



ORDINARY MEETING OF COUNCIL

Held on

Wednesday, 22 May 2024
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 (Acting Chief Officer Assets and Services), Mr Daniel Boyce (Chief Officer Planning and Activation), Ms Aimee Hutton (Acting Chief Officer Corporate and Community), Mr Alex Manners (Project Director Kempsey Rd), Ms Ann Newsome (Chief Financial Officer), Ms Michaela Giandomenico (Corporate Planning Officer) and Ms Melissa Hoult (Executive Officer).

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NIL.

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1. **CIVIC AFFIRMATION AND ACKNOWLEDGEMENT OF COUNTRY**
 Cr Mepham delivered the Civic Affirmation and Cr Redwood delivered the Acknowledgement 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 Mepham	8.1	<input checked="" type="checkbox"/> Pecuniary <input type="checkbox"/> Non Pecuniary – Significant Conflict <input type="checkbox"/> Non Pecuniary – Non Significant Conflict	Cr Mepham Reason: Occasionally supplies stage and sound equipment to council events. Intended action: Remain in the Chamber
Clr Packham		<input checked="" type="checkbox"/> Pecuniary <input type="checkbox"/> Non Pecuniary – Significant Conflict <input type="checkbox"/> Non Pecuniary – Non Significant Conflict	Cr Packham Reason: Casual supplier of goods that may fall under the procurement policy. Intended action: Remain in the Chamber
Clr Packham	10.1	<input type="checkbox"/> Pecuniary <input type="checkbox"/> Non Pecuniary – Significant Conflict <input checked="" type="checkbox"/> Non Pecuniary – Non Significant Conflict	Reason: Company that Cr Packham is an owner of was a respondent in the initial EOI and may be mentioned. Intended action: Remain in the Chamber

5. **CONFIRMATION OF MINUTES**

5.1 **Minutes of Previous Meeting held 24 April 2024** Ref: AINT/2024/18537 (ARC16/0001-8)

80/24

RESOLVED

That the Minutes of the Ordinary Council meeting held on 24 April 2024 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.

5.2 Minutes of Previous Extraordinary Meeting held 13 May 2024

Ref: AINT/2024/21078 (ARC16/0001-8)

MOTION

That the Minutes of the Extraordinary Council meeting held on 13 May 2024 be taken as read and accepted as a true record of the Meeting.

Moved Cr Widders

Seconded Cr O'Connor

DEFERRAL MOTION

Cr O'Connor asked that this item be deferred to the 26 June 2024 Ordinary Council Meeting.

Moved Cr O'Connor

Seconded Cr Widders

DIVISION The result being:-

FOR: Crs M O'Connor and B Widders

AGAINST: Crs S Coupland, P Gaddes, J Galletly, S McMichael, D O'Brien, S Mephram, P Packham, T Redwood and D Robinson

The Mayor declared the Deferral Motion LOST.

81/24

RESOLVED

That the Minutes of the Extraordinary Council meeting held on 13 May 2024 be taken as read and accepted as a true record of the Meeting.

DIVISION The result being:-

FOR: Crs S Coupland, P Gaddes, J Galletly, S McMichael, S Mephram, P Packham and T Redwood

AGAINST: Crs D O'Brien, M O'Connor, D Robinson and B Widders

The Mayor declared the Motion CARRIED.

6. MAYORAL MINUTE

Nil.

7. REPORTS - GENERAL MANAGER'S OFFICE

7.1 Council Actions Report January 2022 - May 2024 *Ref: AINT/2024/21167 (ARC16/0001-8)*

82/24

RESOLVED

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

Moved Cr Redwood

Seconded Cr Galletly

DIVISION The result being:-

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

AGAINST: Cr M O'Connor

The Mayor declared the Motion CARRIED.

8. REPORTS - FINANCE

8.1 Procurement Policy Renewal - ARC Sustainable Procurement and Contracts Policy

Ref: AINT/2023/09811 (ARC16/1041)

83/24

RESOLVED

That Council:

- a. Receive this report in relation to the updated ARC Sustainable Procurement and Contracts Policy, and progress for the 28-day public exhibition period stage prior to endorsement.

