



ORDINARY MEETING OF COUNCIL

Held on

Wednesday, 22 April 2020

9am

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), Ms Stacey Drew (Executive Policy Advisor) and Ms Hayley Ward (Executive Officer).

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
NIL
4. DISCLOSURES OF INTERESTS

Name	Item	Nature of Interest	Reason/Intended Action
Cr O'Brien	17.1	<input type="checkbox"/> Pecuniary <input type="checkbox"/> Non Pecuniary – Significant Conflict <input checked="" type="checkbox"/> Non Pecuniary – Non Significant Conflict	Reason: Related to the process of the item rather than the item itself. Intended action: Remain in the Chamber

5. PUBLIC FORUM (HAVE YOUR SAY)
Written submissions on agenda items were forwarded to Councillors prior to the meeting.
6. CONFIRMATION OF MINUTES

CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 26 FEBRUARY 2020 & THE EXTRAORDINARY MINUTES 12 MARCH 2020

45/20

Moved Cr Murat Seconded Cr Gray

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 unanimously.

7. MAYORAL MINUTE
NIL.

8. RESCISSION MOTIONS

PROCEDURAL MOTION

46/20

Moved Cr Bailey

Seconded Cr Gray

I move that in light of Covid-19 that the normal business of Armidale Regional Council only be discussed and the following items be deferred to an extraordinary meeting to be held on Wednesday 13 May 2020 at 9am.

- **8.1 Motion of recommittal for the Rail Trail**
- **9.1 Friends of the ABC**
- **9.2 Air quality working group**
- **9.3 Request for Information**
- **9.5 Council's Legal Team meeting**
- **9.7 Council's panel of solicitors**
- **9.8 Sparke Helmore**
- **9.13 Legal advice to CEO**
- **19.1 Questions**
- **19.2 Deferred**
- **20.3 Deferred**
- **20.4 Deferred**
- **20.5 Deferred**
- **20.6 Deferred**

DIVISION The result being:-

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

AGAINST: Crs J Galletly, D Robinson and I Tiley

The Mayor declared the MOTION CARRIED.

MOTION

47/20

Moved Cr O'Connor

Seconded Cr Robinson

That items 14.5, 17.4 and 17.5 be deferred.

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.

8.1 FOR DECISION: That items 10.1 and 10.2 New England Rail Trail be rescinded

Ref: AINT/2020/05216 (ARC16/0025)

48/20

DEFERRED

That Minute No.: 11/20 passed at 26 February 2020 Council Meeting be rescinded.

9. NOTICES OF MOTION

9.1 FOR DECISION: Friends of the ABC

Ref: AINT/2020/09716 (ARC16/0025)

49/20

DEFERRED

That Council acknowledge the dedication of the staff of the ABC and thank them for their emergency broadcasting services during the recent months of catastrophic fires.

9.2 FOR DECISION: Air quality working group

Ref: AINT/2020/05598 (ARC16/0025)

50/20

DEFERRED

- a) That Council notes the intended interpretation of Resolution 273/19 c) was to give Council Advisory Committees the power to set up Working Groups as long as their functions lie within the responsibilities of each Committee, as set out in its TOR.
- b) That Council endorses the intended interpretation of 273/19.
- c) That Council endorses the TOR and advertises the Expressions of interest for an Air Quality Working Group unanimously approved by the Environmental Sustainability Advisory Committee (ESAC), as requested in an email to the CEO on 14 February 2020 by 7 councillors.
- d) That Council authorizes ESAC to review applications and select members for its Climate Emergency and Air Quality Working Groups.

9.3 FOR DECISION: Request for information

Ref: AINT/2020/05599 (ARC16/0025)

51/20

DEFERRED

- a) 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
- b) That Council complies with the IPC recommendation and GIPA requirement to release all requested information for which there is no overriding public interest against confidential disclosure to the parties concerned.
- c) That Council releases in confidence to all councillors the brief and all associated material provided to Chris Ronalds that formed the basis of her confidential report that Council paid for.

9.4 FOR DECISION: Support from State Government in response to the Corona Virus threat

Ref: AINT/2020/05601 (ARC16/0025)

52/20

Moved Cr Robinson

Seconded Cr O'Connor

That as well as taking all sensible and responsible measures to assist the community and safeguard against the COVID-19, Council lobbies all levels of government for advice and financial assistance to help counter this threat.

