



ORDINARY MEETING OF COUNCIL

Held on

Wednesday, 27 January 2021
4pm

at

Armidale Council Chambers

PRESENT: Councillor Ian Tiley (Mayor), Councillor Debra O'Brien (Deputy Mayor), Councillor Peter Bailey, Councillor Jon Galletly, Councillor Andrew Murat, Councillor Margaret O'Connor, Councillor Dorothy Robinson.

IN ATTENDANCE: Mr James Roncon (General Manager), Mr John Rayner (Financial Controller), Mr Scot MacDonald (Director Businesses & Services), Ms Marissa Racemelara (Acting Director Organisational & Corporate Services), Ms Kelly Stidworthy (Manager Financial Services), Ms Stacey Drew (Executive Policy Advisor) and Ms Hayley Ward (Executive Officer).

MINUTES

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This Item was considered in Open Session.

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- 17.1 FOR DECISION: Code of Conduct Review and Response Mayor Dr Tiley.....37
As this report deals with personnel matters concerning particular
individuals (other than councillors) (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.
- 17.2 FOR DECISION: Code of Conduct Review and Response Cr O'Brien37
As this report deals with personnel matters concerning particular
individuals (other than councillors) (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
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- 17.3 FOR DECISION: Legal Services Panel - Tender Evaluation.....38
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.

1. **CIVIC AFFIRMATION AND ACKNOWLEDGEMENT OF COUNTRY**
 Cr Galletly/Cr O'Connor
2. **STATEMENT IN RELATION TO LIVE STREAMING OF COUNCIL MEETINGS**
3. **APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE BY COUNCILLORS**
 Nil.
4. **DISCLOSURES OF INTEREST**

Name	Item	Nature of Interest	Reason/Intended Action
Cr Murat	9.7	<input type="checkbox"/> Pecuniary <input type="checkbox"/> Non Pecuniary – Significant Conflict <input checked="" type="checkbox"/> Non Pecuniary – Non Significant Conflict	Reason: I have designed, costed and will be part of the project management team. Intended action: Leave Chamber after resolving issues in the report.
Cr Murat	9.12	<input type="checkbox"/> Pecuniary <input type="checkbox"/> Non Pecuniary – Significant Conflict <input checked="" type="checkbox"/> Non Pecuniary – Non Significant Conflict	Reason: A potential purchaser is my tenant. Intended action: Leave Chamber
Cr Galletly	9.8	<input type="checkbox"/> Pecuniary <input type="checkbox"/> Non Pecuniary – Significant Conflict <input checked="" type="checkbox"/> Non Pecuniary – Non Significant Conflict	Reason: I am a personal friend of the Sales Agent. Intended action: Remain in the Chamber
Cr Bailey	7.3	<input type="checkbox"/> Pecuniary <input type="checkbox"/> Non Pecuniary – Significant Conflict <input checked="" type="checkbox"/> Non Pecuniary – Non Significant Conflict	Reason: My wife is a volunteer and user of the Hydrotherapy Pool Intended action: Remain in the Chamber

5. **PUBLIC FORUM**

5.1 Presentations

- UNE VC Professor Brigid Heywood
- Mr Callum Clayton-Dixon and Mr Steve Widders: Newara Aboriginal Corporation

MOTION

1/21

Moved Cr O'Brien Seconded Cr Galletly

That the General Manager provide a report to the next Council meeting on the request for office space from the Newara Aboriginal Corporation.

The MOTION on being put to the vote was CARRIED.

5.2 Have your say

- Tony Sorensen Speaking for Item 7.1 Maker Lab at Library
- Joshua Fittler Speaking against Item 9.4 Special Rate Variation
- Leo Fittler Speaking against Item 9.4 Special Rate Variation
- Eric North Speaking against Item 9.7 Future of Proposed Australian Transport Museum
- John Atchison Speaking against Item 9.13 Armidale Airside Business Park Street Naming
- Rob Richardson Speaking against Item 9.4 Special Rate Variation

6. CONFIRMATION OF MINUTES

CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 9 DECEMBER 2020

2/21

Moved Cr Murat Seconded Cr Robinson

That the minutes be noted.

The Motion on being put to the vote was CARRIED.

CONFIRMATION OF THE MINUTES OF THE EXTRAORDINARY COUNCIL MEETING HELD ON 14 DECEMBER 2020

3/21

Moved Cr Murat Seconded Cr Galletly

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

The Motion on being put to the vote was CARRIED.

CONFIRMATION OF THE MINUTES OF THE EXTRAORDINARY COUNCIL MEETING HELD ON 22 DECEMBER 2020

4/21

Moved Cr Murat Seconded Cr Galletly

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

The Motion on being put to the vote was CARRIED.

7. MAYORAL MINUTE

FOR DECISION: 7.1 Mayoral Minute: Maker Lab at the Library

Ref: AINT/2021/00734 (ARC16/0025)

5/21

Moved Cr Tiley

MOVED:

- a. That Council confirm its endorsement of the provision of a Maker Lab to be located in the Armidale War Memorial Library.
- b. That the project be funded over time from non- Council sources.
- c. That Council convey its appreciation to Prof Sorensen for his \$5000 pledge to commence fund-raising and note also the pledge of \$2000 from the Mayor.
- d. That Council make representations to Hon Adam Marshall MP for State Government support to the project
- e. That the General Manager be authorised to explore crowd funding options and to canvass local groups, organisations, and individuals for contributions to the Maker Lab.
- f. That a report be provided to Council on how the Maker Lab will operate, integrate with other library services and how it will be managed.

The Motion on being put to the vote was CARRIED.

FOR DECISION: 7.2 Mayoral Minute: Write off of balance of long-term water account debt - Armidale Rams Rugby League Club

Ref: AINT/2021/01211 (ARC16/0025)

6/21

Moved Cr Tiley

That Council:

- a. Waive the outstanding sum of \$25,925.51 and being balance of water usage account by Armidale Rams Rugby League Club.
- b. Resolve that no future debts of the Club will be written off.

The Motion on being put to the vote was CARRIED.

