



ORDINARY MEETING OF COUNCIL

Held on

Wednesday, 27 May 2020
9am

at

Audio Visual

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

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

MINUTES

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

CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 22 APRIL 2020

106/20

Moved Cr Gray

Seconded Cr Martin

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 13 MAY 2020

107/20

Moved Cr Gray

Seconded Cr Martin

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

DIVISION The result being:-

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

AGAINST: Cr M O'Connor

The Mayor declared the MOTION CARRIED.

7. MAYORAL MINUTE

Good Morning Councillors,

As you are aware on Tuesday 19 May 2020 the Honorable Shelley Hancock, Minister of Local Government, through the Office of Local Government (OLG) issued Armidale Regional Council with a Notice under s438K of the *Local Government Act*.

(I now table a copy of that Notice). The Minister intends to issue a suspension order, suspending Councillors from office for a period of three months and appointing an Administrator. The Notice issued is what is called a "Show Cause" Notice, requiring the elected body to provide a submission to the Minister in respect of the proposed suspension. The Response is required to be submitted not later than 5pm Monday 1st May 2020. The Notice invites Council, and here I quote, "...to make a submission in respect of the proposed suspension..." The language of the invitation is clear, in requesting that one submission be put to the Minister from Council. It is to be hoped that we can find common ground in preparing and submitting our Response so that we may preserve representation for the community. Among her reasons for consideration of the order, the Minister cites many long standing issues between Councillors, and between Councillors and Council staff. The Minister refers to an aggregation of issues developing over time. Specifically, these issues include: Code of conduct complaints, between Councillors, and between Councillors and Staff; behavioural issues, also between Councillors, and between Councillors and Staff. Allegations of bullying, leading to concerns about health and well-being, again between Councillors, and between Councillors and Staff. The Minister expresses concern around Governance, and the recent court action to resolve allegations of bias. As the Minister states, these are serious matters creating significant reputational, legal, and WHS risks, that must be addressed. To provide the best possible opportunity to prepare and submit a meaningful Response, I have convened a facilitated workshop of the elected members to be held this afternoon. It is to be hoped that we can come together, putting aside our differences and cooperating in good faith, to work through the issues that have divided us. It is to be hoped to find clear air and common ground on which to move forward.

It is to be hoped that we can prepare a Response that will show the Minister that Armidale Regional Council is capable of being governed by its elected representatives.

We can restore the faith of community at large in its elected representatives.

If this afternoon we are able to consolidate, to unite, and to agree a Response, we can ratify and endorse the Response to be tabled to the Minister at an Extraordinary Meeting of Council.

PROCEDURAL MOTION

108/20

Moved Cr Murat

Seconded Cr Martin

That the Mayoral Minute be adopted.

DIVISION The result being:-

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

AGAINST: Crs J Galletly and D Robinson

The Mayor declared the MOTION CARRIED.

PROCEDURAL MOTION

109/20

Moved Cr O'Connor Seconded Cr O'Brien

That the meeting be suspended until 9.45am to allow Cr Robinson to join the meeting.

DIVISION The result being:-

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

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

The Mayor declared the MOTION CARRIED.

8. NOTICES OF MOTION

8.1 FOR DECISION: Advice provided by Lindsay Taylor LawyersRef: AINT/2020/14356 (ARC16/C

110/20

UNLAWFUL

That Council requests Lindsay Taylor Lawyers to provide any documents that relate to the verbal advice to the Mayor referred to in answer to Cr Robinson's QoN in the business paper for the 13 May ECM so that all councillors can be informed.

Cr O'Connor and Cr Robinson requested their objection be noted.

8.2 FOR DECISION: Information and Privacy Commissioner's ReportRef: AINT/2020/14360 (ARC

111/20

Moved Cr O'Connor Seconded Cr O'Brien

That ARC notes the Information and Privacy Commissioner's (IPC) Report recommending that Council reconsiders its decision to withhold information. The IPC report, a public document, is available at https://www.dropbox.com/s/1a3tt17covz1ufr/IPC_Review_GIPA_ARC_Should_Reconsider.pdf?

DIVISION The result being:-

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

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

The Mayor declared the MOTION CARRIED.

8.3 FOR DECISION: Council notes and acts on the intended meaning of " not adopting"

Ref: AINT/2020/14363 (ARC16/0025)

112/20

Moved Cr Robinson

Seconded Cr O'Connor

That Council notes and acts on the intended meaning of "not adopting" in Resolution 82/20, which was to retain the status quo, i.e. not alter existing arrangements for access.

DIVISION The result being:-

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

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

The Mayor declared the MOTION CARRIED.

8.4 FOR DECISION: Green waste services and fees

Ref: AINT/2020/14365 (ARC16/0025)

113/20

Moved Cr Robinson

Seconded Cr O'Connor

a) That Council recognizes that many residents have dead and dying trees 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 one day per month for 6 months, commencing when permitted under COVID-19 restrictions.

DIVISION The result being:-

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

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

The Mayor declared the MOTION CARRIED.

MOTION

114/20

Moved Cr O'Connor **Seconded Cr O'Brien**

Motion of dissent that the Mayor declined Cr O'Connor's request to speak for the motion.

DIVISION *The result being:-*

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

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

The Mayor declared the MOTION CARRIED.