Moved Cr McMichael

Seconded Cr O'Brien

DIVISION The result being:-

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

AGAINST: Cr S Mepham

The Mayor declared the Motion CARRIED.

8.2 Cash and Investment Report 30 April 2024

Ref: AINT/2024/19330 (ARC17/1711)

84/24

RESOLVED

That Council note the Cash and Investment Report for April 2024.

Moved Cr Widders

Seconded Cr Gaddes

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

8.3 2023-24 Third Quarter Budget Review

Ref: AINT/2024/21508 (ARC17/1711)

85/24

RESOLVED

That Council:

- a. Note the 2023-2024 Third Quarter Budget Review.
- b. Note the proposed revised 2023-2024 operating surplus/ (deficit) budget as per table below:

Fund	Operating Surplus / (Deficit) ('000)			
	ORIGINAL	QBR 1	QBR 2	QBR 3
General	(\$3,862)	(\$4,492)	(\$4,492)	(\$2,232)
Water	\$1,332	\$918	\$918	\$1,212
Sewerage	\$2,055	\$2,055	\$2,055	\$2,235
Consolidated Result	(\$475)	(\$1,519)	(\$1,519)	\$1,215

- c. Resolve to adopt the amendments in the 2023/24 budget in accordance with the Quarterly Budget Review Statement for the period 1 January to 31 March 2024 tabled in the attachments.

Moved Cr Robinson

Seconded Cr Widders

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

9. REPORTS - PLANNING AND ACTIVATION

9.1 Draft Active Transport Strategy for Public Exhibition *Ref: AINT/2024/04098 (ARC23/6124)*

MOTION

That Council:

- a. Notes that currently Transport for NSW requires the project to be finalised and acquitted by 31 August 2024 and requests a further time extension.
- b. Asks GHD to organise workshops or online meetings with active transport users to review the priorities listed in the draft Strategy and develop practical plans for high priority work, including how proposed cycleways will fit in with the existing road structure.
- c. Asks GHD to provide an extended list of injury data over at least 20 years and advise on data collection systems to report injuries, near misses and other problems and also measure active transport use to ensure continued refinement and future development of the Strategy.
- d. Places the draft Strategy on public exhibition for a period of 28 days once the practical plans have been developed and incorporated.
- e. Receives a further report, with an optional workshop for councillors, once the submission period closes to consider any submissions received and a revised Strategy.

Moved Cr Robinson

Seconded Cr McMichael

Cr Redwood foreshadowed a motion in the event the motion on foot was defeated.

DIVISION The result being:-

For: Crs S McMichael, S Mepham, P Packham, D Robinson and B Widders.

Against: Crs S Coupland, P Gaddes, J Galletly, D O'Brien, M O'Connor and T Redwood

The Motion on being put to the vote was LOST.

FORESHADOWED MOTION

Moved Cr Redwood

Seconded Cr Packham

RESOLVED

That Council:

- a. Note that an extension of time variation has been approved by Transport for NSW requiring the project to be finalised and acquitted by 31 August 2024.
- b. Note that GHD will organise a workshop with the Councillors and a workshop with community members.
- c. Endorse the Draft Active Transport Strategy for public exhibition for a period of 28 days.
- d. Delegate authority to the General Manager to make any minor amendments to the Draft Active Transport Strategy prior to public exhibition.
- e. Receive a further report once the submission period closes to consider any submissions

received and the revised strategy.

Moved Cr Redwood

Seconded Cr Packham

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

Cr Susan McMichael left the meeting, the time being 05:03 PM

Cr Susan McMichael returned to the meeting, the time being 05:06 PM

9.2 Project Zero30 - ARC Abatement Commitments *Ref: AINT/2024/05391 (ARC19/3503)*

87/24

RESOLVED

That Council:

- a. Develop plans for the best ways to minimize our contribution to global warming compared to business as usual, noting the need for improved access in this region to government energy rebates for increased energy efficiency, solar panel and battery installations.
- b. Develop a plan to ensure the Regional Landfill is Carbon Neutral by 2030.
- c. Commit to delivering 12 fastest possible electric vehicle (EV) charging stations via planning agreements for state significant and regionally significant renewable energy projects.
- d. Commit to planting 250,000 trees by 2035 funded from \$120,000 per annum from s7.12 contributions and planting another 250,000 trees by 2035 funded from grant funding.