Addendum to Mayoral Minute

Council has previously been approached by the RAMS Rugby League Club to have consideration of a reduction of the water debt and this was considered by Council at a meeting in March 2018. The Club put forward a range of reasons in support of their submission. Council did not agree to write off any debt at that time but resolved to allow the club to pay off the amount outstanding over 4 years with no interest penalty. A reason for this is that a number of reasons put forward

by the Club were investigated by Council officers but found to have no basis. This was detailed in the confidential report considered by Council in March 2018. The Club has maintained the presence of a water leak as being responsible for higher water usage but this was not able to be verified from their water usage patterns. Council officers have requested that the Club supply evidence of the water leak after meeting with them in March 2019 on this matter but no response has been received to this request.

Council has provided support to the Club by way of waiving interest on the water debt and allowing the Club additional time to make payments, beyond what would normally be accepted. In addition, Council waived DA fees 25/11/2020 in the amount of \$6,730.86 to assist the Club in their plans to develop their land.

FOR DECISION: 7.3 **Mayoral Minute: Hydrotherapy Centre for Armidale Region** *Ref: AINT/2021*

7/21

Moved Cr Tiley

- a. That Council continue to explore options for a hydrotherapy centre to serve Armidale and the region, on the basis of not incurring direct costs to Council.
- b. That an expert be engaged either directly by the State Government or by Council with State Government funding to undertake a specific study to assess:
 - Components including size/capacities/multi use etc.
 - Demand and need
 - Management and operating models
 - Financial modelling for capital and operational costs
 - Location and partnership development options.
- c. That Council make representations to the State Government through its State Parliamentary Representative, Hon Adam Marshall MP for provision, at its cost, of a replacement hydrotherapy centre and ongoing funding for operating expenses.

The Motion on being put to the vote was CARRIED.

Cr O'Connor asked if Hunter New England Health is in a position to provide a Hydrotherapy Pool. The question was taken on notice by Director of Businesses and Services.

Cr Bailey requested a balance sheet of all incoming and outgoing expenditure on the Monckton Swimming Pool. The question was taken on notice by the Manager Financial Services.

FOR DECISION: 7.4 **Mayoral Minute: Armidale Regional Council Financial Protocols**

Ref: AINT/2021/01306 (ARC16/0025)

8/21

Moved Cr Tiley

That Council accepts and adheres diligently to the financial protocols.

The Motion on being put to the vote was CARRIED.

FOR DECISION: 7.5 Mayoral Minute: New England Science and Innovation Regional Hub (NESRIH) *Ref: AINT/2021/01490 (ARC16/0025)*

9/21

Moved Cr Tiley

That Council provide in-kind and letters support and continue to assist in the preparation of the proposal by UNE, for the university to seek critical co-investment from the Federal Government, State and private sector investors to develop a regional science and innovation hub for the New England region.

The Motion on being put to the vote was CARRIED.

FOR DECISION: 7.6 Mayoral Minute: Creeklands Master Plan Stage 1 Implementation *Ref: AINT/2021/01657 (ARC16/0025)*

10/21

Moved Cr Tiley

- a. **That Council makes representations to its State and Federal Parliamentarians for financial support to engage an appropriately qualified consultant to review Council's 2004, ERM Australia, 'Armidale Creek Lands Environmental Management Plan', and to:**
 - i. **Undertake soil testing within the area covered by the Creek Lands Master Plan**
 - ii. **Provide an updated management plan to ensure compliance with current EPA legislation.**
 - iii. **Provide an updated management plan that provides WHS compliant procedures to ensure environmental and human health safeguards can be effectively implemented and managed for any works that disturb these soils.**
- b. **That Council establishes an expanded working group of stakeholders to continually meet to continue project momentum, and provides the working group with copies of all the submissions received on the Creeklands, that such working group include representation from the Visions for Armidale Creek Lands Inc. group.**
- c. **That Council, without incurring costs, seek advice and support from the Soil Conservation Service of NSW in regard to Plan implementation.**

The Motion on being put to the vote was CARRIED.

FOR DECISION: 7.7 Mayoral Minute: Retiree Tours to Armidale Region

Ref: AINT/2021/02107 (ARC16/0025)

11/21

Moved Cr Tiley

That Council support and endorse development and promotion of Retiree Tours to Armidale and Region.

The Motion on being put to the vote was CARRIED.

8. LEADERSHIP FOR THE REGION

FOR DECISION: 8.1 Draft Privacy Management Plan *Ref: AINT/2021/00039 (ARC16/0178)*

OFFICERS' RECOMMENDATION:

That Council:

- a. Endorse the draft Privacy Management Plan to be placed on public exhibition for a period of 28 day commencing 1 February 2021 and concluding 1 March 2021.
- 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.

12/21

Moved Cr O'Connor

Seconded Cr Robinson

That Council:

- a. **Endorse the draft Privacy Management Plan to be placed on public exhibition for a period of 28 day commencing 1 February 2021 and concluding 1 March 2021.**
- 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.**

The Motion on being put to the vote was CARRIED.

FOR DECISION: 8.2 Government Information Public Access ACT (GIPA) Annual Report 19-20 *Ref: AINT/2021/00142 (ARC16/0698)*

OFFICERS' RECOMMENDATION:

That Council:

- a. Adopt the attached GIPA Annual Report for 2019/2020.
- b. Submit Armidale Regional Council's 2019/2020 Annual GIPA report to the Information & Privacy Commissioner as required by legislation.

AMENDMENT

Moved Cr Robinson Seconded Cr O'Connor

That Item 8.2 be deferred until the Questions on Notice are answered.

The Amendment on being put to the vote was LOST.

13/21

Moved Cr Tiley Seconded Cr Bailey

That Council:

- a. Adopt the attached GIPA Annual Report for 2019/2020.**
- b. Submit Armidale Regional Council's 2019/2020 Annual GIPA report to the Information & Privacy Commissioner as required by legislation.**

The Motion on being put to the vote was CARRIED.

Crs Robinson and O'Connor asked why two of the GIPA request were refused. The question was taken on notice by the Director Organisational and Corporate Services.

FOR DECISION: 8.3 Draft Fraud and Corruption Prevention Policy

Ref: AINT/2021/00200 (ARC17/1788)

OFFICERS' RECOMMENDATION:

That Council:

- a. Adopt the Fraud and Corruption Policy which concluded its 28 day public exhibition period on 24 December 2020, noting no submissions were received during this period.
- b. Rescind POL197 Minimisation of Corruption Policy.

