



## ORDINARY MEETING OF COUNCIL

Held on

Wednesday, 14 December 2022  
4pm

at

Armidale Council Chambers

**PRESENT:** Councillor Sam Coupland (Mayor), Councillor Todd Redwood (Deputy Mayor), Councillor Paul Gaddes, Councillor Jon Galletly, Councillor Susan McMichael, Councillor Steven Mephram, Councillor Debra O'Brien, Councillor Margaret O'Connor, Councillor Paul Packham, Councillor Dorothy Robinson and Councillor Bradley Widders.

**IN ATTENDANCE:** Mr James Roncon (General Manager), Mr Darren Schaefer (Chief Officer Corporate and Community), Mr John Goodall (Acting Chief Officer Planning and Activation), Mr Alex Manners (Chief Officer Assets and Services), Ms Ann Newsome (Chief Financial Officer) and Ms Melissa Houtt (Executive Officer).

MINUTES

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**15. CLOSED SESSION**

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- 1. CIVIC AFFIRMATION AND ACKNOWLEDGEMENT OF COUNTRY**  
Cr Galletly delivered the Civic Affirmation and Cr Mephram delivered the Acknowledgment of Country.
  
- 2. STATEMENT IN RELATION TO LIVE STREAMING OF COUNCIL MEETINGS**  
The General Manager delivered the statement.
  
- 3. APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE BY COUNCILLORS**  
Nil.
  
- 4. DISCLOSURES OF INTEREST**

Name	Item	Nature of Interest	Reason/Intended Action
Clr Packham	15.5	<input type="checkbox"/> Pecuniary <input type="checkbox"/> Non Pecuniary – Significant Conflict <input checked="" type="checkbox"/> Non Pecuniary – Non Significant Conflict	Reason: Resident of the locale.  Intended action: Remain in the Chamber

**5. CONFIRMATION OF MINUTES**

**5.1 Minutes of Previous Meeting held 23 November 2022**

*Ref: AINT/2022/49366 (ARC16/0001-7)*

245/22

**RESOLVED**

That the Minutes of the Ordinary Council meeting held on 23 November 2022 be taken as read and accepted as a true record of the meeting.

**Moved Cr McMichael**

**Seconded Cr Redwood**

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

## 6. MAYORAL MINUTE

### 6.1 Mayoral Minute: Water Security - Purchase of Oaky River Hydro Scheme as an Additional Water Source

Ref: AINT/2022/50070 (ARC16/0025-6)

246/22

#### RESOLVED

That Council;

- a. Note the "Commercial-in-Confidence" valuation report provided by The Stable Pty Ltd;
- b. Approve the purchase of the Oaky River Hydro Scheme for \$4,300,000.00 and classify the land as operational land;
- c. Place on public exhibition for 28 days, the proposal to classify all land acquired through the purchase as "operational land" in accordance with section 33 of the *Local Government Act 1993* at its time of acquisition;
- d. Note that any submissions as they relate to the classification of the land as 'operational land', will not impact the purchase by Council;
- e. Approve the release of \$4,500,000.00 from the Water Reserve to fund the purchase and cover legal fees and other asset acquisition activities; and
- f. Delegate authority to the General Manager to execute all documents in relation to the purchase

**Moved Cr Coupland**

**Seconded Cr Redwood**

**DIVISION** The result being:-

**FOR:** Crs S Coupland, P Gaddes, J Galletly, S McMichael, S Mephram, D O'Brien, P Packham, T Redwood and B Widders

**AGAINST:** Crs M O'Connor and D Robinson

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

Cr Dorothy Robinson left the meeting, the time being 04:29 PM

Cr Dorothy Robinson returned to the meeting, the time being 04:29 PM

## 7. NOTICES OF MOTION

Nil.

## **8. LEADERSHIP FOR THE REGION**

### **8.1 Public Exhibition of revised Delivery Program 2022-2026 and Resourcing Strategy 2022-2026**

*Ref: AINT/2022/43577 (ARC22/5145)*

247/22

#### **RESOLVED**

That Council

- a. Endorse the following documents for public exhibition for a minimum of 28 days, pursuant to the requirements of the *Local Government Act 1993*:
  1. Amended Delivery Program 2022-2026
  2. Amended Resourcing Strategy 2022-2026
  3. Asset Management Plans for; Airport, Buildings, Parks and other structures, Transport, Stormwater, Asset Management Maturity Report, and Strategic Asset Management Plan;
- b. Note the inclusions in the Amended Delivery Program 2022-2026 and Amended Resourcing Strategy 2022-2026 following the resolution of Council to apply to IPART for a Special Rate Variation of 50%, to be implemented over three years (58.81% cumulative) commencing in the 2023-24 financial year; and
- c. Following the period of public exhibition, a report be presented to Council, which outlines community feedback, along with the final suite Integrated Planning and Reporting and asset documentation for adoption.