DIVISION The result being:-

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

AGAINST: Cr S Murray

The Mayor declared the MOTION CARRIED.

9.5 FOR REQUEST: Meeting with Council's legal team

Ref: AINT/2020/05603 (ARC16/0025)

53/20

DEFERRED

That a follow-up to the 12 March meeting of council's legal team with councillors is held as soon as possible for further clarification of the issues that were discussed.

9.6 FOR DECISION: Support for Ezidi community in relation to the Corona Virus

Ref: AINT/2020/05611 (ARC16/0025)

54/20

Moved Cr O'Connor

Seconded Cr O'Brien

That Council immediately convene a meeting with SSI and the governing body to discuss the needs of the Ezidi community in relation to the measures being taken by Federal, State and local government to determine the Ezidi community's level of understanding, compliance and capacity to cope with public and private life under the corona virus "war council" measures as they are rolled out by various levels of government.

THIS MOTION WAS WITHDRAWN

ACTION: a comprehensive report will be provided to councillors on support provided to the community.

9.7 FOR DECISION: Council's panel of solicitors

Ref: AINT/2020/05612 (ARC16/0025)

55/20

DEFERRED

That Councillors are provided with a copy of the scope document for all Solicitors that are on Council's panel of solicitors.

9.8 FOR DECISION: Copy of Sparke Helmore retainer

Ref: AINT/2020/05613 (ARC16/0025)

56/20

DEFERRED

That Councillors are provided with a copy of its document of retainer for Sparke Helmore Solicitors.

9.9 FOR DECISION: Self-isolating strategy

Ref: AINT/2020/05618 (ARC16/0025)

57/20

Moved Cr O'Connor

Seconded Cr O'Brien

That the CEO immediately and in any event not later than March 30 2020, appoint a team of existing ARC staff members (including representatives from media and public relations staff) to meet with the governing body as a whole and develop a policy to and emergency response strategy to respond and provide for the needs of community members to cope with and resource well being measures to address needs for safe outdoor recreation and relaxation that is consistent with the Federal Government's requirements for all Australians to implement social distancing and self isolation measures.

THIS MOTION WAS WITHDRAWN

ACTION: a comprehensive report will be provided to councillors on support provided to the community.

9.10 FOR DECISION: Financial support for business sector during Corona Virus pandemic

Ref: AINT/2020/05622 (ARC16/0025)

58/20

Moved Cr O'Connor

Seconded Cr O'Brien

That Council convene an urgent meeting with the Armidale Business Chamber and the Governing Body as a committee of whole to ensure that maximum advocacy for our community's businesses sector be made so that financial assistance is provided to support our fragile regional economy during the corona virus measures.

DIVISION The result being:-

FOR: Crs J Galletly, D O'Brien, M O'Connor and D Robinson

AGAINST: Crs P Bailey, D Gray, L Martin, A Murat, S Murray, I Tiley and B Widders

The Mayor declared the MOTION LOST.

9.11 FOR DECISION: Medical equipment for LGA

Ref: AINT/2020/05623 (ARC16/0025)

59/20

WITHDRAWN

That Council advocate with the State Government to ensure that adequate medical equipment e.g. ventilators and temperature thermometers and PPE equipment be delivered to our schools and hospitals in our region to cope with the corona virus pandemic in this region.

ACTION: a comprehensive report will be provided to councillors on support provided to the community.

9.12 FOR DECISION: Supplies to the LGA during pandemic*Ref: AINT/2020/05672 (ARC16/0025)*

60/20

WITHDRAWN

That council investigates, reviews and removes any of it's current regulatory barriers to orderly and optimal supply of food, goods and services to our region's centres during the period of response to the Corona Virus threat to public health and that it puts in place additional support necessary to ensure the optimal and orderly supply of food, goods and services to our community during this period.

ACTION: a comprehensive report will be provided to councillors on support provided to the community.

9.13 FOR DECISION: Legal advice provided to CEO

Ref: AINT/2020/10276 (ARC16/0025)

61/20

DEFERRED

a) That all councillors are provided with the legal advice obtained in 2019 by ARC concerning emails sent by Councillors to each other and the CEO, including any advice on apprehended bias, and the brief and instructions on which that advice was based.

b) That all councillors are provided with the brief and instructions issued to Chris Ronalds SC and on which her legal advice was based.

