



## ORDINARY MEETING OF COUNCIL

Held on

Wednesday, 28 March 2018  
1pm

at

Guyra Council Chambers

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

**IN ATTENDANCE:** Mr Chris Rose (Interim Chief Executive Officer), Mr Lindsay Woodland (Group Leader Organisation Services), Mr Mark Piorkowski (Group Leader Service Delivery), Mr Keith Lockyer (Service Leader Finance and Information Technology), Mr Ambrose Hallman (Service Leader Sustainability and Development), Ms Nathalie Heaton (Service Leader Governance Risk and Corporate Planning), Ms Krista Schmidt (Service Leader Community and Customer Services), Mr Greg Meyers (Director Planning and Environmental Services), Mr Peter Wilson (Senior Governance Officer), Mr Phil Perram (Service Leader Business Units), Ms Jo Harrison (Program Leader Communications) and Ms Hayley Ward (Executive Officer).

MINUTES

1. CIVIC PRAYER AND RECOGNITION OF TRADITIONAL OWNERS

2. STATEMENT IN RELATION TO LIVE STREAMING OF COUNCIL MEETING

3. APOLOGIES

Cr Gray has a Leave Absence that was approved at the Ordinary Council Meeting 28 February 2018.

4. DISCLOSURE AND DECLARATION OF INTERESTS

Name	Item	Nature of Interest	Reason/Intended Action
Cr O'Connor	9.1 FOR DECISION: Consideration of Submissions and Adoption of Media Policy	<input type="checkbox"/> Pecuniary <input type="checkbox"/> Significant Non Pecuniary <input checked="" type="checkbox"/> Non-Significant Non Pecuniary	Reason: Family member wrote a submission on Media Policy.  Intended action: Remain in the meeting.

Name	Item	Nature of Interest	Reason/Intended Action
Cr O'Connor	11.2 FOR DECISION: Modification to DA-19-2009/A - Deletion of Conditions 7 and 47	<input type="checkbox"/> Pecuniary <input type="checkbox"/> Significant Non Pecuniary <input checked="" type="checkbox"/> Non-Significant Non Pecuniary	Reason: May have seen the DA or plans for the submission during some contract work in 2017. No influence on voting.  Intended action: Remain in the meeting.

5. HAVE YOUR SAY

- Robert Lenehan Item 16.2 FOR DECISION: Minutes - Regional Growth Advisory Committee Meeting – 1 March 2018 – speaking against the New England Rail Trail.
- Adriana Hegney McClenaghan 13.2 FOR INFORMATION: Mall Development Progress Report – speaking for the item and tabled documents.

Councillors Galletley and Murat arrived at 1.06pm.

6. CONFIRMATION OF MINUTES

**CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 28 FEBRUARY 2018**

30/18

**Moved Cr O'Connor**

**Seconded Cr Widders**

**That the minutes be taken as read and be accepted as a true record of the Meeting subject to the following amendment:**

Note that the Resolution 5/18 was moved by Cr O'Connor and seconded by Cr Tiley.

Councillors Widders and Robinson moved an original motion "That the Draft Community Engagement Strategy for the Integrated Planning and Reporting Framework be noted and that any suggestions offered by councillors or other interested parties be considered."

An amendment was moved by Cr O'Connor and seconded by Cr Tiley "That this matter be deferred to the March Ordinary Council Meeting"

The original motion was subsequently withdrawn with the amendment then becoming the motion.

**The Motion on being put to the vote was CARRIED.**

**CONFIRMATION OF THE MINUTES OF THE EXTRAORDINARY COUNCIL MEETING HELD ON 26 MARCH 2018**

31/18

**Moved Cr Bailey**

**Seconded Cr Tiley**

**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  
NIL.

8. NOTICES OF MOTION  
NIL

9. REPORTS FOR DECISION - LEADERSHIP FOR THE REGION

9.1 FOR DECISION: Consideration of Submissions and Adoption of Media Policy

*Ref: AINT/2018/04585 (ARC17/2331)*

32/18

Moved Cr O'Brien

Seconded Cr O'Connor

- a) That the views expressed in the submissions be noted; and
- b) That the Media Policy, as amended, be adopted.

The Motion on being put to the vote was CARRIED unanimously.

