



ORDINARY MEETING OF COUNCIL

Held on

Wednesday, 23 October 2019
4pm

at

Armidale Council Chambers

PRESENT: Councillor Simon Murray (Mayor), Councillor Libby Martin (Deputy Mayor), Councillor Peter Bailey, Councillor Diane Gray, Councillor Jon Galletly, Councillor Andrew Murat, Councillor Debra O'Brien, Councillor Margaret O'Connor, Councillor Dorothy Robinson, Councillor Ian Tiley, Councillor Bradley Widders.

IN ATTENDANCE: Ms Susan Law (Chief Executive Officer), Ms Kim Bryan (General Manager Organisational Development), Mr Mark Piorkowski (General Manager Operations), Mr Scot MacDonald (General Manager Businesses), Ms Kelly Stidworthy (Service Leader Finance), Ms Nathalie Heaton (Service Leader Governance Risk and Corporate Planning), Mr Mark Burgess (Acting Service Leader Roads and Parks), Mr Ambrose Hallman (Service Leader Sustainability and Development), Ms Leah Cook (Service Leader Asset Planning and Design) and Ms Hayley Ward (Executive Officer).

MINUTES

1. CIVIC AFFIRMATION AND ACKNOWLEDGEMENT OF COUNTRY
2. STATEMENT IN RELATION TO LIVE STREAMING OF COUNCIL MEETING
3. APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE BY COUNCILLORS
4. DISCLOSURES OF INTERESTS

| Name | Item | Nature of Interest | Reason/Intended Action |
|-----------|------|---|---|
| Cr Martin | 10.3 | <input type="checkbox"/> Pecuniary <input type="checkbox"/> Non Pecuniary – Significant Conflict <input checked="" type="checkbox"/> Non Pecuniary – Non Significant Conflict | Reason: Primary producer. Intended action: Leave Chamber |

5. PUBLIC FORUM (HAVE YOUR SAY)

Ms Helen Webb speaking for Item 8.2 FOR DECISION: Climate Emergency Declaration – including powerpoint presentation.

Mr Kyle Wilmore speaking for Item 8.2 FOR DECISION: Climate Emergency Declaration.

Dr Herman Beyersdorf speaking for Item 8.4 FOR DECISION: Q & A Water Information Session.

6. CONFIRMATION OF MINUTES

CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 25 SEPTEMBER 2019

209/19

Moved Cr Martin Seconded Cr Widders

That the minutes be taken as read and be accepted as a true record of the Meeting.

The Motion on being put to the vote was CARRIED.

7. MAYORAL MINUTE

8. NOTICES OF MOTION

PROCEDURAL MOTION

210/19

Moved Cr O'Brien Seconded Cr Robinson

That item 8.2 be moved forward.

The Motion on being put to the vote was CARRIED.

8.2 FOR DECISION: Climate Emergency Declaration *Ref: AINT/2019/24251 (ARC16/0025)*

211/19

Moved Cr Robinson

Seconded Cr Widders

- a) That Council acknowledge our local and global communities are facing a climate emergency that requires urgent action by all levels of government; that human-induced climate change represents a great threat to humanity, civilisation and other species; and that, to prevent the most catastrophic outcomes, societies including local councils, need to take urgent action.
- b) That Council therefore declares that we are in a 'Climate Emergency'.
- c) That a report be prepared by February 2020, with input from a working group of the Environmental Sustainability Advisory Committee and the community, on current initiatives and additional future actions that can be undertaken in the short, medium and long term to:
 1. Reduce greenhouse emissions aiming, by 2030, for no additional contribution from our region to the global temperature rise
 2. Adapt to current and anticipated climate change impacts
 3. Reduce atmospheric concentrations of greenhouse gases, e.g. Sequester and store carbon in trees and soils.
- d) That Council encourages other local governments (that have not already done so) to take similar action to reduce greenhouse emissions and protect our climate.
- e) That Council lobbies State and Federal Governments for urgent action to reduce greenhouse emissions and protect our climate.

Amendment

Moved Cr Gray

Seconded Cr Martin

- c) That the declaration in (b) be referred to the Project Zero30 Board to give consideration to identifying the current medium and long term actions to:
 1. Identify the regions carbon baseline
 2. Reduce carbon emissions options
 3. Carbon sequester options
 4. Climate adaption options, and
 5. That Project Zero 30 will report back to Council

The Amendment was lost.