9.14 FOR DECISION: Lobbying for further funding

Ref: AINT/2020/10287 (ARC16/0025)

62/20

Moved Cr Robinson

Seconded Cr O'Connor

That council continues to lobby other levels of government for additional financial assistance to support local economies during these difficult times of drought, bushfires and now the COVID-19 pandemic, and provide a much-needed stimulus for recovery.

DIVISION The result being:-

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

AGAINST: Cr L Martin

The Mayor declared the MOTION CARRIED.

10. REPORTS FOR DECISION - LEADERSHIP FOR THE REGION

NIL

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

11.1 FOR DECISION: Rescission of Approval of the Stage 1 budget for the office accommodation upgrade of the former Armidale Regional Council War Memorial Library

Ref: AINT/2020/05452 (ARC16/0503)

63/20

Moved Cr Gray

Seconded Cr Martin

That Council rescind Item 7.3.3 made at the Ordinary Council Meeting (Administrator – Ian Tiley) on 26 July 2017 regarding the former Armidale Regional Council War Memorial Library.

DIVISION The result being:-

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

AGAINST: Crs D O'Brien and M O'Connor

The Mayor declared the MOTION CARRIED.

11.2 FOR DECISION: Rates Path Protection for New Councils

Ref: AINT/2020/10959 (ARC17/2315)

64/20

Moved Cr Gray

Seconded Cr Martin

That Council make an application to the Minister to vary its Rates Path Harmonisation to 1 July 2021.

DIVISION The result being:-

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

AGAINST: Crs D O'Brien and D Robinson

The Mayor declared the MOTION CARRIED.

MOTION

Moved Cr Gray

Seconded Cr Murat

That the Items 14.1, 14.2, 14.3, 14.6, 14.8, 14.9, 14.10, 17.2, 17.3, 17.6, 17.7 be consider in globo.

DIVISION The result being:-

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

AGAINST: Cr D Robinson

The Mayor declared the MOTION CARRIED.

11.3 FOR INFORMATION: Interim Hardship Policy - Coronavirus (COVID-19)

Ref: AINT/2020/10975 (ARC17/1765)

65/20

Moved Cr Gray

Seconded Cr Widders

That Council formally endorse the Interim Hardship Policy – Coronavirus (COVID-19).

DIVISION The result being:-

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

AGAINST: Crs J Galletly and M O'Connor

The Mayor declared the MOTION CARRIED.

AMENDMENT

Moved Cr Robinson

Seconded Cr O'Connor

That the issue of interest rates be discussed at the May Extraordinary Council Meeting and amendments made as necessary.

DIVISION The result being:-

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

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

The Mayor declared the AMENDMENT LOST.

MOTION

66/20

Moved Cr O'Connor

Seconded Cr Robinson

That this meeting dissents the ruling by the Chair that Cr O'Brien not be allowed to respond to the adverse comments made by Cr Gray about her.

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.

Cr Gray withdrew her comments.

12. REPORTS FOR DECISION - ENVIRONMENT AND INFRASTRUCTURE

12.1 FOR DECISION: Replacement of 724 lights with energy efficient Light Emitting Diode (LED) lamps

Ref: AINT/2020/06802 (ARC19/3079)

67/20

Moved Cr Martin

Seconded Cr Gray

That Council accept Essential Energy Offer 2 and pay upfront for the replacement a fee of \$519,352.28

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 unanimously.

12.2 FOR DECISION: Subdivision - 3 to 2 Lot Subdivision (Review of Determination of DA-15-2018/A to permit a further battle-axe handle)

Ref: AINT/2020/04904 (REV-1-2019)

68/20

DEFERRED

That the Review of Determination 1-2019, be refused for the reasons set out below:

- i. The proposal does not comply with Part 2.5, Chapter 3.1 of DCP 2012;**
- ii. The proposal has the potential to adversely impact on the amenity of the locality;**
- iii. The proposal is not considered to be a good planning outcome as it would potentially disperse rather than containing any impacts from the development;**
- iv. A single lane access is not supported as it has the potential to increase the risk of confusion and conflict with entering and exiting vehicles at peak times, imparting further unnecessary impacts on the locality.**

12.3 FOR DECISION: Exhibition of the amended Guyra Development Control Plan 2015

Ref: AINT/2020/10147 (ARC19/3588)

69/20

RECOMMENDATION:

- a) That the amended Guyra Development Control Plan 2015, as outlined in the report be placed on public exhibition for a minimum of 28 days beginning 29 April 2020 until 27May 2020.
- b) That a further report be provided to Council for consideration of any submissions received, however if no submissions are received within the submission period, the amended Guyra Development Control Plan 2015 be adopted.