9.2 FOR DECISION: Community Engagement Strategy - Integrated Planning and Reporting - Community Strategic Plan and Delivery Program

*Ref: AINT/2018/02364 (ARC16/0502)*

33/18

Moved Cr Galletly

Seconded Cr Robinson

- a) That Council endorse the Community Engagement Strategy for the Community Strategic Plan as detailed in the attachment.
- b) That Council endorse the establishment of a Community Reference Group as detailed in this report, with an initial task of providing input for Council's consideration on the new Delivery Program and 2018/19 Operational Plan.

The Motion on being put to the vote was CARRIED.

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

Nil.

11. REPORTS FOR DECISION - ENVIRONMENT AND INFRASTRUCTURE

**11.1 FOR DECISION: Proposed Dedication of Land to Council - Lot 7 DP 1204137**

*Ref: AINT/2018/03812 (ARC16/0606)*

34/18

**Moved Cr Murat**

**Seconded Cr Robinson**

- a) That the proposal from the Department of Family and Community Services (DFACS), to dedicate Lot 7 DP 120137 to Council, be accepted and that the land be classified as Operational Land;
- b) That a response be provided to the DFACS confirming acceptance of the dedication and proceed with associated legal steps; and
- c) That the Council seal be affixed to the documents associated with the dedication.

**The Motion on being put to the vote was CARRIED.**

**11.2 FOR DECISION: Modification to DA-19-2009/A - Deletion of Conditions 7 and 47**

*Ref: AINT/2018/04026 (DA-19-2009/B)*

35/18

**Moved Cr Robinson**

**Seconded Cr Bailey**

**That the item be deferred to the 26 April 2018 Council meeting and an on site inspection be arranged.**

**The Motion on being put to the vote was CARRIED.**

### 11.3 FOR DECISION: Placename Application - Houses Gully

*Ref: AINT/2018/04248 (ARC16/0043)*

36/18

Moved Cr Murat

Seconded Cr O'Connor

- a) That Council advertise its intention to name the gully running through 154 Mount Pleasant Road Enmore as "Houses Gully";
- b) That Council also notify the following agencies of its preferred road naming in accordance with Part 2 of the NSW Roads Regulation 2008:
  - NSW Department of Lands;
  - Australia Post;
  - NSW Land and Property Information (Registrar-General and Surveyor-General);
  - NSW Police Service;
  - NSW Ambulance Service;
  - NSW Fire Brigades;
  - NSW Rural Fire Service;
  - NSW State Emergency Service;
  - NSW Volunteer Rescue Association Incorporated.
- c) That in the absence of any objections, the gully be so named in accordance with Council's Policy 071 and related procedure; and
- d) That Council notify all affected property owners of the proposed place naming.

The Motion on being put to the vote was CARRIED.

### 11.4 FOR DECISION: Acquisition of Purple Air Monitors for Monitoring of Wood Smoke Emissions

*Ref: AINT/2018/04364 (ARC17/2442)*

37/18

Moved Cr Robinson

Seconded Cr Widders

That interested councillors and members of the Environmental Sustainability Advisory Committee work with council staff to set up monitoring involving the EPA monitoring site, schools, local businesses, interested residents, council and other community buildings, to meet council's budgetary requirements and the need to have effective monitoring in place before the start of winter.

The Motion on being put to the vote was CARRIED.

12. REPORTS FOR DECISION - OUR PEOPLE AND COMMUNITY

**12.1 FOR DECISION: RSL request for financial assistance** *Ref: AINT/2018/05252 (ARC16/0090)*

38/18

**Moved Cr Bailey**                      **Seconded Cr Murat**

**That Council approve a Section 356 donation of \$1,826.00 for the hire of chairs, tables and carpet, for the 2018 Anzac Day Ceremony held 25 April 2018.**

**The Motion on being put to the vote was CARRIED unanimously.**

13. REPORTS FOR INFORMATION

**MOTION**

**Moved Cr Bailey**                      **Seconded Cr Murat**

**That the Reports for Information Items 13.1, 13.2, 13.3 and 13.4 be adopted.**

**The Motion on being put to the vote was CARRIED unanimously.**

**13.1 FOR INFORMATION: Cash & Investments Report for February 2018**

*Ref: AINT/2018/03914 (ARC17/2209)*

39/18

**That Council note the Cash & Investments Report, as at 28 February 2018, reporting Investments held of \$62,292,415.83 and a consolidated Bank Account balance of \$4,971,163.63, excluding the Trust Fund.**