**Moved Cr Widders**

**Seconded Cr Gaddes**

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

### **8.2 Appointment of the NSW Electoral Commissioner to Administer Council's Elections**

*Ref: AINT/2022/47732 (ARC18/2712)*

248/22

#### **RESOLVED**

That Council:

- a) pursuant to s. 296(2) and (3) of *the Local Government Act 1993 (NSW)* ("the Act") that an election arrangement be entered into by contract for the Electoral Commissioner to administer all elections of the Council.
- b) pursuant to s. 296(2) and (3) of the Act, as applied and modified by s. 18, that a council poll arrangement be entered into by contract for the Electoral Commissioner to administer all council polls of the Council.
- c) pursuant to s. 296(2) and (3) of the Act, as applied and modified by s. 18, that a constitutional referendum arrangement be entered into by contract for the Electoral Commissioner to administer all constitutional referenda of the Council.

**Moved Cr McMichael**

**Seconded Cr Robinson**

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

**8.3 Armidale Regional Council Code of Conduct - For Adoption (Post Public Exhibition)**

*Ref: AINT/2022/49727 (ARC16/0617-2)*

249/22

**RESOLVED**

That Council adopt the Armidale Regional Council Code of Conduct following the public exhibition period, noting no submissions were received.

**Moved Cr Widders**

**Seconded Cr Galletly**

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

**8.4 Council Actions Report January - November 2022** *Ref: AINT/2022/50054 (ARC16/0001-7)*

250/22

**RESOLVED**

That Council notes the report summarising the actions taken on the resolutions of Council.

**Moved Cr Redwood**

**Seconded Cr Gaddes**

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

**9. GROWTH, PROSPERITY AND ECONOMIC DEVELOPMENT**

**9.1 Acquisition of 153 Rusden Street Armidale**

*Ref: AINT/2022/44575 (P/7870-1)*

251/22

**RESOLVED**

That Council:

- a. Approve the acquisition of Lot 1, DP 137550 and Lot X, DP 163313 known as 153 Rusden Street, Armidale (**the Land**).
- b. Approve the expenditure of funds to the amount of \$26,000 ex GST from Council's property reserve.
- c. Give public notice of the proposed acquisition of the Land and proposed resolution to classify the Land as operational under section 31 of the *Local Government Act 1993*.
- d. Delegate authority to the General Manager to negotiate the terms of the acquisition and to sign all documents and take any other action necessary to finalise the transaction.

**Moved Cr Robinson**

**Seconded Cr Redwood**

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

## 9.2 Planning Proposal for 48 Kurrawatha Avenue, Armidale

Ref: AINT/2022/44887 (ARC20/4426)

252/22

### RESOLVED

That Council:

- a. Endorse the Planning Proposal to alter the minimum lot size from 1 hectare to 4000m<sup>2</sup> for the land at 48 Kurrawatha Avenue, Armidale (Part Lot 200 DP 1277689).
- b. Forward the endorsed Planning Proposal to the Department of Planning and Environment with a request for Gateway Determination and exhibit the proposal in accordance with that determination.
- c. Delegate authority to the General Manager to make any changes to the Planning Proposal as a result of feedback from the Department of Planning and Environment.
- d. Seek authorisation from the Department of Planning and Environment to be the local plan-making authority.

Moved Cr O'Connor

Seconded Cr Redwood

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

## 9.3 Adoption of Armidale Regional Council Section 7.12 Contributions Plan 2018 - Revised 2022

Ref: AINT/2022/49007 (ARC22/5272)

253/22

### RESOLVED

That Council:

- a. Adopt the *Armidale Regional Council Section 7.12 Contributions Plan 2018 - Revised 2022*.
- b. Write to those who made a submission advising them of the outcome.

