



ORDINARY MEETING OF COUNCIL

Held on

Wednesday, 28 February 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 (Chief Officer Corporate and Community), Mr Daniel Boyce (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 Michaella Giandomenico (Executive Officer) and Ms Melissa Hault (Executive Officer).

MINUTES

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1. **CIVIC AFFIRMATION AND ACKNOWLEDGEMENT OF COUNTRY**
Cr Redwood delivered the Civic Affirmation and Cr O'Brien 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	9.4	<input type="checkbox"/> Pecuniary <input type="checkbox"/> Non Pecuniary – Significant Conflict <input checked="" type="checkbox"/> Non Pecuniary – Non Significant Conflict	Reason: Is employed with the Department of Climate Change, Energy, Environment and Water. Intended action: Remain in the Chamber
Clr Redwood	10.2	<input type="checkbox"/> Pecuniary <input type="checkbox"/> Non Pecuniary – Significant Conflict <input checked="" type="checkbox"/> Non Pecuniary – Non Significant Conflict	Reason: Item is regarding Cr Redwood's disclosure. Intended action: Remain in the Chamber

5. **CONFIRMATION OF MINUTES**

5.1 **Minutes of Previous Extraordinary Meeting held 24 January 2024**

Ref: AINT/2024/02892 (ARC16/0001-8)

2/24

RESOLVED

That the Minutes of the Extraordinary Council meeting held on 24 January 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 Meeting held 13 December 2023

Ref: AINT/2024/02894 (ARC16/0001-8)

3/24

RESOLVED

That the Minutes of the Ordinary Council meeting held on 13 December 2023 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: Cost shifting onto Local Government

Ref: AINT/2024/01481 (ARC16/0001-8)

4/24

RESOLVED

That Council;

1. Council receive and note the findings of the LGNSW Cost Shifting report for the 2021/2022 financial year; and
2. A copy of the cost shifting report be placed on Council's website so that our communities can access it; and
3. Council write to the Premier, the NSW Treasurer and the NSW Minister for Local Government seeking that they urgently seek to address these costs through a combination of regulatory reform, budgetary provision and appropriate funding.

Moved Cr Coupland Seconded Cr Redwood

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

7. REPORTS - GENERAL MANAGER'S OFFICE

7.1 Council Actions Report January 2022 - February 2024

Ref: AINT/2024/02920 (ARC16/0001-8)

5/24

RESOLVED

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

Moved Cr Robinson Seconded Cr Gaddes

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

7.2 July 2024 Ordinary Council Meeting Date *Ref: AINT/2024/03433 (ARC16/0001-8)*

6/24

RESOLVED

- a. That the July 2024 Ordinary Council Meeting be held on 24 July 2024.
- b. That the time for the Ordinary Council meeting to commence is 4pm.

Moved Cr Gaddes

Seconded Cr Redwood

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

8. REPORTS - FINANCE

8.1 Cash and Investment Report 31 October 2023 *Ref: AINT/2024/01827 (ARC17/1711)*

7/24

RESOLVED

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

Moved Cr Packham

Seconded Cr Gaddes

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

8.2 Cash and Investment Report 30 November 2023 *Ref: AINT/2024/02242 (ARC17/1711)*

8/24

RESOLVED

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

Moved Cr Packham

Seconded Cr Gaddes

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

8.3 Cash and Investment Report 31 December 2023 *Ref: AINT/2024/02243 (ARC17/1711)*

9/24

RESOLVED

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

Moved Cr Packham

Seconded Cr Gaddes

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

8.4 Cash and Investment Report 31 January 2024

Ref: AINT/2024/02244 (ARC17/1711)

10/24

RESOLVED

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

Moved Cr Packham

Seconded Cr Gaddes

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

8.5 2023-24 First Quarter Budget Review

Ref: AINT/2024/03261 (ARC17/1711)

11/24

RESOLVED

That Council:

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

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

- c. Resolve to adopt the amendments in the 2023/24 budget in accordance with the Quarterly Budget Review Statement for the period 1 July to 30 September 2023 tabled in the attachments.