**13.2 FOR INFORMATION: Mall Development Progress Report**

*Ref: AINT/2018/05201 (ARC16/0001-3)*

40/18

**That Council note the progress report on the Mall Development Project.**

**13.3 FOR INFORMATION: Progress Report on Grants and Funding Opportunities**

*Ref: AINT/2018/05250 (ARC16/0874)*

41/18

**That Council notes the progress on Government grants and funding opportunities.**

**13.4 FOR INFORMATION: Correcting the Public Record for Mall Engagement**

*Ref: AINT/2018/05426 (ARC16/1419-3)*

42/18

**That Council note the correction to the Report to Council, *Community Engagement Results – Mall Project*, presented to Council at the Ordinary Council Meeting on 28 February 2018.**

14. REQUESTS FOR LEAVE OF ABSENCE  
Nil.

15. AUTHORITY TO AFFIX COUNCIL SEAL  
Nil.



16. COMMITTEE REPORTS

**16.1 FOR DECISION: Minutes - Environmental Sustainability Advisory Committee -  
28 February 2018**

*Ref: AINT/2018/03954 (ARC16/0864)*

**Motion**

**Moved Cr Robinson**

**Seconded Cr O'Connor**

**That the following recommendations from the Environmental Sustainability Committee meeting held on 28 February 2018 be adopted:**

- a) That the minor changes to the Terms of Reference be amended as discussed;**
- b) That Council acknowledge there is no safe level of PM2.5 pollution and notes the health and community benefits of an effective wood smoke reduction program;**
- c) That Council continues and intensifies education and publicity efforts regarding the health effects of wood smoke;**
- d) That Council should prioritise investigation of all possible sources of continued funding for demonstration projects;**
- e) That Council does not permit the installation of wood heaters in the urban area of Armidale in:
  - (i) any new home;**
  - (ii) in any renovation or extension where a wood heater did not previously exist;****
- f) That Council streamline and enforce compliance for excessively polluting households.**

**16.1 FOR DECISION: Minutes - Environmental Sustainability Advisory Committee -  
28 February 2018**

*Ref: AINT/2018/03954 (ARC16/0864)*

43/18

**Amendment**

**Moved Cr Tiley**

**Seconded Cr Murat**

**That the following recommendations from the Environmental Sustainability Committee meeting held on 28 February 2018 be adopted:**

- a) That the minor changes to the Terms of Reference be amended as discussed;**
- b) That Council acknowledge there is no safe level of PM2.5 pollution and notes the health and community benefits of an effective wood smoke reduction program;**
- c) That Council continues and intensifies education and publicity efforts regarding the health effects of wood smoke;**
- d) That Council should prioritise investigation of all possible sources of continued funding for demonstration projects.**

**The Amendment on being put was CARRIED.**

**The Amendment then became the Motion and on being put to the vote was CARRIED.**

**Cr O'Connor requested her dissenting vote be recorded.**

**16.2 FOR DECISION: Minutes - Regional Growth Advisory Committee - 1 March 2018**

*Ref: AINT/2018/03965 (ARC16/0169)*

44/18

**Moved Cr Galletly**

**Seconded Cr Martin**

**That the following recommendations from the Regional Growth Advisory Committee meeting held on 1 March 2018 be adopted:**

**Acacia Park**

- a) That a directional sign for Acacia Industry Park be placed on the Grafton Road near Bunnings.**

**Pilot Academy**

- e) That the Committee supports Council in setting up a Qantas Pilot Academy/Flight Training School.**

**The Motion on being put to the vote was CARRIED.**

CR IAN TILEY LEFT THE MEETING, THE TIME BEING 02:23 PM

**16.3 FOR INFORMATION: Minutes - Arts & Cultural Advisory Committee - 22  
February 2018**

*Ref: AINT/2018/04178 (ARC16/0217)*

45/18

**Moved Cr O'Connor                      Seconded Cr Murat**

**That the following resolutions from the Arts and Cultural Advisory Committee meeting held on 22 February 2018 be adopted:**

- a) That Council note the change of committee name to Arts, Cultural and Heritage Advisory Committee.**
- b) That Council note the minor changes to the amended Arts, Cultural and Heritage Advisory Committee Terms of Reference.**