Moved Cr Packham

Seconded Cr O'Brien

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

## 9.4 Sale of Minor Access Denial Strip Lot 14 and Lot 15 DP263611

Ref: AINT/2022/49771 (P/4156-2)

254/22

### RESOLVED

That Council:

- a. Approve the sale of Lots 14 and 15 DP 263611 for \$3,360 each.
- b. Delegate authority to the General Manager to negotiate the terms of the sale and to execute all documents and do all other things necessary on behalf of Council to effect the sale of sale of Lots 14 and 15 DP 263611.
- c. Note that all costs associated with the transaction will be borne by the applicant.

Moved Cr Gaddes

Seconded Cr Redwood

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

**9.5 Cash and Investment Report 30 November 2022** *Ref: AINT/2022/50007 (ARC20/4311)*

255/22

**RESOLVED**

That Council notes the Cash and Investment Report for November 2022.

**Moved Cr Galletly**

**Seconded Cr McMichael**

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

**10. ENVIRONMENT AND INFRASTRUCTURE**

**10.1 Armidale Regional Landfill Solar Power RFQ ARC22/5137**

*Ref: AINT/2022/47831 (ARC21/4673)*

256/22

**RESOLVED**

That Council:

- a) Endorse the recommendation to award New England Solar Power a contract to supply and install solar power at the regional landfill as per their response to Request for Quotation ARC/22/5137;
- b) Delegate authority to the General Manager to approve the increase in the Purchase Order for the construction contractor, New England Solar Power to \$275,050.01 (incl. GST) to complete the project; and
- c) Delegate authority to the General Manager to approve an increase in the project costs up to the budget limit of \$500,000 for other associated services to support the solar power project.

**Moved Cr Robinson**

**Seconded Cr Gaddes**

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

**11. OUR PEOPLE AND COMMUNITY**

Nil.

## 12. COMMITTEE REPORTS

### 12.1 Audit Risk and Improvement Committee - Minutes of 22 November 2022 Meeting

*Ref: AINT/2022/49643 (ARC22/5007)*

257/22

#### RESOLVED

That the Minutes of the Audit Risk and Improvement Committee meeting held on 22 November 2022 be noted.

**Moved Cr Widders**

**Seconded Cr Redwood**

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

### 12.2 New England Bushfire Management Committee - Minutes of the meeting held on 9 August 2022

*Ref: AINT/2022/49745 (ARC17/1987)*

258/22

#### RESOLVED

That the Minutes of the New England Bushfire Management Committee meeting held on 9 August 2022 be noted.

**Moved Cr Mepham**

**Seconded Cr McMichael**

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

## 13. MATTERS OF AN URGENT NATURE

Nil.

Cr Bradley Widders left the meeting, the time being 04:54 PM

Cr Bradley Widders returned to the meeting, the time being 04:55 PM

## 14. QUESTIONS ON NOTICE

### 14.1 Questions on Notice - Cr Robinson

*Ref: AINT/2022/50071 (ARC16/0025-6)*

259/22

#### RESOLVED

That Council note the response to the Question on Notice submitted by Cr Robinson.

**Moved Cr Robinson**

**Seconded Cr McMichael**

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

**PROCEDURAL MOTION**

260/22

**RESOLVED**

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

- 15.1 12 Month Extension Option for Bulk Materials Tender - Council Approval. (AINT/2022/35769) - ***(General Manager's Note: The report considers confidentiality of existing supplier information and is deemed confidential under Section 10A(2)(d) of the Local Government Act 1993, as it deals with commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the Council; or (iii) reveal a trade secret).***
- 15.2 Tender Recommendation - Dumaresq Dam Ecotourism Development. (AINT/2022/45650) - ***(General Manager's Note: The report considers a proposed contract and is deemed confidential under Section 10A(2)(d) of the Local Government Act 1993, as it deals with commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the Council; or (iii) reveal a trade secret).***
- 15.3 Heavy Patching Contract Award to ARC Locations 2022 to 2025. (AINT/2022/41212) - ***(General Manager's Note: This report considers and is deemed confidential under Section 10A(2)(d) of the Local Government Act 1993, as it deals with commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the Council; or (iii) reveal a trade secret).***
- 15.4 Regional Procurement Panel - Supply and Delivery of Bitumen Emulsion for 2 year period from 1 January 2023 to 31 December 2024 with option to extend for 12 Months. (AINT/2022/43652) - ***(General Manager's Note: The report considers confidentiality and is deemed confidential under Section 10A(2)(d) of the Local Government Act 1993, as it deals with commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the Council; or (iii) reveal a trade secret).***
- 15.5 Pearl Investment (Aust) Pty Ltd v Armidale Regional Council [2022] NSWLEC 1584. (AINT/2022/46550) - ***(General Manager's Note: The report considers legal advice pertaining to Land and Environment Court Proceedings and is deemed confidential under Section 10A(2)(g) of the Local Government Act 1993, as it deals with advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege).***
- 15.6 Engagement of Consultant for ARC's Water and Waste Water services.. (AINT/2022/49218) - ***(General Manager's Note: The report considers tendering information and is deemed confidential under Section 10A(2)(c) of the Local Government Act 1993, as it 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).***
- 15.7 Kerbside Waste/FOGO Collection Contract - Extension. (AINT/2022/46472) - ***(General Manager's Note: The report considers Cleanaway Contract and is deemed confidential under Section 10A(2)(d) of the Local Government Act 1993, as it deals with commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the Council; or (iii) reveal a trade secret).***