14/21

Moved Cr O'Connor

Seconded Cr Robinson

That Council:

- a. Adopt the Fraud and Corruption Policy which concluded its 28 day public exhibition period on 24 December 2020, noting no submissions were received during this period.**
- b. Rescind POL197 Minimisation of Corruption Policy.**

The Motion on being put to the vote was CARRIED.

FOR DECISION: 8.4 Business Ethics Policy

Ref: AINT/2021/00207 (ARC21/4473)

OFFICERS' RECOMMENDATION:

That Council:

- a. Adopt the updated draft Business Ethics Policy.
- b. Table the report at the next meeting of the Audit, Risk and Improvement Committee for information.

15/21

Moved Cr O'Connor

Seconded Cr Robinson

That Council:

- a. Adopt the updated draft Business Ethics Policy.**
- b. Table the report at the next meeting of the Audit, Risk and Improvement Committee for information.**

The Motion on being put to the vote was CARRIED.

FOR DECISION: 8.5 Code Of Conduct Review and Procedure

Ref: AINT/2021/00469 (ARC16/0617-1)

OFFICERS' RECOMMENDATION:

That Council:

- a. Note that a total of twelve Code of Conduct complaints were received and referred to an external reviewer for investigation last calendar year.
- b. Note the procedure for responding to the two reviews tabled at this meeting under separate cover.

16/21

Moved Cr Tiley

Seconded Cr Galletly

That Council:

- a. **Note that a total of twelve Code of Conduct complaints were received and referred to an external reviewer for investigation last calendar year.**
- b. **Note the procedure for responding to the two reviews tabled at this meeting under separate cover.**

The Motion on being put to the vote was CARRIED.

Cr O'Connor asked for the advice provided by the Office of Local Government in relation to this matter. The question was taken on notice by the Director Organisational and Corporate Services.

Cr Robinson asked "If I didn't intend to stand for the next election is the Code of Conduct completely irrelevant to me two or three months hence because I wouldn't be able to be chastised because by the time a resolution or finding comes about I'll have left and it is no longer relevant?" The question was taken on notice by the Director Organisational and Corporate Services.

FOR DECISION: 8.6 Legislation Compliance Policy

Ref: AINT/2021/00536 (ARC21/4472)

OFFICERS' RECOMMENDATION:

That Council:

- a. Adopt the draft Legislation Compliance Policy.
- b. Note that no feedback was received during the 28 day public exhibition period that concluded on 24 December 2020.
- c. Subject to adoption, refer the Policy to the Audit, Risk and Improvement Committee for information.

17/21

Moved Cr O'Connor

Seconded Cr Robinson

That Council:

- a. **Adopt the draft Legislation Compliance Policy.**
- b. **Note that no feedback was received during the 28 day public exhibition period that concluded on 24 December 2020.**
- c. **Subject to adoption, refer the Policy to the Audit, Risk and Improvement Committee for information.**

The Motion on being put to the vote was CARRIED.

FOR DECISION: 8.7 Public Interest Disclosures - Internal Reporting Policy

Ref: AINT/2021/00593 (ARC21/4474)

OFFICERS' RECOMMENDATION:

That Council:

- a. Adopt the Public Interest Disclosure – Internal Reporting Policy noting no feedback submissions received from the exhibition period.
- b. Rescind superseded policy POL007 Internal Reporting Policy.

18/21

Moved Cr O'Connor

Seconded Cr Robinson

That Council:

- a. **Adopt the Public Interest Disclosure – Internal Reporting Policy noting no feedback submissions received from the exhibition period.**
- b. **Rescind superseded policy POL007 Internal Reporting Policy.**

The Motion on being put to the vote was CARRIED.

FOR DECISION: 8.8 Reviewed Community Strategic Plan 2017-2027, Delivery Program 2018-2022 and Resourcing Strategy 2020-2021

Ref: AINT/2021/00682 (ARC17/2315)

OFFICERS' RECOMMENDATION:

That Council:

- a. Adopt the following documents:
 1. Community Strategic Plan 2017-2027;
 2. Delivery Program 2018-2022; and
 3. Resourcing Strategy 2020-2021 (Addendum to revised Delivery Program 2018-2022).
- b. Note the inclusion in the Community Strategic Plan 2017-2027, Delivery Program 2018-2022 and Resourcing Strategy 2020-2021 of Armidale Regional Council's intention to apply to IPART for a Special Rate Variation, at a rate to be determined.
- c. Note that there were no public submissions received during the exhibition period regarding the draft documents.

19/21

Moved Cr Bailey

Seconded Cr Galletly

That Council:

- a. **Adopt the following documents:**
 1. **Community Strategic Plan 2017-2027;**
 2. **Delivery Program 2018-2022; and**
 3. **Resourcing Strategy 2020-2021 (Addendum to revised Delivery Program 2018-2022).**
- b. **Note the inclusion in the Community Strategic Plan 2017-2027, Delivery Program 2018-2022 and Resourcing Strategy 2020-2021 of Armidale Regional Council's intention to apply to IPART for a Special Rate Variation, at a rate to be determined.**
- c. **Note that there were no public submissions received during the exhibition period regarding the draft documents.**

The Motion on being put to the vote was CARRIED.

FOR DECISION: 8.9 Tabling of Disclosure of Pecuniary Interest

Ref: AINT/2021/01200 (ARC16/0001-6)

OFFICERS' RECOMMENDATION:

That Council:

- a. Note the tabling of Disclosures of Pecuniary Interest for Councillors
- b. Note the tabling of Disclosure of Pecuniary Interest by General Manager
- c. Note that redacted Disclosures of Pecuniary Interest will be uploaded to Council website as per the *Public Access Act*.

20/21

Moved Cr O'Connor

Seconded Cr Robinson

That Council:

- a. **Note the tabling of Disclosures of Pecuniary Interest for Councillors**
- b. **Note the tabling of Disclosure of Pecuniary Interest by General Manager**
- c. **Note that redacted Disclosures of Pecuniary Interest will be uploaded to Council website as per the *Public Access Act*.**

The Motion on being put to the vote was CARRIED.

FOR DECISION: 8.10 Code Of Meeting Practice Amendments

Ref: AINT/2021/01755 (ARC16/0620)

OFFICERS' RECOMMENDATION:

That Council

- a. Endorse the amended Code of Meeting Practice for public exhibition for 21 days commencing the 01 February 2021.
- b. A further report be provided to Council following the conclusion of the exhibition period.