Moved Cr Robinson

Seconded Cr Galletly

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

8.6 2023-24 Second Quarter Budget Review

Ref: AINT/2024/03262 (ARC17/1711)

12/24

RESOLVED

That Council:

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

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

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

Moved Cr Robinson

Seconded Cr Galletly

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

9. REPORTS - PLANNING AND ACTIVATION

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

Ref: AINT/2024/01702 (ARC23/6182)

13/24

RESOLVED

That Council;

- a. Place the Draft Detailed Design Concept Plans for East Mall, Beardy Street (**Attachment 1**) for public exhibition for a period of not less than 28 days.
- b. Hold a workshop, inviting the key stakeholder working group and all councillors, once the submission period closes to consider the plans and any submissions received.

Moved Cr Robinson

Seconded Cr Widders

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

9.2 Planning Agreement relating to the construction of kerb and gutter at 2

Coventry Street Guyra

Ref: AINT/2024/01274 (DA-233-2010/A)

14/24

RESOLVED

- a) That Council enter into a Planning Agreement (PA) for payment of a \$22,500.00 contribution towards the future construction of kerb and gutter at 2 Coventry Street Guyra.
- 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 Mepham

Seconded Cr Galletly

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

9.3 Updated Renewable Energy Community Benefit Framework

Ref: AINT/2024/03240 (ARC20/4286)

15/24

RESOLVED

That Council:

- a. Endorse the Draft Updated Renewable Energy Community Benefit Framework for public exhibition for a period of not less than 28 days.
- b. Receive a further report once the submission period closes to consider any submissions received.

Moved Cr Galletly

Seconded Cr Robinson

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

9.4 NSW Government Draft Energy Policy Framework *Ref: AINT/2024/02650 (ARC24/6571)*

16/24

RESOLVED

That Council note the report on the NSW Governments Draft Energy Policy Framework.

Moved Cr Galletly

Seconded Cr Robinson

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

10. REPORTS - CORPORATE AND COMMUNITY

10.1 Integrated Planning and Reporting - Delivery Program 2022-2026 and Operational Plan 2023-2024 Progress Report - December 2023

Ref: AINT/2024/01742 (ARC22/5145)

17/24

RESOLVED

That Council note the status of the Operational Plan 2023-2024 and Delivery Program 2022-2026 Progress Report as at 31 December 2023.

Moved Cr Robinson

Seconded Cr Redwood

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

10.2 Tabling of Updated Disclosure of Pecuniary Interest by Cr Redwood

Ref: AINT/2023/32318 (ARC23/5942)

18/24

RESOLVED

That Council note the tabling of updated Disclosure of Pecuniary Interest by Councillor Redwood.

Moved Cr Robinson

Seconded Cr Gaddes

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

10.3 Customer Service Promise - For Adoption (Post Public Exhibition)

Ref: AINT/2024/02518 (ARC17/2008)

19/24

RESOLVED

That Council adopt the Customer Service Promise.

Moved Cr Redwood

Seconded Cr Robinson

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

10.4 Audit, Risk and Improvement Committee – Appointment of Independent Members

Ref: AINT/2024/02677 (ARC24/6628)

20/24

RESOLVED

That Council:

- a. Thank Mr Michael O'Connor for his service and advice to Council as independent member during the previous term and note his retirement from the Committee.
- b. Endorse the re-appointment of Phil Thomas, Jason Masters as independent members of the Audit, Risk and Improvement Committee effective 1 March 2024 for a term of four years expiring 29 February 2028.
- c. Endorse the appointment of Ms Susan Leahy as an independent member of the Audit, Risk and Improvement Committee effective 1 March 2024 for a term of four years expiring 29 February 2028.
- d. Re-appoint Mr Phil Thomas as chair of the Audit Risk and Improvement Committee for one further term.
- e. Note the remuneration for the Committee is as per the ARIC Expenses and Facilities Policy approved by Council's governing body at the 13 December 2023 Ordinary Council Meeting.

