



ORDINARY MEETING OF COUNCIL

Held on

Wednesday, 27 September 2023
4pm

at

Armidale Council Chambers

PRESENT: Councillor Sam Coupland, Councillor Todd Redwood (via Zoom), Councillor Paul Gaddes, Councillor Jon Galletly, Councillor Susan McMichael, Councillor Steven Mephram, Councillor Paul Packham, Councillor Dorothy Robinson and Councillor Bradley Widders.

IN ATTENDANCE: Mr Daniel Boyce (Acting General Manager), Mr Darren Schaefer (Chief Officer Corporate and Community), Mr Rick Mickerts (Acting Chief Officer Planning and Activation), Mr Alex Manners (Chief Officer Assets and Services), Ms Ann Newsome (Chief Financial Officer), Ms Simone Mooketsi (Manager Governance and Strategy), Ms Jessica Bower (Executive Officer) and Ms Michaela Giandomenico (Executive Officer).

MINUTES

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15. CLOSED SESSION

- 15.1 Contract Variation Request and Delegation of Authority Increase - GHD.....14
(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).
- 15.2 Delegation of Authority Increase - Clayton Utz14
(General Manager's Note: The report considers an RFQ 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).
- 15.3 Contract Variation Request and Delegation of Authority Increase - Seymour Whyte Construction SWC15
(General Manager's Note: The report considers Tender 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 Widders delivered the Acknowledgement of Country.

2. STATEMENT IN RELATION TO LIVE STREAMING OF COUNCIL MEETINGS

The Acting General Manager delivered the statement.

115/23

2.1 Move Items Forward

RESOLVED

That Item 7.1, Item 9.3 and Item 12.1 be brought forward in the meeting.

Moved Cr Robinson

Seconded Cr McMichael

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

7.1 Election of the Mayor and Deputy Mayor

Ref: AINT/2023/18121 (ARC20/4437)

OFFICERS' RECOMMENDATION:

That Council:

- a. Determine the method of voting for the election of the Mayor for the period of 23 September 2023 to 14 September 2024 proceed by open voting by way of show of hands;
- b. Resolve that should there be more than one Mayoral candidate, each Mayoral candidate is provided the opportunity to speak to their nomination for five minutes with the order of speakers to be based on the order in which the nominations were received;
- c. Determine the method of voting for the election of the Deputy Mayor for the period of 23 September 2023 to 14 September 2024 proceed by open voting by way of show of hands;
- d. Resolve that should there be more than one Deputy Mayoral candidate, each Deputy Mayoral candidate is provided the opportunity to speak to their nomination for five minutes with the order of speakers to be based on the order in which the nominations were received.

The Acting General Manager, acting as Returning Officer, called for nominations for the office of Mayor for the term through to 14 September 2024. One nomination was received, that of Cr Coupland.

The Returning Officer declared Cr Coupland elected as the Mayor, unopposed, for the term through to 14 September 2024.

The General Manager, acting as Returning Officer, called for nominations for the office of Deputy Mayor for the term through to 14 September 2024. One nomination was received, that of Cr Redwood.

The Returning Officer declared Cr Redwood elected as Deputy Mayor, unopposed, for the term through to 14 September 2024.

9.3 DA-22-2023 - Proposed food and drink premises at 121 Butler Street, Armidale

Ref: AINT/2023/24703 (DA-22-2023)

116/23

RESOLVED

That Council grant consent to Development Application DA-22-2023, subject to conditions outlined in attachment 2 of the report, for proposed change of use from a dwelling to a food and drink premises at 121 Butler Street, Armidale.

Moved Cr Widders

Seconded Cr Gaddes

DIVISION *The result being:-*

FOR: *Crs S Coupland, P Gaddes, P Packham, T Redwood, D O'Brien, D Robinson and B Widders*

AGAINST: *Crs J Galletly, S McMichael and S Mepham*

The Motion on being put to the vote was CARRIED.

12.1 Welcome Signage

Ref: AINT/2023/24872 (ARC16/0025-7)

117/23

Cr Dorothy Robinson left the meeting, the time being 04:25 PM

RESOLVED

After Community consultations stemming from the earlier motion at the June OCM, that Council erect signs at all main road Armidale city limit entrances stating "Welcome to the Anaiwan people", and that this will be the first step in further consultations in acknowledging the traditional custodians in other villages and/or the Armidale Regional Council boundaries. In addition, when Council events are held within the Armidale city limits that it be acknowledged as being held on Anaiwan land.