PASSED BY CONSENSUS

12.4 FOR DECISION: Engagement of GCE Contractors

Ref: AINT/2020/10890 (ARC19/3584)

70/20

RECOMMENDATION:

That Council engage GCE Contractors to provide crushing and screening of concrete, brick and tile services to Armidale Regional Council's waste management facilities for the next two years.

PASSED BY CONSENSUS

13. REPORTS FOR DECISION - OUR PEOPLE AND COMMUNITY
NIL.

14. REPORTS FOR INFORMATION

14.1 FOR INFORMATION: Cash and Investment Report March 2020

Ref: AINT/2020/09645 (ARC16/0001-5)

71/20

Moved Cr Gray

Seconded Cr Murat

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

The recommendation on being put to the vote was CARRIED.

14.2 FOR INFORMATION: Acceptance of Tenders under Delegated Authority

Ref: AINT/2020/03486 (ARC17/2016)

72/20

Moved Cr Gray

Seconded Cr Murat

That Council note the report on the acceptance of tenders under delegated authority to 31 December 2019.

The recommendation on being put to the vote was CARRIED.

14.3 FOR INFORMATION: Cash and Investment Report February 2020

Ref: AINT/2020/04940 (ARC16/0001-5)

73/20

Moved Cr Gray

Seconded Cr Murat

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

The recommendation on being put to the vote was CARRIED.

14.4 FOR INFORMATION: Monthly Financial Report March 2020

Ref: AINT/2020/05163 (ARC19/3334)

74/20

Moved Cr Gray

Seconded Cr Widders

That Council receive and note the Monthly Financial Report for March 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.

14.5 FOR INFORMATION: Arts, Cultural and Heritage Advisory Committee change of chair

Ref: AINT/2020/02631 (ARC16/0217)

75/20

DEFERRED

- a) That the Terms of Reference of the Arts, Cultural and Heritage Advisory Committee provides for the Mayor to assume chair of it.
- b) In Terms of Clause a new Chair has been elected, Ms Caroline Downer, by the committee itself.

14.6 FOR INFORMATION: Status Report on Stronger Communities Fund and New Council Implementation Fund

Ref: AINT/2020/05212 (ARC16/0014)

76/20

Moved Cr Gray

Seconded Cr Murat

- a) That Council note the current status of projects funded by the Stronger Communities Fund and New Council Implementation Fund; and
- b) That Council note that due to the cumulative impacts of drought, fires and storms, an extension will be sought from the Office of Local Government until 30 June 2021 to finalise expenditure on the Stronger Communities Fund - Major Projects.

The recommendation on being put to the vote was CARRIED.

14.7 FOR DECISION: Water security

Ref: AINT/2020/05492 (ARC17/1633)

77/20

RECOMMENDATION:

That Council note a Water Security policy cannot progress until the IWCM and Secure Yield Study have been completed as they will form the basis of any planned infrastructure works to achieve increased water storage and security.

PASSED BY CONSENSUS

**14.8 FOR INFORMATION: Tamworth Regional Blueprint 100 and Draft Tamworth
Local Strategic Planning Statement** *Ref: AINT/2020/05481 (ARC17/1936)*

78/20

Moved Cr Gray Seconded Cr Murat

- a) That the reports on Tamworth Regional Blueprint 100 and the draft Tamworth Regional Local Strategic Planning Statement be noted.
- b) That Council note a submission to Tamworth Regional Council on Blueprint 100 and the Draft Local Strategic Planning Statement making the following points:
- I. That Council supports and congratulates Tamworth Regional Council on its significant strategic planning efforts in producing Blueprint 100 and its Draft Local Strategic Planning Statement;
 - II. That Council supports and reiterates the identification of Armidale and Tamworth in the New England North West Regional Plan 2036 as being the two regional cities within the New England North West region.
 - III. That Council supports the identification of strong infrastructure and transport networks for a connected future between Armidale, Tamworth and the New England North West.
 - IV. That Council recognises Tamworth Regional Council's aspirations for a University to be established in Tamworth, however, Armidale Regional Council will continue to prioritise its strong existing education focus and that it will continue to foster the growth of knowledge-based, education and health services industries and cluster related activity around the Armidale Rural Referral Hospital and the University of New England.