21/21

Moved Cr Galletly

Seconded Cr Murat

That Council

- a. **Endorse the amended Code of Meeting Practice for public exhibition for 21 days commencing the 01 February 2021.**
- b. **A further report be provided to Council following the conclusion of the exhibition period.**

The Motion on being put to the vote was CARRIED.

9. GROWTH, PROSPERITY AND ECONOMIC DEVELOPMENT

FOR INFORMATION: 9.1 Exposure Draft Bill - Local Government Rating Reform

Ref: AINT/2021/00227 (ARC19/3336)

OFFICERS' RECOMMENDATION:

That Council:

- a. Note the information provided in the report; and
- b. Endorse the provision of feedback to the Office of Local Government by 5 February 2021 as outlined in the report along with any additional feedback provided by Council to the Manager Financial Services by Tuesday, 2 February 2020.

22/21

Moved Cr Robinson

Seconded Cr O'Connor

That Council:

- a. **Note the information provided in the report; and**
- b. **Endorse the provision of feedback to the Office of Local Government by 5 February 2021 as outlined in the report along with any additional feedback provided by Council to the Manager Financial Services by Tuesday, 2 February 2020.**

The Motion on being put to the vote was CARRIED.

FOR DECISION: 9.2 Guyra Main St Roadworks Project - Principal Contractor Engagement

Ref: AINT/2021/00781 (ARC17/1518)

OFFICERS' RECOMMENDATION:

That Council:

- a. Endorse the engagement of Stabilcorp Pty Ltd as the Principal Contractor for the Bradley Street (Main St) Rehabilitation Stage 2 - Guyra CBD.
- b. Delegate authority to the General Manager to enter into the Contract agreement with the Principal Contractor should the General Manager be satisfied with the terms and conditions of the agreement.

23/21

Moved Cr Murat

Seconded Cr Bailey

That Council:

- a. **Endorse the engagement of Stabilcorp Pty Ltd as the Principal Contractor for the Bradley Street (Main St) Rehabilitation Stage 2 - Guyra CBD.**
- b. **Delegate authority to the General Manager to enter into the Contract agreement with the Principal Contractor should the General Manager be satisfied with the terms and conditions of the agreement.**

The Motion on being put to the vote was CARRIED.

FOR INFORMATION: 9.3 Cash And Investment Report November and December 2020 *Ref: AINT/2021/00879 (ARC16/0001-6)*

OFFICERS' RECOMMENDATION:

That Council note the Cash and Investment Report for November 2020 and December 2020.

24/21

Moved Cr Robinson Seconded Cr O'Brien

That Council note the Cash and Investment Report for November 2020 and December 2020.

The Motion on being put to the vote was CARRIED.

FOR DECISION: 9.4 Special Rate Variation Application *Ref: AINT/2021/00909 (ARC17/2315)*

OFFICERS' RECOMMENDATION:

That Council:

- a. Proceed with a section 508(2) (permanent) Special Rate Variation option in order to address Armidale Regional Council's financial sustainability and maintain essential community infrastructure including Council's road network, footpaths and community buildings.
- b. Make application to the NSW Independent Pricing and Regulatory Tribunal for Option 1 being a permanent Special Rate Variation of 18.5% plus 2.0% rate peg (total 20.5%) commencing in 2021-22.
- c. Acknowledge the feedback received from the community during the community engagement and public exhibition process and provide this to the NSW Independent Pricing and Regulatory Tribunal as part of the Special Rate Variation application by Armidale Regional Council.

25/21

Moved Cr O'Connor Seconded Cr Robinson

That Council:

- a. **Proceed with a section 508(2) (permanent) Special Rate Variation option in order to address Armidale Regional Council's financial sustainability and maintain essential community infrastructure including Council's road network, footpaths and community buildings.**
- b. **Make application to the NSW Independent Pricing and Regulatory Tribunal for Option 2 being a permanent Special Rate Variation of 8.5% plus 2.0% rate peg (total 10.5%) commencing in 2021-22.**
- c. **Acknowledge the feedback received from the community during the community engagement and public exhibition process and provide this to the NSW Independent**

Pricing and Regulatory Tribunal as part of the Special Rate Variation application by Armidale Regional Council.

- d. **Receive a report outlining an improvement program to be implemented in the 2021/22 budget in order to:**
- I. **Eliminate the unfavourable gap between operating income and expenditure.**
 - II. **Create the financial capacity needed to undertake the actions required under the mandatory Performance Improvement Order.**
 - III. **Improve key asset management indicators.**

The Motion on being put to the vote was CARRIED.

**FOR DECISION: 9.5 Request for Fee Waiver for Australian Cricketers Association
Bushfire Relief Masters Tour** *Ref: AINT/2021/00947 (ARC20/4431)*

OFFICERS' RECOMMENDATION:

That Council approve a fee waiver of \$1722.00 for use of the Armidale Sportsground for the ACA Bushfire Relief Masters Tour event.

26/21

Moved Cr Murat **Seconded Cr Galletly**

That Council approve a fee waiver of \$1722.00 for use of the Armidale Sportsground for the ACA Bushfire Relief Masters Tour event.

The Motion on being put to the vote was CARRIED.

**FOR INFORMATION: 9.6 Presentation of Audited Financial Statements and Audit
Reports Year Ended 30 June 2020**

Ref: AINT/2021/01001 (ARC17/1711)

OFFICERS' RECOMMENDATION:

That Council note the report on the presentation of the audited Annual Financial Statements for the year ended 30 June 2020.

27/21

Moved Cr Murat **Seconded Cr Robinson**

That Council note the report on the presentation of the audited Annual Financial Statements for the year ended 30 June 2020.

The Motion on being put to the vote was CARRIED.

