



ORDINARY MEETING OF COUNCIL

Held on

Wednesday, 24 April 2024
4pm

at

Armidale Council Chambers

PRESENT: Councillor Sam Coupland (Mayor), Councillor Todd Redwood (Deputy Mayor, via Teams), 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), Mr Alex Manners (Project Director Kempsey Rd), Ms Ann Newsome (Chief Financial Officer), Ms Michaella Giandomenico (Executive Officer) and Ms Melissa Hoult (Executive Officer).

MINUTES

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(General Manager's Note: The report considers commercial 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).

- 1. CIVIC AFFIRMATION AND ACKNOWLEDGEMENT OF COUNTRY**
Cr Gaddes delivered the Civic Affirmation and Cr O'Connor 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 Widders	5.1	<input type="checkbox"/> Pecuniary <input type="checkbox"/> Non Pecuniary – Significant Conflict <input checked="" type="checkbox"/> Non Pecuniary – Non Significant Conflict	Reason: Absent from the March 2024 OCM Intended action: Remain in the Chamber

5. CONFIRMATION OF MINUTES

5.1 Minutes of Previous Meeting held 27 March 2024 *Ref: AINT/2024/11902 (ARC16/0001-8)*

53/24

RESOLVED

That the Minutes of the Ordinary Council meeting held on 27 March 2024 be taken as read and accepted as a true record of the meeting.

Moved Cr McMichael Seconded Cr Gaddes

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

6. MAYORAL MINUTE

Nil.

7. REPORTS - GENERAL MANAGER'S OFFICE

7.1 Council Actions Report January 2022 - April 2024 *Ref: AINT/2024/13083 (ARC16/0001-8)*

54/24

RESOLVED

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

Moved Cr Gaddes Seconded Cr Packham

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

8. REPORTS - FINANCE

8.1 Cash and Investment Report 31 March 2024

Ref: AINT/2024/14932 (ARC17/1711)

55/24

RESOLVED

That Council;

- a. note the Cash and Investment Report for March 2024.
- b. report detailing the nature, amount and interest distribution status of each restricted fund be tabled to Council semi-annually.

Moved Cr Packham

Seconded Cr Gaddes

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

9. REPORTS - PLANNING AND ACTIVATION

9.1 New England Rail Trail

Ref: AINT/2024/04085 (ARC23/5955)

MOVED

That Council:

- a. Commence the construction of the Armidale Railway Station to Dumaresq Trailhead section of the New England Rail Trail with the BSBR funding offer of \$5,410,000.
- b. Commit to delivering the remainder of the New England Rail Trail subject to obtaining grant funding for construction and planning agreements for ongoing maintenance.
- c. Note the New England Rail Trail Business Case prepared by Regional Development Australia Northern Inland and its key findings.
- d. Note the New England Rail Trail Desktop Review by NSW Public Works and its key findings.
- e. Note the Project Program and Costs prepared by NSW Public Works.
- f. Endorse NSW Public Works to appoint a Project Manager to manage the project from early-stage investigation through to handover.
- g. Support the site-specific Regulation under the *Transport Administration (General) Regulation 2018* to authorise works to the train line.
- h. Delegate authority to the General Manager to sign all documents and deeds relative to the Licence for minor works activities to commence preliminary works for the New England Rail Trail.
- i. Delegate authority to the General Manager to sign all documents, deeds and plans relative to the 30 -year long term Lease for the New England Rail Trail.
- j. Delegate authority to the General Manager to sign all documents and deeds relevant to BSBR Grant funding received

Moved Cr Gaddes

Seconded Cr Galletly

AMENDMENT

That Council:

- a. Delay the commencement of the construction of the Armidale Railway Station to Dumaresq Trail head section of the New England Rail Trail until a comprehensive report is brought to Council on the total costs to Council for the running and maintenance of both the Armidale Railway Station to Dumaresq Trailhead section and the full New England Rail Trail project.
- b. Not commit to delivering the full New England Rail Trail project until the report in A above is received; and that the General Manager seeks urgent discussions with Federal and State members for New England and Northern Tablelands electorates about the means of repurposing this funding for priority community projects as determined by Council.
- c. Note the New England Rail Trail Desktop Review by NSW Public Works and its key findings.
- d. Note the Project Program and Costs prepared by NSW Public Works.