15.8 Mayoral Minute: General Manager Performance Review. (AINT/2022/50359) - (***General Manager's Note***: *The report considers the General Manager's Performance Review and is deemed confidential under Section 10A(2)(a) of the Local Government Act 1993, as it deals with personnel matters concerning a particular individual*).

- 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.

**Moved Cr O'Brien**

**Seconded Cr Redwood**

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

Council entered Closed Session at 4:46pm.

Council returned to Open Session at 6:19pm.

#### **RESUMPTION OF MEETING**

261/22

**RESOLVED**

That Council move into open Session and that the resolutions of the closed Session be made public.

**Moved Cr Gaddes**

**Seconded Cr Galletly**

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

## 15. CLOSED SESSION

### 15.1 12 Month Extension Option for Bulk Materials Tender - Council Approval

*Ref: AINT/2022/35769 (ARC20/4241)*

262/22

#### RESOLVED

That Council:

- a. Endorse the variation of contract documentation relating to an option to extend for a further 12 Months to 31 October 2023 with the existing six contractors;
- b. Delegate to the General Manager or relevant Council Financial Delegate to authorise purchase orders based on the value scenarios and procurement strategies provided by this panel arrangement to the allowable budget; and
- c. Finds the attached updated schedule of rates and conditions provided by Contractors for the described 12 Month extension fair and reasonable and is endorsed.

**Moved Cr Redwood**

**Seconded Cr McMichael**

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

### 15.2 Tender Recommendation - Dumaresq Dam Ecotourism Development

*Ref: AINT/2022/45650 (ARC21/4734)*

263/22

#### RESOLVED

That Council:

- a. Endorse the tender recommendation from PWA to appoint JNC Group Indigenous Contractors Pty Ltd for construction works tendered for the Dumaresq Dam Ecotourism Development funded by the Bushfire Local Economic Recovery Fund;
- b. Accept the fee estimates of \$2,938,020 Incl. GST by JNC Group Indigenous Contractors Pty Ltd for construction works tendered for the Dumaresq Dam Ecotourism Development funded by the Bushfire Local Economic Recovery Fund; and
- c. Delegate authority to the General Manager to execute all relevant documents in relation to the engagement of the contractor and to delegate contract and financial management including cases for variation as required.

**Moved Cr Robinson**

**Seconded Cr O'Connor**

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

### **15.3 Heavy Patching Contract Award to ARC Locations 2022 to 2025**

*Ref: AINT/2022/41212 (ARC22/5368)*

264/22

#### **RESOLVED**

That Council:

- a. Accept the submission submitted by Roadside Industries Pty Ltd for \$824,548.45 GST inclusive as quoted for annual Heavy Patching Works at numerous Council locations for the period up to 2025 as per the technical, financial and best value for money recommendations of the ARC Evaluation Panel;
- b. Delegate authority to the General Manager to approve expenditure for the project and contractor up to the upper limit of available budget for the next three Financial Years 2022-2023, 2023-2024 2024-2025; and
- c. Delegate authority to the General Manager to execute all documents in relation to the Contract and to delegate contract and financial management including cases for variation within Council accordingly.