Moved Cr Widders

Seconded Cr O'Brien

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

Cr Dorothy Robinson returned to the meeting, the time being 04:26 PM

3. APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE BY COUNCILLORS

Cr O'Connor is an apology and leave of absence granted. Cr Redwood is joining the meeting remotely.

4. DISCLOSURES OF INTEREST

Name	Item	Nature of Interest	Reason/Intended Action
Clr Packham	10.1	<input type="checkbox"/> Pecuniary <input checked="" type="checkbox"/> Non Pecuniary – Significant Conflict <input type="checkbox"/> Non Pecuniary – Non Significant Conflict	Reason: As the owner of a business named in item 10.1, Cr Packham will recuse himself from the vote. Intended action: Leave Chamber

5. CONFIRMATION OF MINUTES

5.1 Minutes of Previous Meeting held 23 August 2023 Ref: AINT/2023/24026 (ARC16/0001-8)

118/23

RESOLVED

That the Minutes of the Ordinary Council meeting held on 23 August 2023 be taken as read and accepted as a true record of the meeting.

Moved Cr McMichael Seconded Cr Mepham

The Motion on being put to the vote was CARRIED.

(Cr Widders abstained from voting as he was not present at the August meeting)

6. MAYORAL MINUTE - NIL

7. REPORTS - GENERAL MANAGER'S OFFICE

7.2 Council Actions Report January 2022 - August 2023 Ref: AINT/2023/24228 (ARC16/0001-8)

119/23

RESOLVED

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

Moved Cr Gaddes Seconded Cr Robinson

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

8. REPORTS - FINANCE

8.1 Cash and Investment Report 31 July 2023

Ref: AINT/2023/24599 (ARC23/6030)

120/23

RESOLVED

That Council note the Cash and Investment Report for July 2023.

Moved Cr Packham

Seconded Cr Robinson

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

8.2 Cash and Investment Report 31 August 2023

Ref: AINT/2023/24880 (ARC23/6030)

121/23

RESOLVED

That Council note the Cash and Investment Report for August 2023.

Moved Cr Packham

Seconded Cr Robinson

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

9. REPORTS - PLANNING AND ACTIVATION

9.1 Public Exhibition of Draft Ecologically Sustainable Development (ESD) Policy

Ref: AINT/2023/22459 (ARC23/6155)

122/23

RESOLVED

That Council:

- a. Endorse public exhibition of the Draft Ecologically Sustainable Development Policy for a period of 28 days.
- b. Receive a further report following the public exhibition period.

Moved Cr Robinson

Seconded Cr McMichael

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

9.2 New England Future Fund

Ref: AINT/2023/24170 (ARC17/1709-7)

123/23

RESOLVED

That Council:

- a. Endorse in principle, the concept of a “Future Fund” governed by a Board of Guardians and a Community Benefit Panel to be established to manage, invest and distribute contributions from renewable energy planning agreements.
- b. Endorse approaching the Minister for Local Government seeking alternative investment options (outside Investment Order) which may include investing in real property and community energy projects in Armidale Local Government Area.
- c. Receive a further report on the progress of pursuing the above within 3 months.

Moved Cr Gaddes

Seconded Cr O'Brien

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

9.4 Gazettal of Roads for purposes of (DA-95-2022) subdivision of 32 A Crest Road, Armidale

Ref: AINT/2023/25144 (ARC23/6129)

124/23

RESOLVED

That Council:

- a. endorse for the following Crown Road Reserves to be transferred to Council:
 - i. Harden Street.
 - ii. Crest Road, Armidale.
 - iii. Gordon Street.
 - iv. Orr Drive.
 - v. Chestnut Avenue.
 - vi. Glen Innes Road.
 - vii. Birch Crescent.
- b. delegate to the General Manager the authority to execute all documents and do all other things necessary to complete the transfer.

Moved Cr Robinson

Seconded Cr Mepham

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

10. REPORTS - CORPORATE AND COMMUNITY

10.1 Cafe Tenant Armidale Airport - The Alternate Root Café

Ref: AINT/2023/22188 (ARC23/6142)

125/23

Cr Paul Packham left the meeting, the time being 04:40 PM

RESOLVED

That Council:

- a. Note that the two respondents to the original Expression of Interest (EOI) conducted by the Professionals Real-estate (Tattersalls Hotel and Moxons Bakery) have declined to pursue at this time.
- b. Note that the new proponent, The Alternate Root Cafe at Uralla, has been engaged.
- c. Endorse the conditions of the proposed lease with the terms of:
 - i. Initial term of 3.5 years with a trial period of 6 months, where during this trial period, the tenant may terminate the lease with one month's notice without penalty.
 - ii. Upon completion of a trial period, ARC will honour the original rent-free period of a further 12 months', with year two and year three both charged at \$10,000 per annum plus GST (subject to CPI rent review).
 - iii. An ARC capital contribution of \$10,000 with expenditure to be adjusted in the first Quarterly Budget Review process.
 - iv. Use of the highway pylon sign for advertising at no cost for the term of the lease
 - v. Use of retail space adjacent to the café at no cost for the term of the lease.
- d. Note the tenant will seek their own liquor licence to serve and sell alcohol.