Cr Andrew Murat left the meeting, the time being 06:40 PM
Cr Murat declared a Non Pecuniary – Non Significant Conflict in Item 9.7 Future of Proposed Australian Transport Museum
Reason: I have designed, costed and will be part of the project management team.
Intended action: Leave Chamber

FOR DECISION: 9.7 Future of Proposed Australian Transport Museum

Ref: AINT/2021/01013 (ARC16/0342)

OFFICERS' RECOMMENDATION:

That Council:

- a. Rescind ARC Motion 132/17 where Council resolved to lease 5000sqm of land within the airport industrial precinct to the Australian Transport Museum for a peppercorn rent of \$365 per year for 10 years (with an option for a further 10 years).
- b. Seek a variation to the Deed between Restart NSW (Grant # RNSW 1842) and Armidale Regional Council to remove the transport museum from the Armidale Airport Business Precinct Stage 1A.
- c. Work with the Australian Transport Museum Limited to identify other sites in the LGA to develop the museum that would be suitable for their purposes; develop visitation and not impose a significant financial burden and risk on Council and the community.

28/21

Moved Cr O'Connor Seconded Cr Bailey

That Council:

- a. Confirm ARC Motion 132/17 of 24 May 2017.**
- b. That Council continue to make representations in support of the required funding for the establishment of the Australian Transport Museum.**

The Motion on being put to the vote was CARRIED.

The meeting was suspended at 6.58pm for a short break.

The meeting was resumed at 7.09pm.

Cr Andrew Murat returned to the meeting, the time being 07:09 PM

Cr Galletly declared a Non Pecuniary – Non Significant Conflict in Item 9.8 Armidale Airside Business Park – Sales and Marketing.

Reason: I am friends with the sales agent.

Intended action: Remain in the Chamber

FOR DECISION: 9.8 Armidale Airside Business Park- Sales and Marketing

Ref: AINT/2021/01037 (ARC17/1499)

OFFICERS' RECOMMENDATION:

That Council:

- a. Requests the General Manager to call for tenders (RFT) for the appointment of a registered sales agent or agents to market and sell land within, and in association with Armidale Airside Business Park.
- b. Notes a requirement for future land agency agreements and associated tendering documents to reflect Council Codes of Conduct, Business Ethics and other guidelines in executing General Manager delegations under ARC19/3153 (December 2020).
- c. Agrees to continue working with existing agency arrangements while (a) above is implemented.
- d. In order to complement the marketing and sales initiatives (a – c) above, delegates the General Manager to apportion up to three percent (3%) of net sale proceeds each year, based on previous calendar year results, for marketing and site-enhancements to Airside Business Park lots.

AMENDMENT

Moved Cr O'Connor Seconded Cr Galletly

That Council:

- a. Notes a requirement for future land agency agreements and associated tendering documents to reflect Council Codes of Conduct, Business Ethics and other guidelines in executing General Manager delegations under ARC19/3153 (December 2020).
- b. Agrees to continue working with existing agency arrangements for the next 12 months.
- c. In order to complement the marketing and sales initiatives (a – c) above, delegates the General Manager to apportion up to three percent (3%) of net sale proceeds each year, based on previous calendar year results, for marketing and site-enhancements to Airside Business Park lots.

The Amendment lapsed and was not put to the vote.

FORESHADOWED AMENDMENT

Moved Cr Robinson Seconded Cr

Requests the General Manager to call for tenders (RFT) for the appointment of a registered sales agent or agents to market and sell land within, and in association with Armidale Airside Business Park and that those tenders be reviewed by Council.

The Foreshadowed Amendment lapsed and was not put to the vote.

29/21

Moved Cr Murat

Seconded Cr Bailey

That Council:

- a. **Requests the General Manager to call for tenders (RFT) for the appointment of a registered sales agent or agents to market and sell land within, and in association with Armidale Airside Business Park and that those tenders be reviewed by Council.**
- b. **Notes a requirement for future land agency agreements and associated tendering documents to reflect Council Codes of Conduct, Business Ethics and other guidelines in executing General Manager delegations under ARC19/3153 (December 2020).**
- c. **Agrees to continue working with existing agency arrangements while (a) above is implemented.**
- d. **In order to complement the marketing and sales initiatives (a – c) above, delegates the General Manager to apportion up to three percent (3%) of net sale proceeds each year, based on previous calendar year results, for marketing and site-enhancements to Airside Business Park lots.**

The Motion on being put to the vote was CARRIED.

FOR INFORMATION: 9.9 2021/22 Operational Plan and Budget Timetable

Ref: AINT/2021/01073 (ARC20/4311)

OFFICERS' RECOMMENDATION:

That Council note the 2021/22 Operational Plan and Budget timetable.

30/21

Moved Cr Bailey

Seconded Cr Galletly

That Council note the 2021/22 Operational Plan and Budget timetable including two additional public meetings during the consultation period.

The Motion on being put to the vote was CARRIED.

FOR INFORMATION: 9.10 Councillor Review of 2020/21 Budget

Ref: AINT/2021/01074 (ARC19/3335)

OFFICERS' RECOMMENDATION:

That Council note the timetable of budget briefings.

31/21

Moved Cr Robinson Seconded Cr O'Brien

That Council note the timetable of budget briefings.

The Motion on being put to the vote was CARRIED.

FOR DECISION: 9.11 Women on the Land Business Grants

Ref: AINT/2021/01162 (ARC20/4349)

OFFICERS' RECOMMENDATION:

That Council approve the successful applicants provided in this report for the Women on the Land Business grant program.

32/21

Moved Cr Robinson Seconded Cr O'Brien

That Council approve the successful applicants provided in this report for the Women on the Land Business grant program.

The Motion on being put to the vote was CARRIED.

FOR DECISION: 9.12 Valuation and Investigation into Possible Sale of The Croft

Ref: AINT/2021/01197 (ARC17/1499)

OFFICERS' RECOMMENDATION:

That Council:

- a. Delegates authority to the General Manager to investigate the feasibility and sale options for the property known as "The Croft".
- b. Organise a registered valuation of the property as soon as practicable, in order to inform these deliberations.
- c. Requests that the General Manager reports on findings of the investigation.

33/21

Moved Cr Robinson

Seconded Cr O'Brien

That Council:

- a. **Delegates authority to the General Manager to investigate the feasibility and sale options for the property known as "The Croft".**
- b. **Organise a registered valuation of the property as soon as practicable, in order to inform these deliberations.**
- c. **Requests that the General Manager reports on findings of the investigation.**

The Motion on being put to the vote was CARRIED.

