



ORDINARY MEETING OF COUNCIL

Held on

Wednesday, 22 November 2017
1pm

at

Guyra Council Chambers

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

IN ATTENDANCE: Mr Peter Dennis (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 Rob Shaw (Service Leader Roads and Parks), 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), Ms Leah Cook (Service Leader Asset Planning and Design), Mr Peter Wilson (Senior Governance Officer) 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
NIL.
4. DISCLOSURE AND DECLARATION OF INTERESTS

Name	Item	Nature of Interest	Reason/Intended Action
Cr Murat	Item 11.2 FOR DECISION: Planning Proposal for Draft Amendment No 9 to Armidale Dumaresq LEP 2012.	<input type="checkbox"/> Pecuniary <input checked="" type="checkbox"/> Significant Non Pecuniary <input type="checkbox"/> Non-Significant Non Pecuniary	Reason: Board member of Armidale Transport Museum who will benefit from rezoning. Intended action: Leave the Chamber

5. HAVE YOUR SAY

Mr Stefan Bjorkander (applicant) Item 11.3 FOR DECISION: Request to waive fees associated with development of land for purpose of a restaurant - 110 Beardy Street, Armidale (Lot 1 in DP1009134) – requested Council waive the fees.

6. CONFIRMATION OF MINUTES

CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 25 OCTOBER 2017

305/17

Moved Cr Murat

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.

7. RESCISSION MOTIONS

**7.1 FOR DECISION: Notice of Rescission Motion - Council Meeting 25 October 2017
Item 10.9 Motion to LGNSW Conference 2017 - Wood Heating Pollution Ref: AINT/2017/18**

306/17

Moved Cr Gray Seconded Cr Murat

MOTION TO RESCIND

That Resolution 289/17 be rescinded which RESOLVED that Council –

“That Council submit the following Environmental Policy motion to LGNSW for inclusion in the LGNSW Annual Conference 2017 Business Paper.

That Local Government NSW calls upon the NSW Government to:

- a) **develop legislation to allow local councils to follow the NSW Chief Medical Officer’s advice, e.g. by requiring wood heaters to be removed when houses are sold (estimated net benefit \$4 billion over 20 years).**
- b) **introduce an effective education and incentive program commensurate with the \$8 billion health cost of residential wood heating pollution in NSW that will create widespread understanding of the benefits of switching non-polluting heating.**
- c) **provide effective powers for councils to take action against unhealthy levels of wood smoke pollution, including local exceedances of National PM2.5 Air Quality Standards.”**

The Motion on being put to the vote was CARRIED.

8. NOTICES OF MOTION

8.1 FOR DECISION: Notice of Motion - Councillor O'Connor - Heritage and Tourism Signage *Ref: AINT/2017/17921 (ARC16/0025)*

Moved Cr Widders Seconded Cr O'Connor

That Council recognises and prioritises the following:

- (a) **The updating of heritage and tourism signage for the Armidale region including the Airport ;**
- (b) **Identification of grant opportunities to pay for the above from private and government sectors ; and**
- (c) **Local tourism and heritage groups being consulted and included in any consultation and implementation.**

The Motion on being put to the vote was LOST.

MOTION

307/17

Moved Cr Tiley

Seconded Cr Robinson

That council support and endorse the staff activity in relation to heritage and tourism interpretive signage as detailed in the report.

The Motion on being put to the vote was CARRIED.

9. REPORTS FOR DECISION - LEADERSHIP FOR THE REGION

9.1 FOR DECISION: Review of CEO Delegations of Authority*Ref: AINT/2017/18657 (ARC17/214)*

308/17

Moved Cr Tiley

Seconded Cr Murat

- (a) That any previous delegation to the Chief Executive Officer be revoked.**
- (b) That Council delegate to the Chief Executive Officer, the “Instrument of Delegation CEO” attached.**
- (c) For the period 27 September 2017 and ongoing appoint one of the two Group Leaders to act as Chief Executive Officer if the Chief Executive Officer is sick or otherwise absent from work on leave, with such appointment to cease upon the return to work of the Chief Executive Officer or other resolution of the Council.**
- (d) That Council delegate to any person acting as Chief Executive Officer, pursuant to this resolution, all the functions, delegations and sub-delegations given to the Chief Executive Officer by the Council.**

The Motion on being put to the vote was CARRIED.

