - iii. that each Advisory Committee elect a Chairperson from its members;**
  - iv. that the Interim Administrator attends the meetings of each Advisory Committee when available.**
- b) **That Council receives the Review of Council Committees report ("Reynolds Report") prepared March 2019.**

- c) **That Council retain the following Advisory Committees:**
- i. **the Environmental Sustainability Advisory Committee (“ESAC”);**
  - ii. **the Traffic Advisory Committee;**
  - iii. **the Arts, Cultural & Heritage Advisory Committee (“ACHC”);**
  - iv. **the Sports Council Committee;**
  - v. **the Community Wellbeing Committee;**
  - vi. **Regional Growth and Place Activation Advisory Committee;**
- and review the Terms of Reference of each considering the recommendations of the Reynolds Report.**
- d) **That Council:**
- i. **undertake a review of the Charter of the Audit, Risk and Improvement Committee (“ARIC”) in light of changes to the Local Government Act relating to ARIC Committee functions;**
  - ii. **review and if necessary refresh the membership of the ARIC Committee to address expertise shortfalls in light of the new requirements.**

#### 14. REPORTS FOR INFORMATION

##### **14.1 FOR INFORMATION: Integrated Planning and Reporting - Delivery Program 2018-2021 and Operational Plan 2019-2020 Progress Report - Third Quarter**

*Ref: AINT/2020/16544 (ARC19/3298)*

Manager Asset Management & Strategic Planning introduced the Item

141/20

#### OFFICER RECOMMENDATION:

That the Delivery Program 2018-2021 and Operational Plan 2019-2020 Progress Report (Third Quarter) be noted.

#### **Moved and declared carried by the Interim Administrator:**

**That the Delivery Program 2018-2021 and Operational Plan 2019-2020 Progress Report (Third Quarter) be noted.**

**14.2 FOR INFORMATION: Cash and Investment Report May 2020**

*Ref: AINT/2020/16633 (ARC16/0001-5)*

General Manager Organisational Development introduced the item

142/20

OFFICER RECOMMENDATION:

That Council receive and note the Cash and Investment Report for May 2020.

**Moved and declared carried by the Interim Administrator:**

**That Council receive and note the Cash and Investment Report for May 2020.**

**14.3 FOR INFORMATION: Monthly Financial Report May 2020**

*Ref: AINT/2020/18338 (ARC18/2703)*

Manager Financial Services introduced the item

143/20

OFFICER RECOMMENDATION:

A) That Council receive and note the Monthly Financial Report for May 2020.

**Moved and declared carried by the Interim Administrator:**

**That the advices be received and noting Council's statutory obligations for financial reporting no further monthly financial reports be submitted to Council.**

**14.4 FOR INFORMATION: Update on the Armidale Dumaresq Development Control Plan 2012 and Guyra Development Control Plan 2015**

*Ref: AINT/2020/18482 (ARC19/3588)*

Manager Development and Regulatory Services introduced the item

144/20

OFFICER RECOMMENDATION:

That the report providing an update on the amended Guyra Development Control Plan 2015 and Armidale Dumaresq Development Control Plan 2012 be noted.

**Moved and declared carried by the Interim Administrator:**

**That the report providing an update on the amended Guyra Development Control Plan 2015 and Armidale Dumaresq Development Control Plan 2012 be noted.**

**14.5 FOR INFORMATION: Manager Structure**

*Ref: AINT/2020/20114 (ARC16/0001-5)*

General Manager Organisational Development introduced the item

OFFICER RECOMMENDATION:

- a) That Council notes the new manager (non senior-staff) structure.

**Moved and declared by the Interim Administrator that the matter be deferred to the next available meeting.**

15. REQUESTS FOR LEAVE OF ABSENCE – N/A

16. AUTHORITY TO AFFIX COUNCIL SEAL

17. COMMITTEE REPORTS

**17.1 FOR DECISION: Minutes - Traffic Advisory Committee - 2 June 2020**

*Ref: AINT/2020/18839 (ARC16/0168-5)*

Manager Development and Regulatory Services introduced the item

145/20

OFFICER RECOMMENDATION:

- a) That the Minutes of the Traffic Advisory Committee meeting held on 2<sup>nd</sup> June be noted and endorsed.
- b) That a No Stopping zone be installed across the SES HQ in Mann Street.