Moved Cr O'Connor

Seconded Cr O'Brien

DIVISION The result being:-

FOR: Crs S McMichael, D O'Brien, M O'Connor, P Packham, D Robinson and B Widders

AGAINST: Crs S Coupland, P Gaddes, J Galletly, S Mepham and T Redwood

The Amendment on being put to the vote was CARRIED.

The Amendment became the Motion.

56/24

RESOLVED

That Council:

- a. Delay the commencement of the construction of the Armidale Railway Station to Dumaresq Trailhead section of the New England Rail Trail (NERT) until a comprehensive report is brought to Council on the total costs to Council for the running and maintenance of both the Armidale Railway Station to Dumaresq Trailhead section and the full NERT project.
- b. Not commit to delivering the full New England Rail Trail project until the report in A above is received; and that the General Manager seeks urgent discussions with Federal and State members for New England and Northern Tablelands electorates about the means of repurposing this funding for priority community projects as determined by Council.
- c. Note the New England Rail Trail Desktop Review by NSW Public Works and its key findings.
- d. Note the Project Program and Costs prepared by NSW Public Works.

DIVISION The result being:-

FOR: Crs S McMichael, D O'Brien, M O'Connor, P Packham, D Robinson and B Widders

AGAINST: Crs S Coupland, P Gaddes, J Galletly, S Mepham and T Redwood

The Motion on being put to the vote was CARRIED.

9.2 Plan of Management for Cemeteries

Ref: AINT/2024/04371 (ARC24/6707)

57/24

RESOLVED

That Council:

- a. Receive a copy of the draft *Plan of Management – Cemeteries, Crematoria and Surrounding Lands* (draft PoM)
- b. Refer the said draft PoM 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 PoM;
- d. Delegate authority to the General Manager to attend to any required amendments of draft PoM 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 PoM 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 PoM for the Land subject of the draft PoM.

Moved Cr Widders

Seconded Cr Mepham

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

9.3 Minister for Emergency Services (Fire and Rescue NSW) Lease from Armidale Traffic Education Centre Reserve Trust (Reserve Number 1002960, the affairs of which are managed by Armidale Regional Council - Property: 2-16 Mann Street, Armidale

Ref: AINT/2024/06701 (ARC16/1010)

58/24

RESOLVED

That Council:

- a. Approve the Lease(s) annexed to this report.
- b. Delegate authority to the General Manager to negotiate any minor amendments to the terms of Lease(s) and to sign all documents and take any other action necessary to give effect to Lease(s).

Moved Cr Mepham

Seconded Cr McMichael

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

9.4 Planning Agreement for Armidale Battery Energy Storage System

Ref: AINT/2024/12107 (ARC21/4758)

59/24

RESOLVED

That Council accept the following general terms of the Planning Agreement proposed by the proponent in relation to the Armidale Battery Energy Storage System (SSD-23515853)

- a. A lump sum payment of \$1,275,000 (in 2023 dollars and adjusted annually for CPI) on commencement of construction.
- b. Annual payment of \$425 (in 2023 dollars and adjusted annually for CPI) per MW capacity for 20 years from commencement of construction.
- c. Annual payment of \$850 (in 2023 dollars and adjusted annually for CPI) per MW of capacity from the 21st and subsequent years after the commencement of construction for the development's operational life.
- d. Annual contribution to the upkeep and enhancement of the New England Rail Trail of \$20,000 (in 2023 dollars and adjusted annually for CPI) for 20 years from the commencement of construction or other projects as negotiated.

Moved Cr Gaddes

Seconded Cr Packham

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

9.5 New England Future Fund - Armidale Region

Ref: AINT/2024/12134 (ARC17/1709-7)

60/24

RESOLVED

That Council:

- a. Endorse the establishment of the New England Future Fund with contributions from voluntary planning agreements.
- b. Endorse the capital from voluntary planning agreements being invested in accordance with the *Local Government Act 1993* and being retained, with the proceeds of investment allocated to public purposes in accordance with the planning agreements.
- c. Endorse the establishment of a Board of Guardians as a delegate of Council to make investment decisions in accordance with the current approved investments order and makes decisions regarding allocation of the the proceeds of investment.
- d. Endorse the establishment of a Community Benefit Panel as a delegate of Council to makes decisions on which community benefit initiatives to support with proceeds allocated to the Panel by Board.
- e. Hold a workshop with Councillors to determine composition, the process for appointment, the terms of reference, functions, procedures, and meeting procedures for the Board of Guardians and the Community Benefit Panel.