Moved Cr Galletly

Seconded Cr Gaddes

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

Cr Paul Packham returned to the meeting, the time being 04:41 PM

10.2 Review of ARIC Charter

Ref: AINT/2023/23460 (ARC23/5778)

126/23

RESOLVED

That Council defers this matter to the October OCM and a workshop with all councillors be held within two weeks to discuss the ARIC Charter

Moved Cr Packham

Seconded Cr Robinson

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

11. REPORTS - ASSETS AND SERVICES

11.1 Kempsey Road Status Report

Ref: AINT/2023/23657 (ARC23/6087)

127/23

RESOLVED

That Council note information within the report regarding the Kempsey –Armidale Road Restoration Project following the Steering Committee held Thursday 14 September 2023.

Moved Cr Robinson

Seconded Cr Widders

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

11.2 Update - Gates and Stock Grids on Public Roads POL087 - Public Consultation

Ref: AINT/2023/24886 (ARC16/0652)

128/23

RESOLVED

That Council:

- a. Note the update report; and
- b. Note that the Connected Region Key Pillar Working Group requested that Policy POL087 - Gates and Stock Grids on Public Roads be deferred to the October 2023 Ordinary Council Meeting.

Moved Cr McMichael

Seconded Cr Redwood

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

12. NOTICES OF MOTION

Item 12.1 was addressed under Item 2.1.

13. COMMITTEE REPORTS

13.1 Traffic Advisory Committee - Minutes of the meeting held 4 July 2023

Ref: AINT/2023/13208 (ARC16/0168-8)

129/23

RESOLVED

That in relation to the report "Armidale Regional Council Traffic Advisory Committee Minutes – 4 July 2023", that Council:

- a) Endorse the extension to the No Stopping zone by 15m south on the eastern side of Glenelg Road, in front of 126 Handel Street;
- b) Endorse the request to extend the length of the No Stopping zone by 15m west on the southern side of Donnelly Street, in front of 116A Donnelly Street, Armidale; AND
- c) Endorse the change of parking restriction from No Stopping to No Parking adjacent to the UNE Clinics on the hospital grounds in Butler Street between Barney St and Rusden Street, Armidale. To provide a drop-off zone.

Moved Cr McMichael

Seconded Cr Robinson

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

13.2 Audit, Risk and Improvement Committee - Minutes of the meeting held 15 August 2023

Ref: AINT/2023/23449 (ARC23/5778)

130/23

RESOLVED

That Council note the Minutes of the ARIC meeting held on 15 August 2023.

Moved Cr Mepham

Seconded Cr Robinson

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

13.3 Traffic Advisory Committee - Minutes of meeting held 5 September 2023

Ref: AINT/2023/24364 (ARC16/0168-8)

131/23

RESOLVED

That in relation to the report "Armidale Regional Council Traffic Advisory Committee Minutes – 5 September 2023", that Council;

- a. Endorse the requested road closures for the New England Sporting Car Club (NESCC) Metz Gorge Rallysprint to be held 1 October 2023;
- b. Endorse the use of local roads for the use by Armidale Triathlon Clubs running and cycling sections for their annual race season 2023/2024;
- c. Note the recommendation by the TAC to endorse the use of the trails around Dumaresq Dam and local roads by the Armidale Athletics Club to conduct the annual Duval Dam Busters Trail Run;