Moved Cr Redwood

Seconded Cr Widders

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

9.3 Planning Agreement for Oxley Solar Farm

Ref: AINT/2023/09817 (ARC21/4544)

88/24

RESOLVED

That Council:

- a. Enter into a Planning Agreement with the proponent of the Oxley Solar Farm comprising:
 - I. Lump sum payment of monetary contributions of \$2,790,000, indexed annually for CPI, for Community Enhancement;
 - II. Annual payment of \$139,500 for 20 years, to be indexed annually for CPI, for Community Enhancement;
 - III. Lump sum payment of monetary contributions of \$240,000 towards the provision of four electric vehicle charging stations;
 - IV. Use best endeavours to purchase solar panels and steel components for the Council at the corporate rates of Oxley Solar Development Pty Ltd;
 - V. Annual sponsorship of Project Zero30 for the amount of \$20,000 for 10 years, indexed annually for CPI, for conservation and enhancement of the natural environment;
- b. That subject to the above, the General Manager be authorised to place the Draft PA on exhibition for a minimum period of 28 days;
- c. That following the public exhibition period, a report be presented to Council for further consideration, if any submissions are received;
- d. That if no submissions are received during the public exhibition period, that the General Manager be provided the delegations to enter into the PA on behalf of Council.

Moved Cr Gaddes

Seconded Cr Galletly

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

9.4 Armidale Regional Council Lease to Optus Fixed Infrastructure Pty Limited

Ref: AINT/2024/11032 (ARC23/6071)

89/24

RESOLVED

That Council:

- a. Receive this Report noting the agreement regarding the above proposed Tenancy;
- b. Approve the Lease (s) annexed to this Report;
- c. Delegate authority to the General Manager to sign all documentation and to do all things necessary to give effect to this resolution.

Moved Cr McMichael

Seconded Cr Redwood

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

**9.5 Updated Renewable Energy Community Benefit Framework for Adoption -
(Post Public Exhibition)**

Ref: AINT/2024/21617 (ARC20/4286)

90/24

RESOLVED

That Council:

- a. Note the submission from Renewable Energy, Education, Advocacy and Community Health;
- b. Adopt the Updated Renewable Energy Community Benefit Framework;
- c. Review the Updated Renewable Energy Community Benefit Framework within one year of adoption.

Moved Cr Robinson

Seconded Cr Redwood

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

**9.6 Plan of Management - Generic (Park, Sportsground, General Community Use,
Natural Area)**

Ref: AINT/2024/13616 (ARC24/6707)

91/24

RESOLVED

That Council:

- a. Receive a copy of the draft Plan of Management ("Generic") ("draft Plan");
- b. Refer the draft Plan to the Minister administering the Crown Land Management Act 2016 ("CLM Act") for endorsement.
- c. Confirm that Native Title advice pursuant to the Native Title Act 1993 ("NT Act") has been obtained for the Land subject of the draft Plan;
- d. Delegate authority to the General Manager to attend to any required amendments of draft Plan and place it on public exhibition pursuant to Section 38 of the Local Government Act 1993 ("LG Act") subsequent to feedback from the Minister administering the Crown Land Management Act 2016;
- e. Give public notice (public exhibition) of the draft Plan in accordance with Section 38 of the LG Act; and
- f. Receive a further Council Report at the conclusion of the public exhibition period and public notice period to consider any submissions received and if no submissions are received, endorse the adoption the final Plan of Management for the Land subject of the draft Plan.