The recommendation on being put to the vote was CARRIED.

14.9 FOR INFORMATION: Armidale Regional 2040 Plan update

Ref: AINT/2020/10151 (ARC19/3217)

79/20

Moved Cr Gray Seconded Cr Murat

That the report providing an update on the Armidale Regional 2040 Plan be noted.

The recommendation on being put to the vote was CARRIED.

14.10 FOR INFORMATION: Quarterly Report Complaints and Requests for Service

Ref: AINT/2020/10595 (ARC20/3636)

80/20

Moved Cr Gray Seconded Cr Murat

That the following information regarding complaints and requests for service to Armidale Regional Council received from 1 January 2020 to 31 March 2020 be noted

The Motion on being put to the vote was CARRIED.

15. REQUESTS FOR LEAVE OF ABSENCE
NIL.

16. AUTHORITY TO AFFIX COUNCIL SEAL
NIL.

17. COMMITTEE REPORTS

17.1 FOR DECISION: Minutes - Traffic Advisory Committee - 03 March 2020 *Ref: AINT/2020/053*

81/20

Moved Cr Martin

Seconded Cr Gray

- a) **That the Minutes of the Traffic Advisory Committee meeting held on 3 March 2020 be noted and endorsed.**
- b) **That approval be granted for the temporary road closures for the Armidale 2020 ANZAC Day March and Commemoration Service that will occur on Saturday 25 April 2020, for Faulkner Street from Dumaresq Street to Beardy Street and the connecting intersections with East Mall and Rusden Street.**
- c) **That the Traffic Committee approves the use of Armidale Regional Council local roads only, in accordance with the submitted Traffic Management Plans and Traffic Control Plans, and subject to any special conditions required by NSW Police in the Section 40 approval.**
- b) **That Council be provided copies of required approvals from the Roads and Maritime Services, Bellingen, Coffs Harbour and Clarence Valley Councils' for the use of respective roads under their management.**
- d) **That the requested temporary road closure for Special Event Transport Management Plan Hope Family Fundraiser 21 March 2020 be endorsed.**
- e) **That the Special Event Transport Management Plan for the Armidale Cycling Club Invergowrie Road Race to be held 3rd May be noted.**
- f) **That a central tear drop median island and 10m BB lines be installed in Samuelson Crescent at the interstation with Golgotha Street.**
- g) **That a Shared Zone in the Armidale Mall be endorsed for a trial period of 12 months trial with a review to be undertaken in 6 months of operation.**
- h) **That the Shared Zone in the eastern half of the Central Mall be formalised with permanent signage, bollards and line marking and is at no cost to Council.**
- i) **That the Mall stage be removed to allow for an access driveway for the shared Zone in the eastern half of the Mall.**
- j) **That the entry times into the shared Zone in the eastern half of the Mall be between 5pm and 8.30am.**

- k) That 'No Parking' be installed in Dumaresq Street at the entrance to the motel with a net loss of 4 on-street parking spaces.
- l) That the No Stopping Zone on the southern side of Rusden Street at the Mid-block Crossing at CAB be extended by removing one parking space.
- m) That approval be granted for the temporary rolling road closures requested for Ollera and Bradley Streets, continuing to the war memorial for the Annual Anzac Day to be held on 25 April 2020, in accordance with the traffic control plan.

Amendment

Cr Martin

That recommendations g) through to j) be deferred.

DIVISION The result being:-

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

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

The Mayor declared the MOTION LOST.

The vote was called again, the results being:

FOR: Crs L Martin, B Widders, S Murray, D Gray

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

The Mayor declared THE MOTION LOST.

AMENDMENT

82/20

Moved Cr Tiley

Seconded Cr O'Connor

That the Traffic Committee minutes as presented be adopted with the exception of g) through to j) which are not adopted.

DIVISION The result being:-

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

AGAINST: Crs D Gray, L Martin and S Murray

The Mayor declared the MOTION CARRIED.

**17.2 FOR INFORMATION: Minutes - Armidale Regional Aboriginal Advisory
Committee 25 February 2020**

Ref: AINT/2020/04566 (ARC20/3647)

83/20

Moved Cr Gray

Seconded Cr Murat

That the Minutes of the Armidale Regional Aboriginal Advisory Committee meeting held on 25 February be noted.