**The Motion on being put to the vote was CARRIED.**

**16.4 FOR INFORMATION: Minutes - Armidale Regional Youth Advisory Committee -  
19 February 2018**

*Ref: AINT/2018/04181 (ARC16/0591)*

46/18

**Moved Cr Murat                      Seconded Cr Martin**

**That Council note the Minutes of the Armidale Regional Youth Advisory Committee Meeting held on 19 February 2018 which contains no recommendations for adoption.**

**The Motion on being put to the vote was CARRIED.**

CR IAN TILEY RETURNED TO THE MEETING, THE TIME BEING 02:26 PM

**16.5 FOR DECISION: Minutes - Audit and Risk Committee - 27 February 2018**

*Ref: AINT/2018/04414 (ARC16/0522)*

47/18

**Moved Cr O'Connor                      Seconded Cr Murat**

**That the following resolutions from the Audit and Risk Committee meeting held on 27 February 2018 be noted:**

- a) That the Committee be provided with a copy of the New England Weeds Authority's Audit Report for 2016/17.**

- b) That the Committee note the resignation of Thomas Noble & Russell Financial Services P/L as council's Internal Auditor, effective January 2018.**
- c) That the Committee express its appreciation to Kevin Franey and his staff for their professionalism and expertise in performing the internal audit services for the period 2012 to 2017.**
- d) That a Committee meeting be held on Tuesday 18 September 2018, commencing at 5.30pm, for the approval of the draft 2017-2018 financial reports to be signed off and submitted for audit, which is in line with the audit timeframe.**
- e) That a Committee meeting be held on Tuesday 23 October 2018, commencing at 5.30pm, for the signing off of the final 2017-2018 financial reports following audit, which is in line with the audit timeframe.**
- f) That the Committee note the External Audit Management Letter for Council for the period 13 May 2016 to 30 June 2017.**
- g) That the Committee note the findings and recommendations of the AO Performance Audit – Council Reporting on Service Delivery 2017.**
- h) That the Committee note the 2017 Code of Conduct Complaint Statistics Report for the period 1 September 2016 to 31 August 2017.**
- i) That the Committee note the Annual Leave Balance Report, as at 31 December 2017, showing that 37 employees or 12.46% of total employees have a leave balance greater than 8 weeks.**
- j) That the Committee accept the resignation of Independent Member Ben Harris.**

**That the following recommendations from the Audit and Risk Committee meeting held on 27 February 2018 be adopted subject to d) being amended:**

- a) That the Committee recommend to Council that the request, to be appointed the Audit and Risk Committee for the New England Weeds Authority, be adopted.**
- b) That the Committee recommend to Council to call a Request For Tender – Internal Audit Function.**
- c) That the Committee recommend to Council that the independent member vacancy not be filled, as the remaining four (4) independent members exceeds the suggested number of 2 or 3 under the OLG Internal Audit Guidelines.**
- d) That the Committee recommend to Council that a Professional Development Program in audit and risk be extended to all committee members.**

**That the following recommendations from the Audit and Risk Committee meeting held on 27 February 2018 not be adopted:**

- a) **That the Committee recommend to Council that a Standing Committee – Finance be established.**
- b) **That the Committee recommend to Council that monthly financial reports be submitted to the Standing Committee – Finance.**

**The Motion on being put to the vote was CARRIED.**

17. MATTERS OF AN URGENT NATURE  
NIL.

18. QUESTIONS ON NOTICE  
NIL.

#### **PROCEDURAL MOTION**

**Moved Cr Murat**

**Seconded Cr Martin**

**That Council adjourn for a 10 minute break at 2.30pm.**

**Council resumed the meeting at 2.45pm.**

## **PROCEDURAL MOTION**

**Moved Cr Robinson**

**Seconded Cr Martin**

### **a) That Council move into Confidential Session to receive and consider the following items:**

- 19.1 FOR DECISION: Tender - Management and Operation of New Kolora 32 Bed Aged Care Facility in Guyra. (AINT/2018/03030) - *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.*
- 19.2 FOR DECISION: Armidale Rams Rugby League Club - Outstanding Water Charges . (AINT/2018/04165) - *As this report deals with the personal hardship of any resident or ratepayer (Section 10A(2)(b) 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.*
- 19.3 FOR DECISION: Tender for the Design, Supply and Construction of 7 Bridges. (AINT/2018/04751) - *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 resolution(s) made in Confidential Session public as soon as practicable**

**The Motion on being put to the vote was CARRIED.**

Council entered Confidential Session at 2.48pm

Council returned to Open Session at 3.42pm.