Moved Cr Packham

Seconded Cr Gaddes

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

9.6 Outcome of Public Exhibition and Adoption of Draft Local Strategic Planning Statement (LSPS) 2024

Ref: AINT/2024/12603 (ARC24/6623)

61/24

RESOLVED

That Council:

- a. Receive and note the submissions contained in the report on the Draft Local Strategic Planning Statement;
- b. Adopt the Draft Local Strategic Planning Statement in Attachment 5;
- c. Delegate authority to the General Manager to make any minor amendments to Draft Local Strategic Planning Statement;
- d. Forward a copy to the Department of Planning, Housing and Infrastructure.

Moved Cr McMichael

Seconded Cr Gaddes

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

9.7 Tesla Supercharger Licence Agreement

Ref: AINT/2024/12905 (ARC23/5763)

62/24

RESOLVED

That Council:

- a. Approve the proposed amendments to the Tesla License Agreement noted in this report.
- b. Delegate authority to the General Manager to negotiate any minor amendments the terms of the Tesla License Agreement and to sign all documents and take any other action necessary to give effect to this resolution and the installation of Tesla chargers at 117 Jesse Street, Armidale.

Moved Cr Robinson

Seconded Cr McMichael

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

9.8 Amalgamation of Armidale Dumaresq Development Control Plan 2012 and Guyra Development Control Plan 2015

Ref: AINT/2024/13097 (ARC24/7031)

63/24

RESOLVED

That Council:

- a. Place the draft Armidale Regional Council Development Control Plan 2024 on public exhibition for a period of 28 days.
- b. Receive a further report should any submissions be received as a result of the exhibition period, however, should no submissions be received, endorse the adoption of the draft Armidale Regional Council Development Control Plan 2024 without the need of a further report to Council.

Moved Cr Gaddes

Seconded Cr Mepham

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

9.9 Planning Proposal 90 Kurrawatha Avenue, Armidale Ref: AINT/2024/14925 (ARC23/6428)

64/24

RESOLVED

That Council:

- a. Endorse the Planning Proposal (Attachment 1) to amend the minimum lot size from 1 hectare to 4,000m² and an area of 6,000m², for the land at 90 Kurrawatha Avenue, Armidale (Part Lot 200 DP 1277689).
- b. Forward the endorsed Planning Proposal to the Department of Planning, Housing and Infrastructure 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, Housing and Infrastructure.
- d. Seek authorisation from the Department of Planning, Housing and Infrastructure to be the local plan-making authority.

Moved Cr McMichael

Seconded Cr Widders

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

10. REPORTS - CORPORATE AND COMMUNITY

10.1 Guyra Preschool - Expression of Interest

Ref: AINT/2024/01667 (ARC20/4291)

65/24

RESOLVED

That Council endorse the following:

- a. Commencement of a survey of the formally proposed preschool construction site (DA-152-220 for 156-160 and 162 Bradley Street) to understand the requirements of any boundary adjustments and the provision of services to the site.
- b. Commission an Expression of Interest (EOI) to determine if any private childcare providers or developers are interested in operating the current facility, and/or constructing a new facility on the proposed site (DA-152-220 for 156-160 and 162 Bradley Street).
- c. Delegate authority to the General Manager to advance discussions with any interested parties.
- d. Resultant from a successful EOI, present shortlist of the proponents back to Council, for consideration at a following Ordinary Council Meeting.

Moved Cr Packham

Seconded Cr Mephram

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

11. REPORTS - ASSETS AND SERVICES

11.1 Kempsey Road Status Report - January 2023

Ref: AINT/2024/02193 (ARC20/3770)

66/24

RESOLVED

That Council note information within this report regarding the Kempsey –Armidale Road Restoration Project.