The Motion on being put to the vote was CARRIED.

**17.3 FOR INFORMATION: Minutes - Community Wellbeing Advisory Committee 30
January 2020**

Ref: AINT/2020/04569 (ARC16/1052)

84/20

Moved Cr Gray

Seconded Cr Murat

That the Minutes of the Community Wellbeing Advisory Committee meeting held on 30 January 2020 be noted.

The Motion on being put to the vote was CARRIED.

**17.4 FOR DECISION: Minutes - Arts, Culture and Heritage Advisory Committee 12
February 2020**

Ref: AINT/2020/02855 (ARC16/0217)

85/20

DEFERRED

That the Minutes of the Arts, Cultural & Heritage Advisory Committee meeting held on 12 February 2020 be noted and the following recommendations endorsed:

- a) **That Caroline Downer be elected the new chair of the Arts, Cultural and Heritage Advisory Committee.**
- b) **That Council affirm its commitment to arts, culture and heritage and retains specialist knowledge within the organisation to advocate, guide and provide advice in this area.**
- c) **That \$5,000 is allocated to an annual public art fund for current and future projects.**
- d) **That \$20,000 is allocated to an annual community arts grant program developed and administered by the Arts, Cultural and Heritage Advisory Committee.**
- e) **That cultural tourism is recognised as one of the key economic drivers for the region and receives appropriate resourcing, including budget, to strengthen and grow the industry.**

**17.5 FOR DECISION: Minutes - Arts, Cultural and Heritage Advisory Committee 11
March 2020**

Ref: AINT/2020/05421 (ARC16/0217)

86/20

DEFERRED

That the Minutes of the Arts, Culture and Heritage Committee meeting held on 11 March be noted and the following recommendations endorsed:

- a) That Council base its cultural tourism planning on the following principles:**
- i. The Armidale Region has a rich arts and cultural life.**
 - ii. Visitors to the Armidale region are interested in local history and culture.**
 - iii. Visitors stay longer and spend more when they attend and experience arts, culture and heritage.**
 - iv. People travel for arts events and make return visits.**

**17.6 FOR INFORMATION: Minutes - Regional Growth and Place Activation Peak
Advisory Committee 25 March 2020**

Ref: AINT/2020/09950 (ARC19/3530)

87/20

Moved Cr Gray

Seconded Cr Murat

That the Minutes of the Regional Growth and Place Activation Peak Advisory Committee meeting held on 25 March 2020 and 5 February 2020 be noted.

The Motion on being put to the vote was CARRIED.

17.7 FOR INFORMATION: Minutes - Sports Council - 3 March 2020

Ref: AINT/2020/10948 (ARC16/0330)

88/20

Moved Cr Gray

Seconded Cr Murat

That the Minutes of the Sports Council Committee meeting held on 3 March 2020 be noted and the following recommendation endorsed:

- a) That Council endorse the funding applications:**
- i. Charlise Deiderick – Junior Nationals Physical Culture - \$250**
 - ii. Sophie Parsons – School Sport Australia U12s National Cricket Championships - \$250**
 - iii. Elliot Clarke – Hockey Australia U13s National Indoor Hockey Championships - \$250**
 - iv. Tyler McCann – National Indoor Hockey Championships – U15 NSW indoor team - \$250**
 - v. Jake McCann – National Indoor Hockey Championships – U21 NSW indoor**

- team - \$250
- vi. Charlotte Portel – National indoor Hockey Championships – U13 NSW indoor team - \$250
- vii. Lawson Fittler – Australia Junior Athletics Championships - \$250
- viii. Emerson Fittler – State representation for National Athletics Championships - \$250

The Motion on being put to the vote was CARRIED.

17.8 FOR DECISION: MINUTES – Community Wellbeing Committee Meeting 9 April 2020

Ref: Aint/20202/11099

89/20

RECOMMENDATION:

That the Minutes of the Community Wellbeing Advisory Committee meeting held on 9 April 2020 be noted and the following recommendation endorsed:

- a) **That the hardship amendment as read out to the committee be accepted and endorsed as the Committee feedback to the draft interim hardship policy.**

PASSED BY CONSENSUS

17.9 FOR DECISION: MINUTES – Environmental Sustainability Advisory Committee Meeting 20 April 2020

Ref: AINT/2020/11189

90/20

Moved Cr Bailey

Seconded Cr O'Brien

That the Minutes of the Environmental Sustainability Advisory Committee meeting held on 20 April 2020 be noted and the following recommendations endorsed:

