



ORDINARY MEETING OF COUNCIL

Held on

Wednesday, 28 September 2022
4pm

at

Armidale Council Chambers

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

IN ATTENDANCE: Mr James Roncon (General Manager), Mr Darren Schaefer (Chief Officer Corporate and Community), Mr Daniel Boyce (Chief Officer Sustainable Development), Mr Alex Manners (Chief Officer Assets and Services), Mr Simon Paul (Acting Chief Financial Officer), Ms Ann Newsome (Chief Financial Officer), Ms Simone Mooketsi (Manager Governance and Strategy), Ms Jessica Bower (Executive Officer) and Ms Melissa Hault (Executive Officer).

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1. CIVIC AFFIRMATION AND ACKNOWLEDGEMENT OF COUNTRY

Cr Robinson 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 McMichael	11.1	<input type="checkbox"/> Pecuniary <input checked="" type="checkbox"/> Non Pecuniary – Significant Conflict <input type="checkbox"/> Non Pecuniary – Non Significant Conflict	Reason: Board member of ANC. Intended action: Leave Chamber
Clr Gaddes	15.1	<input type="checkbox"/> Pecuniary <input checked="" type="checkbox"/> Non Pecuniary – Significant Conflict <input type="checkbox"/> Non Pecuniary – Non Significant Conflict	Reason: Board member of NERAM. Intended action: Leave Chamber

5. CONFIRMATION OF MINUTES

5.1 Minutes of Previous Meeting held 24 August 2022 Ref: AINT/2022/35896 (ARC16/0025-6)

179/22

RESOLVED

That the Minutes of the Ordinary Council meeting held on 24 August 2022 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 unanimously.

6. MAYORAL MINUTE - (REFER CLOSED SESSION)

7. NOTICES OF MOTION

Nil.

8. LEADERSHIP FOR THE REGION

8.1 Integrated Planning and Reporting - Delivery Program 2018-2022 and Operational Plan 2021-2022 Progress Report - January to June 2022

Ref: AINT/2022/32263 (ARC20/4344)

180/22

RESOLVED

That Council note the Delivery Program 2018-2022 and Operational Plan 2021-2022 Progress Report for the period January to June 2022.

Moved Cr Galletly

Seconded Cr Redwood

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

8.2 Council Actions Report January - August 2022

Ref: AINT/2022/34521 (ARC16/0001-7)

181/22

RESOLVED

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

Moved Cr Gaddes

Seconded Cr Widders

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

8.3 2021-2022 Fourth Quarter Budget Review

Ref: AINT/2022/39202 (ARC20/4311)

182/22

RESOLVED

That Council:

- a. Note the 2021-2022 Fourth Quarter Budget Review (QBR4).
- b. Note the revised 2021-2022 budget produces an unrestricted cash forecast of \$4.031 million and the following fund results:

Fund	Operating Surplus / (Deficit) (before capital grants)
General	\$238,000
Water	\$2,236,000
Sewerage	\$2,023,000
Consolidated Result	\$4,497,000

- c. Note the proposed reduction in capital expenditure from \$41m to \$28.7m as a result of the budget review.
- d. Resolve to amend the 2021-2022 budget in accordance with the Quarterly Budget Review Statement for the period 1 April 2022 to 30 June 2022 tabled at the attachment.
- e. Resolve to carry forward unspent amounts in order to provide funding for the projects

commenced and expected to be completed in the 2022/23 financial year. The 2022/23 Carry Forwards represent incomplete capital projects as at 30 June 2022 that had a 2021/22 budget allocation.

Moved Cr Galletly Seconded Cr Widders

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

9. GROWTH, PROSPERITY AND ECONOMIC DEVELOPMENT

9.1 Cash and Investment Report 31 August 2022 *Ref: AINT/2022/36692 (ARC20/4311)*

183/22

RESOLVED

That Council note the Cash and Investment Report for August 2022.

Moved Cr Widders Seconded Cr Gaddes

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

9.2 Investment Policy - Annual Review *Ref: AINT/2022/39222 (ARC20/4311)*

184/22

RESOLVED

That Council:

1. note the annual review of the Investment Policy.
2. note that no proposed amendments or updates are recommended.
3. note that the Policy is not required to be placed on public exhibition given no changes are proposed.