Moved Cr Packham

Seconded Cr Galletly

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

11.2 Gates and Stock Grids on Public Roads - For Adoption (Post Public Exhibition)

Ref: AINT/2024/04867 (ARC16/0652)

67/24

RESOLVED

That Council:

- a. Adopt the Policy POL087 – Gates and Stock Grids on Public Roads;
- b. Incorporate an amendment to Section 5 of the policy to reflect the maintenance of road pavement for stock grids on public roads to be the responsibility of Council;
- c. Note implementation of the policy through the commencement of removal of obsolete grids and gates and the issue of new permits, in accordance with the *Roads Act (1993)* following appropriate notification to landholders; and
- d. Request that Council establish a subsidy program in compliance with Section 356 of the *Local Government Act (1993)* to an upper limit of \$150,000 ex GST per annum, as a funding contribution to grid permit holders up to 30% per grid for construction of new and replacement grids.

Moved Cr Packham

Seconded Cr Galletly

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

11.3 Former Tip Shop Site - Lease Request from Armidale Men's Shed

Ref: AINT/2024/12140 (ARC24/6601)

68/24

RESOLVED

That Council:

- a. Agrees to enter into a 24-month lease agreement with the Men's Shed for the former tip shop premises, 108 Long Swamp Road, Armidale.
- b. It is proposed that the lease agreement:
 - is set at \$200 per week, which is inclusive of a 50% discount from the commercial lease value of the site, in support of the Men's Shed as a valuable community organisation.
 - includes a rent-free honeymoon period for onsite storage of materials whilst required works are conducted, and until the site is ready for occupancy.

Moved Cr McMichael

Seconded Cr O'Connor

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

12. NOTICES OF MOTION

Nil.

13. COMMITTEE REPORTS

13.1 Traffic Advisory Committee - Minutes of the meeting held 6 February 2024

Ref: AINT/2024/02536 (ARC16/0168-8)

69/24

RESOLVED

That in relation to the Traffic Advisory Committee Meeting held 6 February 2024, that Council:

- a) Note the "Minutes of the Traffic Advisory Committee meeting held 6 February 2024
- b) Endorse the Special Event Transport Management Plan for the Armidale Cycling Club's 2024 Weekly Race.
- c) Endorse the Special Event Transport Management Plan for the Armidale Cycling Club's Criterium 2024 Weekly Race, once documentation of approvals from the business and construction companies currently occupying Waller Avenue & Cameron Drive.
- d) Endorse the use of Armidale Regional Council local roads only for the Austin Page College coast run, in accordance with the submitted Traffic Management Plan;
 - i. subject to any special conditions required by NSW Police in the Section 40 approval.
 - ii. be provided copies of required approvals from Transport for NSW, Bellingen, Coffs Harbour and Clarence Valley Councils for the use of respective roads under their management.
- e) That Council note Traffic Advisory Committee endorsed:
 - i. The Guyra Lamb and Potato Festival to be held adjacent to the New England Highway from 17 January to Sunday 28 January 2024.
 - ii. The road closure of Bradley St, Guyra between Ollera St and McKenzie St on Saturday 27 January 2024.
- f) Endorse the temporary road closure of Canambe Street, Armidale between Dumaresq and Kirkwood Street, Armidale for the Armidale & New England Show from 6:30pm Thursday 29 February 2024 until 10pm Sunday 3 March 2024.
- g) Endorse the requested road closures and traffic management for the 2024 Autumn Festival
- h) Endorse the Special Event Transport Management Plan for Culture Fest 2024 and associated road closures of Faulkner Street, Armidale between Dumaresq Street and Kirkwood Street, Armidale between 6am Friday 8 March 2024 and 10.30pm on Saturday 9 March 2024.
- i) Endorse the installation of a Bus Zones at the following locations;
 - i. Niagara Street, Armidale adjacent to 246 Donnelly Street, Armidale
 - ii. Rusden Street, Armidale on the eastern end of the existing Bus Zone outside Drummond Memorial School.
 - iii. Queen Elizabeth Drive, Armidale adjacent to Girraween Shopping Centre to a full time Bus Zone from the existing time restricted zone.