FOR DECISION: 9.13 Armidale Airside Business Park Street Naming

Ref: AINT/2021/01201 (ARC16/1405)

OFFICERS' RECOMMENDATION:

That Council relax the Local Road and Place Naming Policy (2015) to allow endorsement of Option 2 as the recommended street names of 'Momentum Drive' and 'Aviation Avenue' to be included alongside those named as recognised contributors to the precinct, noting that all will be subject to approval by the Geographic Names Board (GNB) .

34/21

Moved Cr Murat

Seconded Cr O'Connor

- a. **That Council not relax the Local Road and Place Naming Policy (2015) and pursue Option 1.**
- b. **That the street at the roundabout to the southern side of the Croft be called Waller Avenue after Charles Waller who was the first airport groundsman.**
- c. **The second street be named Peter Moffatt Drive or Don Cameron Drive if the name Peter Moffatt is not acceptable to the Geographic Names Board.**
- d. **That the road from the end of Waller Avenue to Saumarez Homestead be retained as Saumarez Road when the old road is closed.**
- e. **That a further report be provided on the naming of the cul-de-sacs in the subdivision.**

The Motion on being put to the vote was CARRIED.

FOR DECISION: 9.14 Live Music Australia Grant Fund- Round 2 GO4553

Ref: AINT/2021/01268 (ARC21/4471)

OFFICERS' RECOMMENDATION:

That Council:

- a. **Endorse the submission of a funding application to the Australian Government Office of the Arts under the Live Music Australia – Round 2 fund program with a total cost of \$100,000 to facilitate live music events for the Armidale Region.**
- 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 are a net benefit to Council.**

35/21

Moved Cr O'Connor

Seconded Cr O'Brien

That Council:

- a. **Endorse the submission of a funding application to the Australian Government Office of the Arts under the Live Music Australia – Round 2 fund program with a total cost of \$100,000 to facilitate live music events for the Armidale Region.**
- 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 are a net benefit to Council.

The Motion on being put to the vote was CARRIED.

10. ENVIRONMENT AND INFRASTRUCTURE

FOR DECISION: 10.1 Proposed Grant Application - NSW Environment and Protection

Authority: Circulate Program *Ref: AINT/2021/00210 (ARC16/0125-2)*

OFFICERS' RECOMMENDATION:

That Council:

- a. Endorse the submission of a funding application to the NSW Environment Protection Authority: Circulate Grants program, with a total value of up to \$150,000 to initiate a project for the retrieval of Commercial/Industry food waste for inclusion in the current City to Soil program.
- b. Recognise that the diversion of this food waste stream from landfill will also contribute to a reduction in greenhouse gas emissions (methane from landfill) as per Council's Climate Emergency Declaration.
- c. 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.

36/21

Moved Cr Murat

Seconded Cr Galletly

That Council:

- a. **Endorse the submission of a funding application to the NSW Environment Protection Authority: Circulate Grants program, with a total value of up to \$150,000 to initiate a project for the retrieval of Commercial/Industry food waste for inclusion in the current City to Soil program.**
- b. **Recognise that the diversion of this food waste stream from landfill will also contribute to a reduction in greenhouse gas emissions (methane from landfill) as per Council's Climate Emergency Declaration.**
- c. **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.**

The Motion on being put to the vote was CARRIED.

**FOR DECISION: 10.2 Correction relating to Classification of Lot 105 DP 1237922 as
Community Land** *Ref: AINT/2021/00962 (ARC18/2692-1)*

OFFICER'S RECOMMENDATION:

That Council:

- a. Rescind the following resolution made at the Ordinary Council Meeting held 19 August 2020 (Min No. 211/20):

19.3 FOR DECISION: Land Exchange *Ref: AINT/2020/25894 (ARC18/2692)*

211/2 RESOLVED

0

That Council:

- a) Authorise the Acting Interim General Manager to finalise the sale of Lot 101 DP 1237922 to the Armidale Ex Services Memorial Club for the sum of \$150,000 plus GST and accept the transfer of ownership of Lot 106 DP 1237922 to Council.

- b) Upon transfer of ownership of Lot 106 DP 1237922 the lot be classified as community land under Section 31 of the Local Government Act 1993.

Moved and declared carried by the Interim Administrator.

- b. Authorise the General Manager to finalise the sale of Lot 101 DP 1237922 to the Armidale Ex Services Memorial Club for the sum of \$150,000 plus GST and accept the transfer of ownership of Lot 105 DP 1237922 to Council.

- c. Upon transfer of ownership classify Lot 105 DP 1237922 as Community Land under Section 31 of the Local Government Act 1993.

37/21

Moved Cr Murat

Seconded Cr Galletly

That Council:

- a. Rescind the following resolution made at the Ordinary Council Meeting held 19 August 2020 (Min No. 211/20):

19.3 FOR DECISION: Land Exchange *Ref: AINT/2020/25894 (ARC18/2692)*

211/2 RESOLVED

0

That Council:

- a) Authorise the Acting Interim General Manager to finalise the sale of Lot 101 DP 1237922 to the Armidale Ex Services Memorial Club for the sum of \$150,000 plus GST and accept the transfer of ownership of Lot 106 DP 1237922 to Council.

- b) Upon transfer of ownership of Lot 106 DP 1237922 the lot be classified as community land under Section 31 of the Local Government Act 1993.

Moved and declared carried by the Interim Administrator.

- b. Authorise the General Manager to finalise the sale of Lot 101 DP 1237922 to the Armidale Ex Services Memorial Club for the sum of \$150,000 plus GST and accept the transfer of ownership of Lot 105 DP 1237922 to Council.

- c. Upon transfer of ownership classify Lot 105 DP 1237922 as Community Land under Section 31 of the Local Government Act 1993.

The Motion on being to the vote was CARRIED.

FOR DECISION: 10.3 Public Exhibition of Public Parking Policy

Ref: AINT/2021/01140 (ARC16/1207)

OFFICERS' RECOMMENDATION:

That Council:

- a. Endorse the draft Public Parking (POL192) for public exhibition until Monday 1 March 2021.
- 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.

38/21

Moved Cr Murat

Seconded Cr Galletly

That Council:

- a. **Endorse the draft Public Parking (POL192) for public exhibition until Monday 1 March 2021.**
- 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.**

The Motion on being put to the vote was CARRIED.