- a) **That ESAC notes and discussions of the Climate Emergency Working Group (CEWG) report be considered.**
- b) **That the CEWG continues to work with staff and provide input into future Budgets and Operational Plans for the short, medium and long term in addressing the Climate Emergency.**
- c) **That the CEWG's Terms of Reference are amended to ensure the working group can continue its important work for as long as needed, or until the Environmental Sustainability Advisory Committee is dissolved prior to the next Armidale Regional Council election (whichever is sooner).**

d) That concerns raised by the ESAC Chair are deferred to the Extraordinary Meeting of Council 13 May 2020 for discussion.

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 unanimously.

18. MATTERS OF AN URGENT NATURE
NIL

19. QUESTIONS ON NOTICE

PROCEDURAL MOTION

91/20

Moved Cr Robinson

That a question asked in the agenda Questions on Notice 6 is answered by the Mayor.

The question was taken on notice.

MEETING SUSPENDED AT 11.43AM

MEETING RESUMED AT 11.53AM

PROCEDURAL MOTION

92/20

Moved Cr Gray

Seconded Cr Tiley

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

20.1 FOR DECISION: Proposed Expenditure of \$2.2M Grant Funding. (AINT/2020/02133) - *As this report deals with information that would, if disclosed, prejudice the maintenance of law (Section 10A(2)(e) 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: Biodiversity Options to fulfill Councils commitments required under Planning Agreement between Sorenta Pty Ltd and Mr Peter Maguire. (AINT/2020/10174) - *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. (The report recommends a position on the renegotiation of the planning agreement between Council and the Developer)

- 20.3 FOR DECISION: Mayoral Minute Item 6.1. (AINT/2020/05480) - *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.*
- 20.4 FOR DECISION: Legal advice provided to CEO. (AINT/2020/05615) - *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.*
- 20.5 FOR DECISION: Written advice is provided by Counsel Lucy Saunders. (AINT/2020/05617) - *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.*
- 20.6 FOR DECISION: Meeting to resolve deferred motion ECM 12 March 2020. (AINT/2020/05620) - *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.**
- d) The Motion on being put to the vote was CARRIED.**

Council entered Closed Session at 11.54pm.

Council returned to Open Session at 12.31pm.

RESUMPTION OF MEETING

93/20

Moved Cr Gray

Seconded Cr Martin

That the recommendations of Closed Session be adopted.

The Motion on being put to the vote was CARRIED.

20. CLOSED SESSION

20.1 FOR DECISION: Proposed Expenditure of \$2.2M Grant Funding

Ref: AINT/2020/02133 (ARC19/3092)

- a) That Council acknowledge the distress caused by recent bushfires, ongoing drought and water crisis on the community of Armidale Regional Council local government area.
- b) That Council acknowledges the \$1.3M grant from the Federal Government and \$900k grant from the State Government and expresses their gratitude for this financial assistance.
- c) That Council note the list of Projects & Activities for Bushfire Recovery & Drought Stimulus Funding which are being pursued.

20.2 FOR DECISION: Biodiversity Options to fulfil Councils commitments required under Planning Agreement between Sorenta Pty Ltd and Mr Peter Maguire

Ref: AINT/2020/10174 (ARC17/2196)

- a) That Council staff be delegated to renegotiate with the developer of the Armidale Airport East industrial subdivision, and make amendments to the Voluntary Planning Agreement concerning the cost and location of Biodiversity Credits the developer requires under DA-46-2019/A.
- b) That this negotiation include the relocation of Biodiversity Offsets to the eastern side of Dumaresq Dam and attempt to limit Council financial liability for the provision of Biodiversity Credit required under DA-46-2019/A, as follows:
 - a. The developers upfront cost for the Biodiversity Credits be retained at \$186,680;
 - b. The developers cost per Hectare of released land be increased to between \$4,709.073 to \$5,713.425 per hectare as lots are released.
- c) That subject to the developer agreeing to an amount in (b) above, the Voluntary Planning Agreement be amended and placed on public exhibition for a minimum period of 28 days.
- d) That should no submissions been received during the period specified (c) the CEO be delegated to sign the new agreement.

There being no further business the Mayor declared the Extraordinary Council Meeting 12 March 2020 closed and this meeting closed at 12.40pm.