Moved Cr McMichael

Seconded Cr Gaddes

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

9.7 Compulsory acquisition of part lots 7003 in DP 106201, 7003 in DP 106212, Lot 7004 in DP 1060201 and Lot 7302 in DP 1150925 to dedicate as a public road to enable legal access to the Grafton Road Waste Facility

Ref: AINT/2024/12920 (ARC23/6146)

92/24

RESOLVED

That Council:

- a. Endorse the application to the Minister to compulsorily acquire of part Lot 7003 in DP 106201, Lot 7003 in DP 106212, Lot 7004 in DP 1060201 and Lot 7302 in DP 1150925 to dedicate as a Public Road to enable legal access to the Grafton Road Waste Facility from Grafton Road in accordance with the requirements of the Land Acquisition (Just Terms Compensation) Act 1991;
- b. Approve the draft Plan Enabling Access;
- c. Delegate authority to the General Manager to negotiate the removal of the Aboriginal Land Claims over the subject Land/s enabling the acquisition to proceed;
- d. Classify the Land as Operational Land under Section 31 of the Local Government Act 1993;
- e. Give Public Notice of the proposed classification of the land under Section 34 of the Local Government Act 1993;
- f. Dedicate the Land as a Public Road;
- g. Approve the unbudgeted amount of \$51,908.00 to be taken from the Waste Reserve.
- h. Delegate authority to the General Manager to sign all documentation and to do all things necessary to give effect to this resolution.

Moved Cr Galletly

Seconded Cr Gaddes

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

9.8 Property Addressing & Naming our Roads & Places Policy and Register of Pre-Endorsed Road and Places Names - For Adoption (Post public exhibition)

Ref: AINT/2024/14879 (ARC24/6561)

93/24

RESOLVED

That Council

- a. Receive and endorse the submissions contained in the attachments for inclusion in the Register of Pre-Endorsed Road and Places Names
- b. Adopt the Property Addressing & Naming our Roads & Places Policy
- c. Adopt the Register of Pre-Endorsed Road and Places Names

Moved Cr McMichael

Seconded Cr Widders

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

9.9 Outcome of Public Exhibition of Draft Detailed Concept Design Plans for the East Mall, Beardy Street

Ref: AINT/2024/16563 (ARC23/6182)

94/24

RESOLVED

That Council:

- a. Note the publicly exhibited Draft East Mall Detailed Concept Design Plans - Preferred Option - 60° nose-to-kerb parking and the Alternate Option - parallel parking in Attachment 1.
- b. Receive and note the submissions contained in the public exhibition submissions summary table in Attachment 2.
- c. Receive and note the information contained in the East Mall Detailed Concept Design Plan Background Report in Attachment 3.
- d. Adopt the Final East Mall Detailed Concept Design Plans - 60° nose-to-kerb parking in Attachment 4.
- e. Seek grant funding for detailed design and construction of the upgrades identified in the East Mall Plans.
- f. Establish a public art and heritage committee with an appropriate budget to assist in the development of public art and heritage improvement projects to complement the East Mall Plans.
- g. Continue to work with the East Mall Key Stakeholder Working Group throughout the detailed design and construction phase of the project.

Moved Cr Robinson

Seconded Cr Gaddes

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

9.10 Granting of Easement for Right of Carriageway 35 wide to registered proprietor of lot 2 in DP 1206469

Ref: AINT/2024/17297 (ARC23/6146)

95/24

RESOLVED

That Council:

- a. Receive this Report and endorse the Granting of the Carriageway 35 m wide over Lot 1 in DP 1206469 in favour of adjoining Lot 2 in DP 1206469;
- b. Note the valuation price for the Right of Carriageway;
- c. Delegate authority to the General Manager to negotiate payment not lower than the valuation price and to sign all documentation and to do all things necessary to give effect to Council's Resolution.

Moved Cr Galletly

Seconded Cr Robinson

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

9.11 Public Exhibition of Draft Brilliant Region Strategy *Ref: AINT/2024/20642 (ARC23/6199)*

96/24

RESOLVED

That Council:

- a. Endorse the Draft Brilliant Region Strategy (Attachment 1) for public exhibition for a period of 42 days.
- b. Delegate authority to the General Manager to make any minor amendments to the Draft Brilliant Region Strategy prior to public exhibition.
- c. Receive a further report once the submission period closes to consider any submissions received and the revised strategy.