FOR DECISION: 10.4 Public Exhibition of Treatment of Feral and Infant Animals

Ref: AINT/2021/01223 (ARC21/4479)

OFFICERS' RECOMMENDATION:

That Council:

- a. Endorse the draft Treatment of Feral and Infant Animals Policy (POL236) for public exhibition until Monday 1 March 2021.
- 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.

39/21

Moved Cr Murat

Seconded Cr O'Connor

That Council:

- a. **Endorse the draft Treatment of Feral and Infant Animals Policy (POL236) for public exhibition until Monday 1 March 2021.**
- 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.**

The Motion on being put to the vote was CARRIED.

FOR DECISION: 10.5 Development Application Approvals: monitoring targets

Ref: AINT/2021/01239 (ARC16/0681)

OFFICERS' RECOMMENDATION:

That Council note the report on the financial year to date figures relating to Development Applications and Complying Development Certificates.

40/21

Moved Cr Murat

Seconded Cr Galletly

That Council note the report on the financial year to date figures relating to Development Applications and Complying Development Certificates.

The Motion on being put to the vote was CARRIED.

FOR DECISION: 10.6 Guyra Preschool and Long Day Care Centre: Interim Response to Dept of Education Non Compliance Notification

Ref: AINT/2021/01386 (ARC20/4291)

OFFICERS' RECOMMENDATION:

That Council:

- a. Notes the estimated cost of remediation and compliance works at the Guyra Preschool is approximately \$700,000.
- b. Notes there is no budget to fund these works and a Report will be prepared for the February Council meeting to identify service options and sources of funding for the proposed remediation works.

41/21

Moved Cr Bailey

Seconded Cr Murat

That Council:

- a. Notes the estimated cost of remediation and compliance works at the Guyra Preschool is approximately \$700,000.
- b. Notes there is no budget to fund these works and a Report will be prepared for the February Council meeting to identify service options and sources of funding for the proposed remediation works.

The Motion on being put to the vote was CARRIED.

**FOR DECISION: 10.7 Engagement of Contractor for Removal of Hazardous Trees in
Kempsey Road**

Ref: AINT/2021/01765 (ARC20/3770)

OFFICERS' RECOMMENDATION:

That Council:

- a. Accept the Lump Sum quotation submitted by Burgundy Heights Pty Ltd of \$585,376.00 GST inclusive for Removal of Hazardous Trees (identified in arborist reports) along Kempsey Road.
- b. Accept the Schedule of Rates submitted by Burgundy heights. Council is expecting an approximate of 50% additional expenditure of the lump sum price (\$290,688.00 GST inclusive) due to additional hazardous tress as a result of recent natural disasters.
- c. Grant authority to General Manager to certify all documents in relation to the execution of the contract.

42/21

Moved Cr Murat

Seconded Cr Galletly

That Council:

- a. **Accept the Lump Sum quotation submitted by Burgundy Heights Pty Ltd of \$585,376.00 GST inclusive for Removal of Hazardous Trees (identified in arborist reports) along Kempsey Road.**
- b. **Accept the Schedule of Rates submitted by Burgundy heights. Council is expecting an approximate of 50% additional expenditure of the lump sum price (\$290,688.00 GST inclusive) due to additional hazardous tress as a result of recent natural disasters.**
- c. **Grant authority to General Manager to certify all documents in relation to the execution of the contract.**
- d. **That Council invoke s55(3)(k) in relation to this matter.**

The Motion on being put to the vote was CARRIED.

11. OUR PEOPLE AND COMMUNITY

FOR DECISION: 11.1 Guyra Main Street Public Art Project: results of mural poll

Ref: AINT/2021/00462 (ARC17/1518)

OFFICERS' RECOMMENDATION:

That Council endorse Option 1 as the successful design for the mural on the Guyra toilet block.

43/21

Moved Cr O'Connor

Seconded Cr Robinson

That Item 11.1 be deferred to the February Council meeting.

The Motion on being put to the vote was CARRIED.

FOR DECISION: 11.2 Stronger Communities Programme - Round 6 - Expression of interest and funding application *Ref: AINT/2021/00814 (ARC17/2177-6)*

OFFICERS' RECOMMENDATION:

That Council:

- a. That Council endorse the submission of a funding application to the Department of Industry, Science, Energy and Resources under the Stronger Communities Programme Round 6 for the Kent & Hughes House and Guyra Home Support Service small renewal capital project with total cost of \$40,000.
- 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.

44/21

Moved Cr O'Brien

Seconded Cr Galletly

That Council:

- a. **That Council endorse the submission of a funding application to the Department of Industry, Science, Energy and Resources under the Stronger Communities Programme Round 6 for the Kent & Hughes House and Guyra Home Support Service small renewal capital project with total cost of \$40,000.**
- 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.**

The Motion on being put to the vote was CARRIED.

FOR DECISION: 11.3 Public Exhibition update - Use of Public Space by Personal and Group Trainers policy update *Ref: AINT/2021/00957 (ARC17/1839)*

OFFICERS' RECOMMENDATION:

That Council:

- a. Note that no submissions were received during the period of Public Exhibition for the updated Policy 233 Use of Public Space by Personal and Group Trainers.
- b. Adopt Policy 233 Use of Public Space by Personal and Group Trainers.

45/21

Moved Cr O'Brien **Seconded Cr Galletly**

That Council:

- a. **Note that no submissions were received during the period of Public Exhibition for the updated Policy 233 Use of Public Space by Personal and Group Trainers.**
- b. **Adopt Policy 233 Use of Public Space by Personal and Group Trainers.**

The Motion on being put to the vote was CARRIED.

FOR DECISION: 11.4 Defibrillator grant opportunity - request to redirect Sports Council Small Grant budget *Ref: AINT/2021/00967 (ARC16/0382-4)*

OFFICERS' RECOMMENDATION:

That Council:

- a. Approve the request to expend \$8000 of the \$10,000 of the 2020/21 Sports Council Small Grants budget for the purchase of Automated External Defibrillators (AEDs) to be located in local community sporting facilities.
- b. Following approval of the above, approve a grant application submission in the Local Sport Defibrillator Grant Program offered by the NSW Office of Sport.