**Moved and declared carried by the Interim Administrator:**

- a) **That the Minutes of the Traffic Advisory Committee meeting held on 2<sup>nd</sup> June be noted and endorsed.**
- b) **That a No Stopping zone be installed across the SES HQ in Mann Street.**

Prior to item 20.3 the Interim Administrator declared that he would be dealing with this matter in Open Council.

**20.3 FOR DECISION: Australian Transport Museum** *Ref: AINT/2020/19461 (ARC16/0342)*

General Manager - Businesses introduced the item

146/20

OFFICER RECOMMENDATION:

That Council:

- a) Review the terms and conditions for the proposed lease of a Lot at Armidale Airport Business Park by the Australian Transport Museum (ATM);
- b) Council invites the ATM to formal discussions to review the terms and conditions for the proposed lease;

**Moved and declared carried by the Interim Administrator:**

**That Council Request the Australian Transport Museum Ltd to have prepared by an appropriately qualified third party a Business Plan for its proposed Museum at the Armidale Airport Business Park. The plan is to include finance (including Capital budget), marketing, structure, governance structure and an indicative operating budget for the first five years of operation.**

18. MATTERS OF AN URGENT NATURE - NIL

19. QUESTIONS ON NOTICE - NIL

4.40pm

**PROCEDURAL MOTION**

147/20

**Moved by the Interim Administrator:**

a) That Council move into closed session to receive and consider the following items:

**20.1 FOR DECISION: Write-off of uncollectable debtor account. (AINT/2020/15360) - *As this report deals with advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege (Section 10A(2)(g) 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: Recommendation Report - Design and Construct Replacement of 3 Bridges in Armidale Regional Council LGA. (AINT/2020/15306) - *As this report deals with commercial information of a confidential nature that would, if disclosed, reveal a trade secret (Section 10A(2)(d)(iii) 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.***

**20.4 FOR DECISION: Employee Matters. (AINT/2020/20195) - *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.

**Prior to putting the motion and in accordance with clause 14.9 of the Code Of Meeting Practice it be noted that the council, may allow members of the public to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed. No request to make representation were received when requested from the Interim Administrator.**

**Resolved accordingly.**

Council entered Closed Session at 04.40pm.

As Item 20.4 concerned the employment of the CEO left the Chamber at 04.42pm.

Council returned to Open Session at 04:50pm.

CEO returned to the Chamber at 4:50pm

At the request of the Interim Administrator, the CEO left the Chamber at 4.53pm.

04.50pm **RESUMPTION OF MEETING**

148/20 **In accordance with clause 14.21 and 14.22 the Interim Administrator advised the meeting of the resolutions moved and carried in closed session.**

20. CLOSED SESSION

**20.1 FOR DECISION: Write-off of uncollectable debtor account**

*Ref: AINT/2020/15360 (ARC19/3442)*

149/20 **That Debtor Account 79754-8 amounting to \$41,657.00 be written off.**

**20.2 FOR DECISION: Recommendation Report - Design and Construct Replacement of 3 Bridges in Armidale Regional Council LGA**

*Ref: AINT/2020/15306 (ARC18/2692)*

150/20

a) **That the tender submitted by Coastal Works of \$1,847,934.43 GST included be accepted for the Design and Construction of the Replacement of Shingle Hut Creek, Dumaresq Creek and Pint Pot Creek bridges.**

b) **That the CEO is granted authority to certify all documents in relation to the execution of the contract.**

**20.4 FOR DECISION: Employee Matters**

*Ref: AINT/2020/20195 (ARC18/2692)*

151/20 **That the matter be deferred to next available Council Meeting.**

**CONFIRMATION OF THE MINUTES HELD ON EXTRAORDINARY COUNCIL MEETING 1 JUNE 2020 (12 NOON)**

The CEO advised that after checking the record of the meeting it appeared that matter 131/20 was put to the meeting without a Seconder.

152/20

**Moved and declared carried by the Interim Administrator that the minutes of the Extraordinary Meeting held 01 June 2020 be adopted, noting that item 131/20 had no Seconder.**

There being no further business the Interim Administrator declared the meeting closed at 04.57pm.

Confirmed: .....  
Viv May  
Interim Administrator  
Date: 22 July 2020