Moved Cr Widders Seconded Cr O'Brien

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

10. ENVIRONMENT AND INFRASTRUCTURE

Nil.

11. OUR PEOPLE AND COMMUNITY

Cr Susan McMichael left the meeting, the time being 04:10 PM

11.1 Increase the Annual Financial Contribution to the Armidale Neighbourhood Centre - For Adoption (Post Public Exhibition) *Ref: AINT/2022/38597 (ARC18/2827)*

185/22

RESOLVED

That Council:

- a. Receive and note the submissions attached this report on the intention to increase the annual financial contribution to the Armidale Neighbourhood Centre (ANC) from \$20,000 pa to \$80,000 pa; and
- b. Adopt to increase the annual financial contribution to the Armidale Neighbourhood Centre and make the budget adjustment as part of the 2022/23 first quarter review.

Moved Cr O'Brien

Seconded Cr Robinson

DIVISION The result being:-

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

AGAINST: Cr P Packham

The Mayor declared the vote CARRIED.

Cr Susan McMichael returned to the meeting, the time being 04:29 PM

12. COMMITTEE REPORTS

12.1 KPWG - Minutes of meetings held July - September 2022

Ref: AINT/2022/34527 (ARC16/0001-7)

186/22

RESOLVED

That the following Minutes of the Key Pillar Working Group meetings held from July 2022 to September 2022 be noted;

- Growing Region KPWG meeting held 26 July 2022
- Connected Region KPWG meeting held 28 July 2022
- Future Region KPWG meeting held 11 August 2022
- Enriched Region KPWG meeting held 12 August 2022
- Growing Region KPWG meeting held 1 September 2022
- Future Region KPWG meeting held 14 September 2022
- Liveable Region KPWG meeting held 15 September 2022

Moved Cr Galletly

Seconded Cr Redwood

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

13. MATTERS OF AN URGENT NATURE

13.1 EXTEND SRV CLOSING DATE (CR MARGARET O'CONNOR) REF: ARC16/0025-6

187/22

RESOLVED

IN VIEW OF THE QUEEN'S NATIONAL DAY OF MOURNING PUBLIC HOLIDAY HELD 22 SEPTEMBER 2022, THAT COUNCIL EXTEND THE CLOSING DATE FOR THE SPECIAL RATE VARIATION SUBMISSIONS FROM 30 SEPTEMBER 2022 TO 3 OCTOBER 2022.

MOVED CR O'CONNOR

SECONDED CR ROBINSON

DIVISION THE RESULT BEING:-

FOR: CRS S MCMICHAEL, M O'CONNOR, P PACKHAM AND D ROBINSON

AGAINST: CRS S COUPLAND, P GADDES, J GALLETLY, S MEPHAM, D O'BRIEN, T REDWOOD AND B WIDDERS

THE MAYOR DECLARED THE VOTE LOST.

14. QUESTIONS ON NOTICE

14.1 Question on Notice - Cr Robinson

Ref: AINT/2022/38671 (ARC16/0025-6)

188/22

RESOLVED

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

Moved Cr Robinson

Seconded Cr O'Brien

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

PROCEDURAL MOTION

189/22

RESOLVED

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

15.1 Mayoral Minute - New England Regional Art Museum's Capital Works Program - Request for Support. (AINT/2022/39156) - (**General Manager's Note:** *The report considers NERAM 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 Engagement of Acting Project Director for Kempsey - Armidale Road Recovery Project. (AINT/2022/32172) - (**General Manager's Note:** *The report considers an engagement and*

is deemed confidential under Section 10A(2)(a) (c) of the Local Government Act 1993, as it deals with personnel matters concerning a particular individual; AND 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 Appledale Project - Clearing and Grubbing Tender - Endorsement. (AINT/2022/37698) - ***(General Manager's Note: The report considers the award of tender RFT ARC22/5098 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 Armidale Regional Airport Security Screening Fee - Charges by Commercial Arrangement. (AINT/2022/33452) - ***(General Manager's Note: The report considers Armidale Regional Airport and is deemed confidential under Section 10A(2)(d) of the Local Government Act 1993, as it deals with commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the Council; or (iii) reveal a trade secret).***
- 15.5 Lease Extension and Fitout Contribution Value for Grafton Road Depot by Tenant Backtrack Youthworks. (AINT/2022/38829) - ***(General Manager's Note: The report considers Backtrack Youthworks 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 O'Brien

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

Council entered Closed Session at 4:46pm.