Moved Cr Packham

Seconded Cr Redwood

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

10.5 Option to appoint a non-voting Councillor member to the Audit Risk and Improvement Committee

Ref: AINT/2024/02768 (ARC24/6628)

21/24

RESOLVED

That the matter be considered in seriatim.

Moved Cr Robinson

Seconded Cr Packham

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

22/24

That Council:

1. Council call for written EOI from councillors meeting the criteria for a non-voting Councillor member to the ARIC.

Moved Cr Robinson

Seconded Cr Packham

DIVISION The result being:-

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

AGAINST: Cr J Galletly

The Motion on being put to the vote was CARRIED.

- 23/24 2. Until a Councillor representative is appointed, the ARIC will continue to function with three independent members.

Moved Cr Robinson Seconded Cr Packham

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

- 24/24 3. At any time, a request supported by three or more Councillors to add an item to the ARIC Agenda will be forwarded to the Chair to consider adding to the agenda.

Moved Cr Robinson Seconded Cr Packham

DIVISION The result being:-

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

AGAINST: Cr J Galletly

The Motion on being put to the vote was CARRIED.

- 25/24 4. Councillors will have the option of attending ARIC meetings as observers, with appropriate notification to the Chair.

Moved Cr Robinson Seconded Cr Packham

DIVISION The result being:-

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

AGAINST: Crs S Coupland and J Galletly

The Motion on being put to the vote was CARRIED.

10.6 Public Interest Disclosure Policy for Adoption - (Post Public Exhibition)

Ref: AINT/2024/03003 (ARC24/6628)

- 26/24 **RESOLVED**

That Council formally adopted the draft Public Interest Disclosure Policy noting no submissions were received during the public exhibition period.

Moved Cr Redwood Seconded Cr McMichael

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

11. REPORTS - ASSETS AND SERVICES

11.1 Consultant Engagement - Guyra Flood Study and Drainage Strategy

Ref: AINT/2023/30367 (ARC23/5782)

27/24

RESOLVED

That Council:

- a. Endorse the Procurement Strategy in regard to WRM Water & Environment PTY LTD (WRM) that under Section 55(3)(i) of the *Local Government Act 1993* (the Act), and an exemption to the Act be endorsed as WRM are currently engaged as a subcontractor to Council placing them at advantage, and a satisfactory result would not be achieved by inviting tenders;
- b. Approve the engagement of WRM to undertake the Guyra Flood Study and Guyra Drainage Strategy subject to approval of a proposal by the General Manager;
- c. Delegate authority to the General Manager to authorise expenditure under the contract to an upper limit of funding available for the project; and
- d. Authorises the General Manager to approve all necessary documentation to execute the contract.

Moved Cr Mepham

Seconded Cr Robinson

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

12. NOTICES OF MOTION

Cr Bradley Widders left the meeting, the time being 05:31 PM

Cr Bradley Widders returned to the meeting, the time being 05:32 PM

12.1 Security Guarantee for New England Weeds Authority Loan

Ref: AINT/2024/03241 (ARC16/0025-7)

28/24

RESOLVED

That the matter be considered in seriatim.

Moved Cr Robinson

Seconded Cr Widders

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

29/24

1. That Armidale Regional Council authorises the provision of a guarantee as security for loan funding provided to the New England Weeds Authority.

Moved Cr Robinson

Seconded Cr Widders

The Motion on being put to the vote was CARRIED unanimously

30/24

2. That the amount of the guarantee to be provided to the Commonwealth Bank, shall be \$316,828, calculated in proportion to Council's member contributions for the coming financial year, relative to the total member contributions of all four constituent councils: Glen Innes Severn, Armidale Regional, Uralla Shire and Walcha Councils.

Moved Cr Robinson

Seconded Cr Widders

The Motion on being put to the vote was CARRIED unanimously

31/24

3. That the guarantee amount be increased to \$382,275 in the event that one member council is unable to provide the guarantee within the required time frame, and no other security is available.