9.2 FOR DECISION: Appointment of Councillors to Advisory and S355 Committees*Ref: AINT/20*

309/17

Moved Cr Tiley

Seconded Cr O'Connor

a) That a Councillor be appointed as the Chairperson to each of the following committees:

- Arts and Cultural Advisory Committee
- Community Wellbeing Advisory Committee
- Environmental Sustainability Advisory Committee
- Floodplain Management Advisory Committee
- Regional Growth Advisory Committee
- Traffic Advisory Committee
- Business Advisory Committee
- Armidale Regional Sports Council (S355)

b) That Councillors be appointed to each of the following committees:

- Armidale Regional Youth Advisory Committee (One Councillor)
- Arts and Cultural Advisory Committee (One Councillor)
- Audit Risk and Improvement Committee (Two Councillors)
- Community Wellbeing Advisory Committee (Two Councillors)
- Environmental Sustainability Advisory Committee (One Councillor)
- Floodplain Management Advisory Committee (One Councillor)
- Regional Growth Advisory Committee (Two Councillors)
- Traffic Advisory Committee (One Councillor as an alternate)
- Business Advisory Committee (One Councillor)
- Gayinyaga Aboriginal Advisory Committee (One Councillor)
- Armidale Regional Sports Council (One Councillor)

c) That the current committee community representatives, as detailed in the report, be reappointed for the term of the council.

d) That the Gayinyaga Aboriginal Advisory Committee be renamed the Armidale Region Gayinyaga Aboriginal Advisory Committee, and that a discussion paper be developed to enable consultation with the ATSIC people of Armidale, Guyra and Tingha, on the preferred governance and engagement model for the future.

The Motion on being put to the vote was CARRIED.

PROCEDURAL MOTION

Moved Cr O'Connor

Seconded Cr Gray

That Council suspend standing orders to move into Committee of the Whole to appoint chairpersons and councillors to the committees.

The Motion on being put to the vote was CARRIED.

PROCEDURAL MOTION

Moved Cr Martin Seconded Cr Gray

That Council resume standing orders.

The Motion on being put to the vote was CARRIED.

MOTION

310/17

Moved Cr Widders Seconded Cr Gray

a) That the following Councillors be appointed as the Chairperson to each of the following committees:

- **Arts and Cultural Advisory Committee – Cr O’Connor**
- **Community Wellbeing Advisory Committee – Cr O’Brien**
- **Environmental Sustainability Advisory Committee – Cr Robinson**
- **Floodplain Management Advisory Committee – Cr Galletly**
- **Regional Growth Advisory Committee – Cr Bailey**
- **Traffic Advisory Committee – Cr Martin**
- **Business Advisory Committee – Cr Gray**
- **Armidale Regional Sports Council (S355) – Cr Widders**

b) That the following Councillors be appointed to each of the following committees:

- **Armidale Regional Youth Advisory Committee (One Councillor) – Cr Widders**
- **Arts and Cultural Advisory Committee (One Councillor) – Cr Gray**
- **Audit Risk and Improvement Committee (Two Councillors) – Cr Gray/Cr O’Connor**
- **Community Wellbeing Advisory Committee (Two Councillors) – Cr Robinson/Cr Tiley**
- **Environmental Sustainability Advisory Committee (One Councillor) –Cr Gray**
- **Floodplain Management Advisory Committee (One Councillor) – Cr Tiley**
- **Regional Growth Advisory Committee (Two Councillors) – Cr Murat /Cr Gray**
- **Traffic Advisory Committee (One Councillor as an alternate) – Cr Robinson**
- **Business Advisory Committee (One Councillor) –Cr Martin**
- **Gayinyaga Aboriginal Advisory Committee (One Councillor) – Cr O’Brien**
- **Armidale Regional Sports Council (One Councillor) – Cr Galletly**

The Motion on being put to the vote was CARRIED.