**Moved Cr McMichael**

**Seconded Cr Gaddes**

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

Cr Margaret O'Connor left the meeting, the time being 06:22 PM

Cr Margaret O'Connor returned to the meeting, the time being 06:23 PM

### **15.4 Regional Procurement Panel - Supply and Delivery of Bitumen Emulsion for 2 year period from 1 January 2023 to 31 December 2024 with option to extend for 12 Months**

*Ref: AINT/2022/43652 (ARC22/5452)*

265/22

#### **RESOLVED**

That Council:

- a. Endorses the panel of suppliers, negotiated rates and terms and conditions of the Regional Procurement Tender Process for a period of 24 months from 1 January 2023 to 31 December 2024. A 12-month option for extension may be taken up based on satisfactory performance by the contractors;
- b. Delegate authority to the General Manager to approve expenditure for the project and contractor up to available budget for various fit for purpose infrastructure or road projects for the next two (2) Financial Years 2022-23, 2023-24 and (if option is taken) 2024-25 as provided;
- c. Delegate authority to the General Manager to execute all documents/authority in relation to the Contract and to delegate contract and financial management including cases for variation within Council accordingly; and
- d. Delegate authority to the General Manager to approve and accept 12-month extension if required and seen as a value proposition to Council.

**Moved Cr O'Brien**

**Seconded Cr Robinson**

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

**15.5 Pearl Investment (Aust) Pty Ltd v Armidale Regional Council [2022] NSWLEC  
1584**

*Ref: AINT/2022/46550 (DA-109-2021)*

266/22

**RESOLVED**

That Council:

- a. Agree to the granting of easements for access over the Council owned land that borders 4 Link Road, being Lots 23 and 24 in DP 829599;
- b. Authorise the GM to enter into negotiations for compensation for the granting of the easement on a commercial basis.
- c. Delegate authority to the General Manager to negotiate the terms of the easements and to sign all documents and take any other action necessary to grant the easements.
- d. Request the GM to enter into negotiations with TfNSW with the objective of reopening Link Rd.

**Moved Cr Packham**

**Seconded Cr Galletly**

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

**15.6 Engagement of Consultant for ARC's Water and Waste Water services.**

*Ref: AINT/2022/49218 (ARC22/5291)*

267/22

**RESOLVED**

That Council:

- a. Accept the tender submitted by Beca HunterH2O for \$197.13/ hr weighted average as a sole provider for high level consultancy services for ARC's W & WW area over the next three years and potentially up to a maximum term of engagement of seven years.
- b. Delegate authority to the General Manager to approve expenditure up to the maximum contract value of \$500,000 per year.
- c. Delegate authority to the General Manager to execute all documents in relation to the Contract.

**Moved Cr McMichael**

**Seconded Cr Galletly**

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

**15.7 Kerbside Waste/FOGO Collection Contract - Extension**

*Ref: AINT/2022/46472 (ARC16/1243)*

**SUSPENSION OF STANDING ORDERS - Move into the committee of the whole**

**Moved Cr O'Connor                      Seconded Cr Redwood**

Standing orders were suspended at 5:29pm

**RESUMPTION OF STANDING ORDERS - Move out the committee of the whole**

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

Standing orders were resumed at 5:58pm

268/22

**RESOLVED**

That Council note the report and refer back to staff.

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

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

**15.8 Mayoral Minute: General Manager Performance Review** *Ref: AINT/2022/50359 (RON.J)*

**MOTION**

That Council:

- a) Formally note that the General Manager's performance review committee and General Manager, James Roncon, have reached agreement, with the assistance of Local Government NSW Management Solutions, on the Performance Agreement of the Armidale Regional Council General Manager for the period 1 July 2022 to 30 June 2023.
- b) Adopt the General Manager Performance Agreement for the period 1 July 2022 to 30 June 2023.

**Moved Cr Widders**

**Seconded Cr McMichael**

Executive Leadership Team left the meeting at 6:00pm

**SUSPENSION OF STANDING ORDERS** - Move into the committee of the whole

**Moved Cr O'Connor**

**Seconded Cr Robinson**

Standing orders were suspended at 6:06pm

**RESUMPTION OF STANDING ORDERS** - Move out of the committee of the whole

**Moved Cr Widders**

**Seconded Cr McMichael**

Standing orders were resumed at 6:18pm

269/22

**RESOLVED**

That Council:

- a) Formally note that the General Manager's performance review committee and General Manager, James Roncon, have reached agreement, with the assistance of Local Government NSW Management Solutions, on the Performance Agreement of the Armidale Regional Council General Manager for the period 1 July 2022 to 30 June 2023.
- b) Adopt the General Manager Performance Agreement for the period 1 July 2022 to 30 June 2023.

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

Executive Leadership Team returned to the meeting at 6:19pm

There being no further business the Mayor declared the meeting closed at 6:27pm.