Moved Cr McMichael

Seconded Cr Robinson

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

13.2 Traffic Advisory Committee - Minutes of meeting held 5 March 2024

Ref: AINT/2024/14979 (ARC16/0168-9)

70/24

RESOLVED

That in relation to the Traffic Advisory Committee Meeting held 5 March 2024, that Council:

- a) Note the “Minutes of the Traffic Advisory Committee Meeting held 5 March 2024;
- b) Endorse the requested road closure of Bradley Street, Guyra for the annual Anzac Day Dawn Service will occur Thursday, 25 April 2024 between 5.30 am and 7.00 am, in accordance with the provided traffic control plan;
- c) Endorse the requested road closure of Bradley Street, Guyra and rolling road closures of intersecting streets for the annual Anzac Day March held on Thursday, 25 April 2024 between 10.00am and 12.30pm, in accordance with the provided traffic control plan;
- d) Endorse the temporary road closures of Faulkner Street from Dumaresq Street to Beardy Street and the connecting intersections with Moore Street, Beardy Street (East Mall) and Rusden Street roundabout, Tingcombe Lane and Faulkner Street at Barney Street for the 2024 Armidale Anzac Day March and Commemoration Service to be held on Thursday 25 April 2024

Moved Cr McMichael

Seconded Cr Robinson

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

13.3 Traffic Advisory Committee - Minutes of the meeting held 2 April 2024

Ref: AINT/2024/11905 (ARC16/0168-9)

71/24

RESOLVED

That the Minutes of the Traffic Advisory Committee meeting held 2 April 2024 be noted.

- a) Endorse the following bridge load limits as below:
 - I. Willis Creek on Tenterden Road - 25t Gross Load Limit
 - II. Oaky River on Wakefield Rd from - 25t to 15t
 - III. Gara River on Herbert Park Rd from - 15t to 5t
 - IV. Branch Creek on Lower Creek Rd from - 10t to 18t (increase due to improvements)
 - V. Postmans Gully on Melrose Rd -10t Gross Load Limit
- b) Endorse to installation of a 44m No Stopping zone in Eliza Lane, adjacent to 63 Douglas Street, Armidale.
- c) Note TfNSW suggested minor improvements to increase the visibility at the intersection of Taylor Street and Dumaresq Street, those being updating signage size and location and clearing of vegetation; monitoring of the intersection will continue.

Moved Cr McMichael

Seconded Cr Robinson

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

**13.4 District Liaison Committee - New England RFS - Minutes of the meeting held on
29 February 2024**

Ref: AINT/2024/10458 (ARC17/1987)

72/24

RESOLVED

That the Minutes of the New England Bushfire Management Committee meeting held 29 February 2024 be noted.

Moved Cr Mepham

Seconded Cr Robinson

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

14. QUESTIONS FOR WHICH NOTICE HAS BEEN GIVEN

14.1 Community Report-It Statistics

Ref: AINT/2024/16581 (ARC16/0025-7)

73/24

RESOLVED

That Council note the response to the Questions for which Notice has been Given provided by Cr Robinson.

Moved Cr Robinson

Seconded Cr O'Connor

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

PROCEDURAL MOTION

74/24

RESOLVED

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

15.1 Tender Recommendation - Rockvale Road Upgrade Ch33.49 to 35.69. (AINT/2024/04283)
- *(General Manager's Note: The report considers commercial 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).*

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'Connor

Seconded Cr Robinson

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

Council entered Closed Session at 6:59pm.

Council returned to Open Session at 7:01pm.

RESUMPTION OF MEETING

75/24

RESOLVED

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

Moved Cr Robinson

Seconded Cr McMichael

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

15. CLOSED SESSION

15.1 Tender Recommendation - Rockvale Road Upgrade Ch33.49 to 35.69

Ref: AINT/2024/04283 (ARC16/0001-8)

76/24

RESOLVED

That Council:

Endorse the award of RFT A2024/24 Upgrade to Rockvale Road Ch33.49 to 35.69 (2.2km), to Brycon Civil Pty Ltd ABN 666 376 183 78 for the lump sum contract price of \$2,383,750.12 (inc. GST), to start works in June 2024 with completion due in February 2025.

Moved Cr Gaddes

Seconded Cr Packham

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

There being no further business the Mayor declared the meeting closed at 7:02pm.