9.3 FOR DECISION: Draft Media Policy

Ref: AINT/2017/18658 (ARC17/2331)

311/17

Moved Cr Tiley

Seconded Cr Gray

- (a) That the Draft Media Policy be endorsed.**
- (b) That the Draft Media Policy go on public exhibition for a period of not less than 28 days, from Friday 1 December 2017 to Monday 22 January 2018.**
- (c) That a further report be provided to the February 2018 Council meeting for consideration of any submissions received.**
- (d) That if no submissions are made within the submission period, then the Media Policy be adopted retrospectively.**
- (e) That it be acknowledged that the intent of the Media Policy is to be implemented immediately, in order to provide a strong statement of the new Council's commitment to media relations and that the Mayor and the CEO are the chief spokespersons for the Council.**

**The Motion on being put to the vote was CARRIED.
Cr O'Connor requested her dissenting vote be recorded**

9.4 FOR DECISION: Draft Councillor and Staff Interaction Policy*Ref: AINT/2017/18659 (ARC17/*

312/17

Moved Cr Bailey

Seconded Cr Gray

- (a) That the Draft Councillor and Staff Interaction Policy be endorsed.**
- (b) That the Draft Councillor and Staff Interaction Policy go on public exhibition for a period of not less than 28 days, from Friday 1 December 2017 to Monday 22 January 2018.**
- (c) That a further report be provided to the February 2018 Council meeting for consideration of any submissions received.**
- (d) That if no submissions are made within the submission period, then the Councillor and Staff Interaction Policy be adopted retrospectively.**
- (e) That it be acknowledged that the intent of the Councillor and Staff Interaction Policy is to be implemented immediately, in order to establish a good governance framework.**

The Motion on being put to the vote was CARRIED.

Cr Murat left the meeting, the time being 2:16pm

11.2 FOR DECISION: Planning Proposal for Draft Amendment No 9 to Armidale Dumaresq LEP 2012

Ref: AINT/2017/17947 (A15/6879)

316/17

Moved Cr Tiley

Seconded Cr Martin

a) That Planning Proposal No.9 to amend Armidale Dumaresq Local Environmental Plan 2012, which applies to Part Lot 1 and Lot 2 DP 1196697, Part Lot 1 and Part Lot 2 DP 1198787 and Part Lot 19 DP 817347, 33-125 Saumarez Road and 10541 New England Highway, Armidale, and proposes to:

- **Rezone parts of the land to B7 Business Park, SP2 Infrastructure (Air Transport Facility) or IN2 Light Industrial,**
- **Alter the lot size standard so that 1,000 square metres applies to land to be zoned IN2 Light Industrial and no standard applies to land to be zoned B7 Business Park or SP2 Infrastructure (Air Transport Facility), and**
- **Permit additional permitted uses as follows:**
 - **Hotel or motel accommodation on part of the land to be zoned B7 Business Park**
 - **Information and education facilities on part of Lot 2 DP 1198787,**

be forwarded to the Department of Planning and Environment with a request for a Gateway Determination, in accordance with section 56 of the *Environmental Planning and Assessment Act 1979*.

b) That a further report be provided to Council following public exhibition of Planning Proposal No. 9 to amend Armidale Dumaresq Local Environmental Plan 2012.

The Motion on being put to the vote was CARRIED.

DIVISION FOR: Crs Bailey, Galletly, Gray, Martin, Murray, O'Brien, O'Connor, Robinson, Tiley and Widders

AGAINST: Nil

Cr Murat returned to the meeting, the time being 2:19pm

11.3 FOR DECISION: Request to waive fees associated with development of land for purpose of a restaurant - 110 Beardy Street, Armidale (Lot 1 in DP1009134) Ref: AINT/2017

317/17

Moved Cr Widders Seconded Cr Murat

(a) That the request to waive fees associated with the development of 110 Beardy Street, Armidale (Lot 1 in DP1009134) be refused.

(b) That the applicant, Sonny Pty Ltd, be notified of the determination in writing.

The Motion on being put to the vote was CARRIED.

11.4 FOR DECISION: Request for refund of fees associated with the development of 1 West Avenue, Armidale (Lot 25 in DP700241) Ref: AINT/2017/18615 (P/4661-1)

318/17

Moved Cr Bailey Seconded Cr Gray

(a) That the request to refund fees associated with the development of 1 West Avenue, Armidale (Lot 25 in DP700241) be refused.

(b) That the applicant, Armidale Montessori Preschool Inc., be notified of the determination in writing.

The Motion on being put to the vote was CARRIED.

12. REPORTS FOR DECISION - OUR PEOPLE AND COMMUNITY

13. REPORTS FOR INFORMATION

PROCEDURAL MOTION

Moved Cr Gray Seconded Cr Martin

That Council suspend standing orders to move into Committee of the Whole to enable staff to present on Item 13.5.