Moved Cr Gaddes

Seconded Cr Redwood

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

Cr Bradley Widders left the meeting, the time being 05:53 PM

Cr Bradley Widders returned to the meeting, the time being 05:55 PM

10. REPORTS - CORPORATE AND COMMUNITY

Item 10.1 considered in the closed session.

11. REPORTS - ASSETS AND SERVICES

Nil.

12. NOTICES OF MOTION

Cr Robinson withdrew her Notice of Motion.

13. COMMITTEE REPORTS

13.1 Traffic Advisory Committee - Minutes of the meeting held 7 May 2024

Ref: AINT/2024/20586 (ARC16/0168-9)

97/24

RESOLVED

That the Minutes of the Traffic Advisory Committee meeting held on 7 May 2024 be noted.

- a. Endorse the traffic management plan and the reduction of speed to 40km/h for Kentucky Street between Faulkner Street and Dangar Street Armidale, for the NSW Country Gymnastic Competition from Tuesday 9 July to Monday 15 July 2024.
- b. Endorse That Council endorse the requested road closures of Taylor Street from Dumaresq Street to Donnelly Street and Kirkwood Street between Taylor Street and Douglas Street Armidale, from 7.30am until 6pm on Sunday 2 June 2024 for the Jack Vallance Memorial Junior Carnival.

Moved Cr McMichael

Seconded Cr Widders

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

13.2 Minutes - Armidale Regional Council Access Advisory Committee - 2 May 2024

Ref: AINT/2024/19357 (ARC16/0524-3)

98/24

RESOLVED

That in relation to the Access Advisory Committee meeting held on 2 May 2024 that Council:

- a. Note the minutes of the Access Advisory Committee meeting held 2 May 2024
- b. Endorse the renaming of the Access Award to the Armidale Regional Council Steve Austin Accessibility Award.
- c. Endorse the Access Advisory Committee to run nominations for the 2024 Award and as a committee determine the winner of the 2024 Award.
- d. Endorse the creation of an individual trophy for presentation to the winner.

Moved Cr Redwood

Seconded Cr O'Brien

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

14. QUESTIONS FOR WHICH NOTICE HAS BEEN GIVEN

Nil.

PROCEDURAL MOTION

99/24

RECOMMENDATION:

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

- 15.1 Heavy Patching Contract Award to ARC Location 2022 to 2025. (AINT/2024/03361) - ***(General Manager's Note: The report considers tendering 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 Consultancy Panel - Assets and Services - Provision of Professional Engineering and Project Management Services Panel. (AINT/2024/01956) - ***(General Manager's Note: The 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).***
- 15.3 Kempsey Armidale Road Restoration Project - Procurement Strategy and Contract Variations. (AINT/2024/20691) - ***(General Manager's Note: The report considers tenders - 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 Saleyards direct negotiations recommendation from NSW Public Works. (AINT/2024/21119) - ***(General Manager's Note: The report considers a tender 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).***

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 Gaddes

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

Council entered Closed Session at 6:04pm.

Council returned to Open Session at 6:42pm.

RESUMPTION OF MEETING

101/24 **RESOLVED**

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

Moved Cr Robinson Seconded Cr O'Brien

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

15. CLOSED SESSION

10.1 Rental Subsidy - Alternate Root - Armidale Airport *Ref: AINT/2024/19505 (ARC23/6142)*

102/24 **RESOLVED**

That Council approve the payment of a subsidy to the owners of Alternate Root under the following terms: -

- a. The subsidy will commence at \$4,333.33 per month and taper off as sales improve.
- b. The Alternate Root will provide sales information on a monthly basis throughout the subsidy period to inform the level of ongoing subsidy.
- c. The subsidy can only be used for the benefit of the café business situated within the Armidale Airport.
- d. The subsidy will run for a period of no more than eight (8) months, at which time it will be reviewed and be brought back to Council for further consideration.