9. REPORTS FOR DECISION - LEADERSHIP FOR THE REGION

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

11. REPORTS FOR DECISION - ENVIRONMENT AND INFRASTRUCTURE

11.1 FOR DECISION: Dumaresq Dam Wall Stabilisation *Ref: AINT/2020/14122 (ARC18/3038)*

115/20

Moved Cr Gray **Seconded Cr Murat**

a) That Council proceeds to Tender through an Expression Of Interest (EOI) for the stabilisation of Dumaresq Dam wall and associated works.

b) That Council authorise the Chief Executive Officer to execute and vary any subsequent contract as necessary for the works to proceed.

c) In parallel with a and b that Council request the NSW Government to see if the offer of funding for upgrade of recreational facilities could be renewed

DIVISION *The result being:-*

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

AGAINST: *Nil*

The Mayor declared the MOTION CARRIED.

12. REPORTS FOR DECISION - OUR PEOPLE AND COMMUNITY

13. REPORTS FOR INFORMATION

13.1 FOR INFORMATION: Cash and Investment Report April 2020 Ref: AINT/2020/13643 (ARC16,

116/20

Moved Cr Murat

Seconded Cr Gray

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

DIVISION The result being:-

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

AGAINST: Nil

The Mayor declared the MOTION CARRIED.

14. REQUESTS FOR LEAVE OF ABSENCE

15. AUTHORITY TO AFFIX COUNCIL SEAL

16. COMMITTEE REPORTS

16.1 FOR DECISION: Minutes- Traffic Advisory Committee - 5 May 2020. Ref: AINT/2020/13688 (

117/20

Moved Cr Martin

Seconded Cr Gray

- a) **That the Minutes of the Traffic Advisory Committee meeting held on 5th May 2020 be noted and endorsed.**
- b) **That the request to extend the No Stopping zone in front of Beaurepaires, Dumaresq Street Armidale be denied.**
- c) **That the St Marys Bus Zone on the eastern side of Jessie Street between Rusden and Barney Streets, be made full time.**
- d) **That the parking on the western side of Jessie Street between Rusden and Barney Streets, be made 2hr in accordance with the parking strategy.**

DIVISION The result being:-

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

AGAINST: Nil

The Mayor declared the MOTION CARRIED.

16.2 FOR INFORMATION:

Minutes - Regional Growth and Place Activation Peak Advisory Committee 22 May 2020 Ref: AINT/2020/15063 (ARC19/3530)

118/20

Moved Cr Murat **Seconded Cr Gray**

That the Minutes of the Regional Growth and Place Activation Peak Advisory Committee meeting held on 22 May 2020 be noted.

The motion on being put to the vote was CARRIED.

17. MATTERS OF AN URGENT NATURE

MOTION

119/20

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

That ARC note its solidarity with our first nations peoples and support the commemoration of Australia's national sorry day this week.

DIVISION *The result being:-*

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

AGAINST: Nil

The Mayor declared the MOTION CARRIED.

18. QUESTIONS ON NOTICE

MOTION

120/201
21/20

Moved Cr Martin **Seconded Cr Robinson**

That the meeting be suspended until 11.30am.

The Mayor declared the MOTION CARRIED.

MEETING SUSPENDED AT 11.23AM

PROCEDURAL MOTION

122/20

Moved Cr Tiley **Seconded Cr Robinson**

That the meeting be resumed at 11.30am.

CARRIED

MEETING RESUMED AT 11.30AM

PROCEDURAL MOTION

123/20

Moved Cr Murat **Seconded Cr Robinson**

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

- 19.1 FOR DECISION: Sundry Debtor Account Write Off. (AINT/2020/12017) - *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.*
- 19.2 FOR DECISION: Request for Tender - Plant Hire Services. (AINT/2020/13565) - *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.*
- 19.3 FOR DECISION: Organisational Structure. (AINT/2020/14034) - *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.*

11.2 FOR DECISION: Sale of the Service Centre in the Armidale Airport Industrial Subdivisions. (AINT/2020/10414) - *As this report deals with commercial information of a confidential nature which, if disclosed, confers a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business (Section 10A(2)(c) of the Local Government Act 1993). Council closes the meeting, in accordance with Council's Code of Meeting Practice, as consideration of this matter in open Council would be contrary to the public interest.*

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

The Motion on being put to the vote was CARRIED.

Council entered Closed Session at 11.32

Council returned to Open Session at 11:55am.

RESUMPTION OF MEETING

124/20 **Moved Cr Murat** **Seconded Cr Widders**

That the recommendations of Closed Session be adopted.

The motion on being put to the vote was CARRIED.

19. CLOSED SESSION

19.1 FOR DECISION: Sundry Debtor Account Write Off *Ref: AINT/2020/12017 (ARC19/3442)*

That Debtor Account 80491-4 in the name of Networx Construction Pty Ltd amounting to \$35,528.23 be written off.

19.2 FOR DECISION: Request for Tender - Plant Hire Services *Ref: AINT/2020/13565 (ARC16/000)*

That Council accepts thirty-eight tenders and rejects two, received for a supplier panel contract for the Provision of Plant Hire Services July 2020 – June 2022.

19.3 FOR DECISION: Organisational Structure *Ref: AINT/2020/14034 (ARC16/0001-5)*

- a) **That Council notes the voluntary redundancy of Mr Mark Piorkowski.**
- b) **That Council adopts the level two leadership structure as contained in the report.**

11.2 FOR DECISION: Sale of the Service Centre in the Armidale Airport Industrial Subdivisions *Ref: AINT/2020/10414 (ARC19/3134)*

- a) **That the Chief Executive Officer be authorised to finalise the sale of the Service Centre lot within the Armidale Airport Industrial Subdivision to MetroWest to the perspective purchaser as detailed in the report.**
- b) **That the proceeds of the sales be directed towards the construction of stage two of the Armidale Airport Industrial Subdivision.**

There being no further business the Mayor declared the meeting closed at 11:58am.