The Motion on being put to the vote was CARRIED.

PROCEDURAL MOTION

Moved Cr Martin Seconded Cr Murat

That Council resume standing orders.

The Motion on being put to the vote was CARRIED.

319/17 **Moved Cr Galletly** **Seconded Cr Martin**

That the Recommendations for Items 13.1 to 13.5 be adopted.

The Motion on being put to the vote was CARRIED.

13.1 FOR INFORMATION: Armidale Regional Council Annual Report 2016-2017*Ref: AINT/2017/1*

320/17

That the Armidale Regional Council 2016-2017 Annual Report be noted, being the first annual report for the new Council covering the period from the 12 May 2016 to 30 June 2017.

13.2 FOR INFORMATION: Cash & Investments Report October 2017*Ref: AINT/2017/18026 (ARC.*

321/17

That the Cash & Investments Report, as at 30 October 2017, reporting Investments held of \$69,764,487.20 and a consolidated Bank Account balance of \$4,499,666.30, excluding the Trust Fund, be received and noted.

13.3 FOR INFORMATION: Closure of part of Box Hill Drive Armidale*Ref: AINT/2017/17705 (ARC:*

322/17

That the closure of the unformed section of the northern end of Box Hill Drive, Armidale for safety reasons be noted.

13.4 FOR INFORMATION: Place Naming Request For Kettericks Ridge*Ref: AINT/2017/17703 (AR*

323/17

That Council note the request to name an area on Kellys Plains as 'Kettericks Ridge' and the actions taken to process the place naming.

13.5 FOR INFORMATION: Refugee Settlement Update Report *Ref: AINT/2017/18400 (ARC16/018*

324/17

That the report on the Refugee Settlement Update be noted.

14. REQUESTS FOR LEAVE OF ABSENCE

14.1 FOR DECISION: Leave of Absence - Councillor Bailey *Ref: AINT/2017/18011 (ARC17/2373)*

325/17

Moved Cr Robinson Seconded Cr Murat

That Councillor Bailey be granted leave of absence for the period Thursday 16 November to Sunday 26 November 2017, excluding the Council meeting on 22 November 2017.

The Motion on being put to the vote was CARRIED.

15. AUTHORITY TO AFFIX COUNCIL SEAL

**15.1 FOR DECISION: Affixing Seal to Contracts - Sale of General Aviation Land at
Armidale Airport** *Ref: AINT/2017/18077 (ARC16/0631)*

326/17

Moved Cr Tiley Seconded Cr Robinson

That the Council seal be affixed to the documents associated with the Contract of Sale and Transfer for the General Aviation Land at the Armidale Regional Airport, being the lots created through Development Application 37-2017.

The Motion on being put to the vote was CARRIED.

16. COMMITTEE REPORTS

**16.1 FOR INFORMATION: Audit and Risk Committee - Minutes of the meeting held
on 21 August 2017** *Ref: AINT/2017/17866 (ARC16/0522)*

327/17

Moved Cr Gray Seconded Cr Murat

That the Minutes of the Audit and Risk Committee Meeting held on 21 August 2017, which do not include any recommendations for Council's adoption, be noted.

The Motion on being put to the vote was CARRIED.

18. QUESTIONS ON NOTICE
Nil.

PROCEDURAL MOTION

Moved Cr Murat

Seconded Cr Martin

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

19.1 FOR DECISION: Progress Report on Sale of Land for Overdue Rates. (AINT/2017/18031) -
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.

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 3.12pm

Council returned to Open Session at 3.30pm

19. CLOSED SESSION

19.1 FOR DECISION: Progress Report on Sale of Land for Overdue Rates *Ref: AINT/2017/18031 (4*

330/17

Moved Cr Murat

Seconded Cr Gray

- a) That Council note the progress on the sale of land for unpaid rates, including the proposed timetable to proceed to a public auction of the sixty one (61) properties in September 2018, and
- b) That the unrecoverable rates and charges for Assessments 281-6, 337-6, 2207-9, 13060-9, 17614-9 and 30312-3 totalling \$20,761.66, which are not able to be verified due to their age and insufficient record substantiation, be written off.

The Motion on being put to the vote was CARRIED.

There being no further business the Mayor declared the meeting closed at 3.33pm.