Moved Cr Redwood Seconded Cr Gaddes

DIVISION The result being:-

FOR: Crs S Coupland, P Gaddes, J Galletly, S McMichael, S Mepham, D O'Brien, M O'Connor, T Redwood, D Robinson and B Widders

AGAINST: Cr P Packham

The Mayor declared the Motion CARRIED.

15.1 Heavy Patching Contract Award to ARC Location 2022 to 2025

Ref: AINT/2024/03361 (ARC22/5368)

103/24

RESOLVED

That Council:

- a. Note previous resolutions regarding the heavy patching tender of Ordinary Council Meetings of 22 December 2022 and 26 April 2023 reflecting the engagement of Roadwork Industries and Stabilcorp Pty Ltd.
- b. Delegate authority to the General Manager to approve expenditure for the project and contractor up to \$1.4M (GST Exclusive) per financial year for the remaining tender period until 30 June 2025.
- c. Delegate authority to the General Manager to execute all documents in relation to the Contract and to delegate contract and financial management including requests for variation within Council accordingly.

Moved Cr McMichael

Seconded Cr Robinson

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

15.2 Consultancy Panel - Assets and Services - Provision of Professional Engineering and Project Management Services Panel

Ref: AINT/2024/01956 (ARC23/6170)

104/24

RESOLVED

That Council

- a. Appoint the tenderers listed under each Category and sub-category as per Annexure 2 in the attached Tender Evaluation Report to the Professional Engineering and Project Management Services panel contract for the period 1 May 2024 to 30 June 2026
- b. Endorses the General Manager to provision for a 2 x 2-year extension options based on satisfactory supplier performance, which may take this contract through to 30 June 2028 and then 30 June 2030 at the sole discretion of Council.
- c. Endorses the General Manager to authorise additions to the panel allowing/depending on the outcomes and recommendations of any annual onboarding process via public notice undertaken by Council if it decides that further benefit would be delivered to a certain skill set of consultancy or further expertise or depth was needed in future scenarios. As stipulated in original EOI documentation.
- d. Endorses the General Manager to authorise expenditure up to the approved project budget for engagements under this panel contract.

Moved Cr Redwood

Seconded Cr Galletly

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

15.3 Kempsey Armidale Road Restoration Project - Procurement Strategy and Contract Variations

Ref: AINT/2024/20691 (ARC22/5361)

105/24

RESOLVED

That Council:

- a. Endorse the procurement strategy for the continued engagement of GHD Pty Ltd, Geolink Pty Ltd, Clayton Utz Pty Ltd, Prevention Partners Pty Ltd, TSA Advisory Pty Ltd, and New England Surveying and Engineering Pty Ltd to deliver support services to the Kempsey Armidale Road Restoration Project;
- b. Endorse an exemption to undertake public tender under Section 55(3)(i) of the Local Government Act 1993 (the Act) due to extenuating circumstances, the contractors who possess intellectual property that place Council at risk if the service is not continuous, a satisfactory result would not be achieved by inviting tenders;
- c. Endorse the variation of Contract A2022/70 with R B Ausling and Associates to include additional project resource for Council;
- d. Delegate authority to the General Manager to approve expenditure to the upper limit of available funding for the works; and
- e. Delegate authority to the General Manager to execute all documentation in relation to the contracts.

Moved Cr Redwood

Seconded Cr Widders

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

15.4 Saleyards direct negotiations recommendation from NSW Public Works

Ref: AINT/2024/21119 (ARC21/4733)

106/24

RESOLVED

That Council:

- a. Note the NSW Public Works outcomes following the direct negotiations with Shay Brennan Construction P/L for the Guyra and Armidale Saleyard Upgrade which includes the lump sum tender amount from Shay Brennan Constructions Pty Ltd.
- b. Note the NSW Public Works outcomes following the direct negotiations with Shay Brennan Construction P/L for the Guyra and Armidale Saleyard Upgrade for the prices received for optional additional works and that the optional additional works proceed if funds become available.
- c. Delegate authority to the General Manager to sign all documentation and to do all things necessary to give effect to resolution 38/24 of 28 February 2024.

Moved Cr McMichael

Seconded Cr Mephram

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

There being no further business the Mayor declared the meeting closed at 6:47pm.