46/21

Moved Cr O'Brien **Seconded Cr Galletly**

That Council:

- a. **Approve the request to expend \$8000 of the \$10,000 of the 2020/21 Sports Council Small Grants budget for the purchase of Automated External Defibrillators (AEDs) to be located in local community sporting facilities.**
- b. **Following approval of the above, approve a grant application submission in the Local Sport Defibrillator Grant Program offered by the NSW Office of Sport.**

The Motion on being put to the vote was CARRIED.

FOR DECISION: 11.5 Youth Week Funding Application *Ref: AINT/2021/01154 (ARC21/4471)*

OFFICERS' RECOMMENDATION:

- a. That Council endorse the submission of a funding application to NSW Communities & Justice for Youth Week funding allocated to the Armidale Regional Council Local Government Area. This funding will be used to provide Youth Week activities across our Council area between 16 -24 April 2021.
- 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 are a net benefit to Council.

47/21

Moved Cr O'Brien

Seconded Cr Galletly

That Council:

- a. **Endorse the submission of a funding application to NSW Communities & Justice for Youth Week funding allocated to the Armidale Regional Council Local Government Area. This funding will be used to provide Youth Week activities across our Council area between 16 -24 April 2021.**
- 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 are a net benefit to Council.**

The Motion on being put to the vote was CARRIED.

FOR DECISION: 11.6 Regional Sport Facility Fund Grant Opportunity - Proposed submissions *Ref: AINT/2021/01566 (ARC16/0125-2)*

OFFICERS' RECOMMENDATION:

That Council endorse the submission of two grant applications (100% grant funded) to the NSW Government Regional Sport Facility Fund program as follows:

1. Harris Park field lighting upgrade (estimated cost \$180,000)
2. Lynches Road netball courts lighting installation (estimated cost \$300,000)

48/21

Moved Cr O'Brien

Seconded Cr Galletly

That Council endorse the submission of two grant applications (100% grant funded) to the NSW Government Regional Sport Facility Fund program as follows:

1. **Harris Park field lighting upgrade (estimated cost \$180,000)**
2. **Lynches Road netball courts lighting installation (estimated cost \$300,000)**

The Motion on being put to the vote was CARRIED.

12. REQUESTS FOR LEAVE OF ABSENCE

Nil.

13. AUTHORITY TO AFFIX COUNCIL SEAL

Nil.

14. COMMITTEE REPORTS

Nil.

15. MATTERS OF AN URGENT NATURE

Nil.

16. QUESTIONS ON NOTICE

FOR INFORMATION: 16.1 Response to Question on Notice OCM 22 December 2020
Cr Robinson: Council Cash Position Report *Ref: AINT/2021/01075 (AR*

OFFICERS' RECOMMENDATION:

That Council note the response to the Question on Notice.

MOVED:

That Council note the response to the Question on Notice.

Due to time constraints this matter was not considered and will be referred to the February meeting.

Item 17.4 was considered in Open Session under advice by the Financial Controller.

FOR DECISION: 17.4 University of New England Smart Region Incubator Lease Agreement 122 Faulkner Street Armidale

Ref: AINT/2021/01601 (ARC16/0875-4)

OFFICERS' RECOMMENDATION:

That Council:

- a. Enter into a lease agreement with the University of New England for the former War Memorial Library (Lot 17, DP 758032 Sec 5) for an initial period of five (5) years with two options of an additional three (3) years each for a total of up to 11 years.
- b. Delegates the General Manager to sign an agreement between Council and the University of New England Smart Region Incubator, in accordance with previous resolution AINT/2020/43844, for delivery of business support and mentoring programs aimed at strengthening the business and social wellbeing of the Region.
- c. Authorises the Lease Conditions as drafted and attached, to take effect as soon as practicable.

49/21

Moved Cr Bailey

Seconded Cr Galletly

That Council:

- a. **Enter into a lease agreement with the University of New England for the former War Memorial Library (Lot 17, DP 758032 Sec 5) for an initial period of five (5) years with two options of an additional three (3) years each for a total of up to 11 years.**
- b. **Delegates the General Manager to sign an agreement between Council and the University of New England Smart Region Incubator, in accordance with previous resolution AINT/2020/43844, for delivery of business support and mentoring programs aimed at strengthening the business and social wellbeing of the Region.**
- c. **Authorises the Lease Conditions as drafted and attached, to take effect as soon as practicable.**

The Motion on being put to the vote was CARRIED.

PROCEDURAL MOTION

RECOMMENDATION:

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

- 17.1 Code of Conduct Review and Response Mayor Dr Tiley. (AINT/2021/00688) - *As this report deals with alleged contraventions of any code of conduct requirements applicable under section 440 (Section 10A(2)(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.*
- 17.2 Code of Conduct Review and Response Cr O'Brien. (AINT/2021/00694) - *As this report deals with alleged contraventions of any code of conduct requirements applicable under section 440 (Section 10A(2)(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.*
- 17.3 Legal Services Panel - Tender Evaluation. (AINT/2020/43042) - *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.*

- 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.**

Council entered Closed Session at 7.46pm.

Council returned to Open Session at 8.24pm.

RESUMPTION OF MEETING

50/21 **Moved Cr Murat** **Seconded Cr Robinson**

That Council move to Open session and the recommendations of Closed Session be adopted.

The Motion on being put to the vote was CARRIED.

17. CLOSED SESSION

FOR DECISION: 17.1 Code of Conduct Review and Response Mayor Dr Tiley

Ref: AINT/2021/00688 (ARC18/2692-1)

51/21 **MOVED:**

That Council receive and note the officer's report, accept Cr Tiley's oral response and that for reasons relating to the unsatisfactory nature of the appointment of the conduct reviewer and the timing of his report Council does not adopt his recommendation.

FOR DECISION: 17.2 Code of Conduct Review and Response Cr O'Brien

Ref: AINT/2021/00694 (ARC18/2692-1)

52/21 **MOVED:**

That Council receive and note the officer's report, accept Cr O'Brien's oral response and that for reasons relating to the unsatisfactory nature of the appointment of the conduct reviewer and the timing of his report Council does not adopt his recommendation.

FOR DECISION: 17.3 Legal Services Panel - Tender Evaluation

Ref: AINT/2020/43042 (ARC16/0622)

53/21

MOVED:

That Council go to fresh tenders and in the interim retain its existing legal advice.

There being no further business the Mayor declared the meeting closed at 8.30pm.