Council returned to Open Session at 5:04pm.

RESUMPTION OF MEETING

190/22 **RESOLVED**

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

Moved Cr McMichael Seconded Cr Widders

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

15. CLOSED SESSION

Cr Paul Gaddes left the meeting, the time being 04:46 PM

**15.1 Mayoral Minute - New England Regional Art Museum's Capital Works Program
- Request for Support**

Ref: AINT/2022/39156 (ARC16/0025-6)

191/22 **RESOLVED**

That Council:

- a. Council endorses NERAM's plan for a major capital works program 'Building a New NERAM'.
- b. Council is willing to provide in-kind support for the project. The extent of the support will be subject to discussion as the project takes shape.
- c. Council provides a letter of intent to NERAM confirming that a decision to extend the current funding agreement be made by April 2026.

Moved Cr Coupland Seconded Cr McMichael

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

Cr Paul Gaddes returned to the meeting, the time being 04:54 PM

**15.2 Engagement of Acting Project Director for Kempsey - Armidale Road Recovery
Project**

Ref: AINT/2022/32172 (ARC21/4742)

192/22 **RESOLVED**

That Council:

- a) Approve the extended engagement of Ken Fox (FMP Consulting Pty Ltd) as an Acting Project Director up to the end of December 2022, with an option to extend to July 2023 if delays are experienced in procuring client side replacement resources;
- b) Endorse the variation of the existing contract for FMP Consulting Pty Ltd to an estimated expenditure of \$249,040.00 (incl. GST) in addition to the original contract value of \$332,500.00 (incl. GST);
- c) Delegate authority to General Manager to approve the expenditure for the project and FMP Consulting Pty Ltd up to \$581,540.00 (incl. GST) available from EPARW (Kempsey Road Recovery Works) fund approved by TfNSW; and

- d) Delegate authority to the General Manager to extend the contract at a total weekly cost of \$11,320.00 (incl. GST) until the tender process for the engagement of ARC client side resources for Main Recovery Works Project Director, Senior Project Manager, Site Officers and administrative staff has been completed and the tender awarded by Council.

Moved Cr Galletly

Seconded Cr Redwood

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

15.3 Appledale Project - Clearing and Grubbing Tender - Endorsement

Ref: AINT/2022/37698 (ARC22/5098)

193/22

RESOLVED

That Council:

- a. Note the engagement of O.S. Tree Pty Ltd for Clearing and Grubbing works totalling \$241,560 incl. GST; and
- b. Delegate authority to the General Manager to approve expenditure for the works up to the total budget available of \$300,000.

Moved Cr O'Connor

Seconded Cr McMichael

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

15.4 Armidale Regional Airport Security Screening Fee - Charges by Commercial Arrangement

Ref: AINT/2022/33452 (ARC20/4110)

194/22

RESOLVED

That Council:

- a. Ensure cost recovery of airport security screening by applying charges to RPT service providers.
- b. Authorise the General Manager to commence engagement with RPT service providers and relevant stakeholders of ARC's intent to commence charging Security Screening fees on expiry of the Federal Government grant in December 2022, with the first month billing January 2023.
- c. Formalise charges with RPT service providers in individual commercial agreements.

Moved Cr Robinson

Seconded Cr O'Connor

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

**15.5 Lease Extension and Fitout Contribution Value for Grafton Road Depot by
Tenant Backtrack Youthworks**

Ref: AINT/2022/38829 (ARC16/1106)

195/22

RESOLVED

That Council:

- a) Agree to exercise the next five year lease option early, totalling \$6,784 for seven years (from 2022 to 2029) for the lease of the Grafton Road depot.
- b) Agree to the proposed fit out works to a Council asset with a project value \$366,000 ex GST to be managed by Backtrack Youthworks.

Moved Cr Galletly

Seconded Cr Gaddes

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

There being no further business the Mayor declared the meeting closed at 5:09pm.