19. CLOSED SESSION

**PROCEDURAL MOTION**

Moved Cr Murat                      Seconded Cr O'Connor

**That Council return to Open Session.**

**The Motion on being put to the vote was CARRIED.**

**MOTION**

48/18

Moved Cr Murat                      Seconded Cr Widders

**That Council adopt the following recommendations.**

**Recommendation 1:**

**Tender - Management and Operation of New Kolora 32 Bed Aged Care Facility in Guyra**

- a) **That Council note that only one Tender was received following the invitation to the two groups who expressed an interest through the public Expressions of Interest process for the Management and Operation of the new Kolora 32 bed Aged Care Facility in Guyra.**
- b) **That Council advise McLean Care Ltd that the sale of the property is not a consideration at this time.**
- c) **That Council note the variations sought by the Tenderer and the other matters identified in this report including the advice received from Russell Kennedy Solicitors.**
- d) **That Council agree to a further 6 week due diligence process requested by the Tenderer to clarify the matters they raise and outlined in this report.**
- e) **That the Mayor and Chief Executive Officer be authorised to negotiate and finalise the matters identified by the tenderer and generally in accordance with this report providing the best possible outcome for Council.**
- f) **That subject to the Mayor and Chief Executive Officer being satisfied that all matters have been addressed, Council accept the Tender submitted by McLean Care Ltd for the Management and Operation of the new Kolora 32 bed Aged Care Facility in Guyra for the proposed 5+5+5 year lease.**
- g) **That the Chief Executive Officer, in accordance with the provisions of the Local Government Act 1993 and the NSW Local Government State Award commence formal**

**notification and advise all affected staff and their Unions that Council proposes to outsource the Management and Operation of the new Kolora 32 bed Aged Care Facility in Guyra.**

- h) That the Mayor and Chief Executive Officer be authorised to sign and affix Council seal as required to complete the Lease and Transfer Agreement for the Management and Operation of the new Kolora 32 bed Aged Care Facility in Guyra.**
- i) That Council establish a Kolora Sinking Fund Reserve and deposit the income from the transfer of Allocated Spaces and Plant and Equipment.**
- j) That any surplus funds from rental income be placed in reserves for future maintenance and repair.**
- k) That Council confirm its preference for the name Kolora to continue to be used for the facility.**

**Recommendation 2:**

**Armidale Rams Rugby League Club - Outstanding Water Charges**

- a) That Council approve a 4 year repayment plan for the outstanding water consumption charges accrued by the Armidale Rams Rugby League Club on Water Assessment 29002-3;**
- b) That Council waive outstanding interest charges, subject to the Armidale Rams Rugby League Club abiding by the repayment plan and paying for future billed water by the due dates; and**
- c) That Council commence standard debt recovery actions, which include the engagement of an external collection agency to recover the outstanding debt, including accrued interest and possible water restriction, should the Armidale Rams Rugby League Club fail to abide by the terms of the repayment plan.**

**Recommendation 3:**

**Tender for the Design, Supply and Construction of 7 Bridges**

- a) That Council note the adopted timber bridge program.**
- b) That Council note the project estimate of \$1,670,221 for the upgrade of seven timber bridges with concrete structures is funded 34% by the Federal Bridges Renewal Program and 66% under the Stronger Regions Fund.**
- c) That Council having considered the tender documentation, the outcome of the assessment analysis and referee checks, award the contract to Bedrule Pty Ltd T/as TOBCO (OTG) for the contract price of \$1,337,165.5 including GST.**
- d) That the unsuccessful tenderers be notified of Council's decision and thanked for their interest, time and effort in submitting a tender.**
- e) That Council note that its bridgeworks teams will be conducting works on Kaurala Bridge, Shingle Hut Bridge and Pint Pot Creek Bridge under this program during this and the next**



**financial year at an estimated cost of \$1.22m.**

- f) That Council note that tenders will be called for an additional three bridges which are expected to be approved under delegated authority.**
- g) That an application be made for upgrade of the remaining bridge structures in the next round of BRP.**

**The Motion on being put to the vote was CARRIED.**

There being no further business the Mayor declared the meeting closed at 3.44pm.