- d. Endorse the rolling road closures of Faulkner Street and Rusden Street and Dangar Street Armidale on 28 October 2023, associated with the Freedom of the City parade route from Curtis Park to Central Park;
- e. Note the recommendation by the TAC to endorse the use of local roads within the LGA as part of the annual Ride for The Chopper - bicycle ride from 19 to 21 September 2023;
- f. Endorse the temporary road closures of Faulkner Street, Armidale between Cinders Lane and Moore Street for Halloween 2023 celebrations, on Friday 27 October 2023;
- g. Endorse the closure of Bradley Street between McKenzie Street and Ollera St, Guyra on Saturday 30 September for the Troutfest 2023 from 7:00am to 4:00pm;
- h. Endorse converting the 90° parking along Woodward Street, Armidale to parallel parking and alter the existing kerb line to move the parking away from the adjacent building (Burtons Saddlery), subject to further consultation;
- i. Note the proposal to conduct consultation and further investigation regarding a proposal to convert Woodward Street, Armidale to become a one-way traffic flow to reduce vehicle conflicts;
- j. Note the use of Armidale Council roads on 9 December 2023 for the New England Bushrangers Ulysses Club to conduct their annual toy run;
- k. Council note the transport plan of the Armidale Live/Renew Armidale group to enable the movement of large Koala to various events, subject to the following conditions:
 - I. That the organisers provide registration and insurance details of the trailer;
 - II. That organisers make sure all oversize over mass requirements are met; and
 - III. That organisers reach out to Police for an inspection of the unit once together.
- l. Transport NSW request installation of line marking at a current Mobile Speed Camera Site for the Regulatory Unit at Guyra Road, Wandsworth.

Moved Cr McMichael

Seconded Cr Robinson

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

14. QUESTIONS FOR WHICH NOTICE HAS BEEN GIVEN - NIL

PROCEDURAL MOTION

132/23

RESOLVED

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

- 15.1 Contract Variation Request and Delegation of Authority Increase - GHD.
(AINT/2023/24633) - (***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*).
- 15.2 Delegation of Authority Increase - Clayton Utz. (AINT/2023/24816) - (***General Manager's Note:*** *The report considers an RFQ 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*).
- 15.3 Contract Variation Request and Delegation of Authority Increase - Seymour Whyte Construction SWC. (AINT/2023/24814) - (***General Manager's Note:*** *The report considers Tender 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 Galletly

Seconded Cr O'Brien

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

Council entered Closed Session at 04:50pm.

Council returned to Open Session at 04:58pm.

RESUMPTION OF MEETING

133/23

RESOLVED

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

Moved Cr O'Brien

Seconded Cr McMichael

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

15. CLOSED SESSION

15.1 Contract Variation Request and Delegation of Authority Increase - GHD

Ref: AINT/2023/24633 (ARC20/3770)

134/23

RESOLVED

That Council

- a. Endorse the Procurement Strategy for further utilisation as and when required by Council's Kempsey Road Project Team of the Kempsey Shire Council's arrangement with GHD Pty Ltd under RFT TQE 21/18 "Provision of Project Management and Engineering Services 2021" for the period of the contract to its expiry on 31 July 2024, or alternatively to the extended contract expiry date.
- b. Delegate authority to the General Manager to authorise expenditure under the contract to an upper limit of funding available for the project as approved by the Administrating Agency Transport for NSW (TfNSW).
- c. Delegate authority to the General Manager to approve variations up to the upper limit funding for any additional works carried out by GHD under the contract.

Moved Cr Galletly

Seconded Cr McMichael

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

15.2 Delegation of Authority Increase - Clayton Utz

Ref: AINT/2023/24816 (ARC23/6087)

135/23

RESOLVED

That Council:

- a. Endorse the procurement strategy with Clayton Utz to provide continual support for the Kempsey Armidale Road Restoration Project by variation of contract;
- b. Delegate authority to the General Manager to authorise expenditure under the contract to an upper limit of funding available for the project as approved by the Administrating Agency Transport for NSW (TfNSW); and
- c. Delegate authority to the General Manager to approve variations up to the upper limit funding for any additional works carried out by Clayton Utz under the contract.

Moved Cr Galletly

Seconded Cr Robinson

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

**15.3 Contract Variation Request and Delegation of Authority Increase - Seymour
Whyte Construction SWC**

Ref: AINT/2023/24814 (ARC23/6087)

136/23

RESOLVED

That Council:

- a) Endorse the procurement strategy with Seymour Whyte Constructions Pty Ltd (SWC) to provide continual support for the Kempsey Armidale Road Restoration Project by variation of contract for an additional \$2,502,855.27 excl. GST;
- b) Delegate authority to the General Manager to authorise expenditure under the contract to an upper limit of funding available for the project as approved by the Administrating Agency Transport for NSW (TfNSW).
- c) Delegate authority to the General Manager to approve variations up to the upper limit funding for any additional works carried out by SWC under the contract.

Moved Cr Galletly

Seconded Cr Robinson

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

There being no further business the Mayor declared the meeting closed at 05:01pm.