Moved Cr Robinson

Seconded Cr Widders

DIVISION The result being:-

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

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

The Motion on being put to the vote was LOST

4. That the General Manager is authorised to execute the loan security documents provided by the Commonwealth Bank.

Moved Cr Robinson

Seconded Cr Widders

The Motion on being put to the vote was CARRIED unanimously

13. COMMITTEE REPORTS

13.1 Sports Council Committee - Minutes of the meeting held 5 December 2023

Ref: AINT/2023/31979 (ARC16/0330-2)

32/24

RESOLVED

That Council:

- a. Note the Minutes of the Sports Council Committee meeting held on 5 December 2023.
- b. Endorse the committee's recommendation to support the Armidale Blues Rugby clubs grant application of \$39,000.00.
- c. Endorse the committee's recommendation to support Narwan Rugby League Clubs grant application for \$7,408.50.
- d. Note the successful application of Candita Collins to the Sports Council committee.
- e. Note the changes to the Sports Council Priority List.

Moved Cr Galletly

Seconded Cr Gaddes

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

13.2 Traffic Advisory Committee - Minutes of meeting held 4 December 2023

Ref: AINT/2024/00763 (ARC16/0168-8)

33/24

RESOLVED

That Council:

- a) Note the Minutes of the Traffic Advisory Committee meeting held on Monday, 4 December 2023;
- b) Note the request for Council to monitor the Guyra community's interaction with the new speed humps once the installation has occurred in Bradley Street Guyra;
- c) Note TfNSW will further investigate better traffic control for the intersection of Sandon Street Guyra with the New England Highway and consider the request to extend the 50 km/h zone South past the intersection of Sandon Street with the New England Highway, with a further report to be provided to Traffic Committee;
- d) Endorse the temporary road closure of Canambe Street, Armidale, between Dumaresq and Kirkwood Streets for the Epic Horse Sale and Campdraft 2024, from 6.00am, Friday 22 March until 4.00pm on Sunday 24 March 2024;
- e) Note the temporary road closure of Canambe Street Armidale between Dumaresq and Kirkwood Streets for the 26, 27, & 28 January 2024, for the Annual Armidale Campdraft;
- f) Endorse the temporary closure of Dangar Street, Armidale, between Dumaresq and Kirkwood Streets, from 5.00am to 9.00am on Thursday 18 April 2024, for the Tour De Rocks;
- g) Endorse the Special Event Transport Management Plan for the staging of the Tour de Rocks on Thursday 18 April 2024, for the occupation and usage of Armidale Regional Council Local Government Area (LGA) local roads only, pending approval for the use of local roads within the LGA of Clarence Valley Council and Coffs Harbour City Council, and of any regional classified roads from TfNSW, and any further recommendations from NSW Police;
- h) Endorse closure of the Marsh Street entry into the Armidale Visitors Information Centre car park, with all vehicles requiring to enter via Dumaresq Street; and
- i) Endorse provision of an additional two Caravan Parking spaces in the Armidale Visitors Information Centre car park by repurposing four car parking spaces and extending the length of the existing parking bays by 2m to the south to comply with Caravan Parking requirements.

Moved Cr McMichael

Seconded Cr Packham

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/2024/03242 (ARC16/0025-7)

34/24

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

35/24

RESOLVED

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

15.1 Public Works tender recommendations for Armidale and Guyra Saleyards Infrastructure Upgrade. (AINT/2024/03392) - (**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 Robinson

Seconded Cr McMichael

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

Council entered Closed Session at 5:51pm.

Council returned to Open Session at 6:04pm.

RESUMPTION OF MEETING

36/24 **RESOLVED**

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

Moved Cr Gaddes Seconded Cr Robinson

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

15. CLOSED SESSION

**15.1 Public Works tender recommendations for Armidale and Guyra Saleyards
Infrastructure Upgrade**

Ref: AINT/2024/03392 (ARC21/4733)

37/24 **RESOLVED**

That as per cl. 178(3) of the Local Government Regulations, Council endorse the PWA tender recommendation for direct negotiations with the most advantageous tender, identified as Shay Brennan Construction P/L. for the Guyra and Armidale Saleyard Upgrade RFT-10053871 provided by NSW Public Works.

Moved Cr Galletly Seconded Cr Mepham

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

There being no further business the Mayor declared the meeting closed at 6:06pm.