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

8.1 FOR INFORMATION: Notice of Motion - Cr Robinson - 25 September 2019

Ref: AINT/2019/22345 (ARC16/0025)

One Notice of Motion received from Cr Robinson for the Ordinary Council Meeting on 25 September 2019 was deemed unlawful by virtue of clause 3.14 of the Code of Meeting Practice (COMP). It was therefore not included in the Business Paper.

8.3 FOR DECISION: Water strategy for Saumarez Historical Trust*Ref: AINT/2019/24257 (ARC16,*

212/19

Moved Cr O'Connor

Seconded Cr Tiley

That Council extend its watering strategy to save historic trees in Central Park to Saumarez National Trust Property so that it's historic trees and plant items can be saved from perishing due to lack of water.

Amendment

Moved Cr Robinson

That Council continues to work with the head gardener at Saumarez Historical Trust House to develop strategies to support the maintenance of gardens during the drought and ensure that valuable plants do not die.

The Amendment was withdrawn.

The Motion on being put to the vote was LOST.

8.4 FOR DECISION: Community Q & A Water Information Session*Ref: AINT/2019/24258 (ARC16,*

213/19

Moved Cr O'Connor

Seconded Cr O'Brien

- a) **That Council hold, as soon as possible, a WATER SUPPLY Q and A session in the Town Hall for all ARC residents so that the public can have the opportunity to understand what Council is doing to ensure water supply in the region.**
- b) **That local members Hon Adam Marshall MP and Hon Barnaby Joyce be invited to attend and speak to the community on this subject from their state and federal perspectives, respectively.**

DIVISION The result being:-

FOR: Crs D O'Brien, M O'Connor, D Robinson and I Tiley

AGAINST: Crs P Bailey, J Galletly, D Gray, L Martin, A Murat, S Murray and B Widders

The Mayor declared the Motion LOST.

9. REPORTS FOR DECISION - LEADERSHIP FOR THE REGION

9.1 FOR DECISION: Internal Reporting Policy *Ref: AINT/2019/20247 (ARC17/1847)*

214/19

Moved Cr Gray Seconded Cr Widders

That the Internal Reporting Policy be placed on Public Exhibition 28 days and if no submissions are received, that the Policy be adopted.

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

9.2 FOR DECISION: Review of Councillor and Staff Interaction Policy

Ref: AINT/2019/22741 (ARC17/2330)

215/19

Moved Cr Gray Seconded Cr Widders

- (a) **That the Councillor and Staff Interaction Policy be amended following the change in titles, and endorsed.**
- (b) **That the Draft Councillor and Staff Interaction Policy go on public exhibition for a period of not less than 28 days.**
- (c) **That if no submissions are made within the submission period, then the Councillor and Staff Interaction Policy be adopted.**

Amendment

Moved Cr Robinson Seconded Cr O'Connor

- (a) **That the Councillor and Staff Interaction Policy be amended following the change in titles, and endorsed for public exhibition.**

The Amendment was LOST

The Motion on being put to the vote was CARRIED.

9.3 FOR INFORMATION: Delivery Program 2017-2021 and Operational Plan 2018-2019 Progress Report - June 2019

Ref: AINT/2019/24356 (ARC16/0502)

216/19

Moved Cr Murat Seconded Cr Widders

That the Delivery Program 2017-2021 and Operational Plan 2018-2019 Progress Report (June Quarter 2019) be noted.

The Motion on being put to the vote was CARRIED.

10.3 FOR DECISION: Water Access Card Administration Fee

Ref: AINT/2019/24506 (ARC18/2703)

220/19

Moved Cr Widders

Seconded Cr Murat

- a) That Council endorse for public exhibition, the proposed new Water Access Card Administration Fee as outlined in this report.
- b) That the proposed Fee be publicly exhibited in accordance with the Local Government Act 1993.
- c) That a further report addressing any matters raised through the public exhibition period be brought back to Council for consideration prior to finalising the proposed Fee. Should no submissions be received during the public exhibition period, the proposed and advertised Water Access Card Administration Fee be adopted and implemented without a further report to Council after the public exhibition period ends.

Amendment

Moved Cr Robinson Seconded Cr O'Brien

- c) That a proposed fee of \$10 is charged for the Water Access Card and the cost of implementing the system is levied by an additional charge per kL of water.

The Amendment was LOST.

The Motion on being put to the vote was CARRIED.

CR LIBBY MARTIN RETURNED TO THE MEETING, THE TIME BEING 06:14 PM

11. REPORTS FOR DECISION - ENVIRONMENT AND INFRASTRUCTURE

11.1 FOR DECISION Installation of one (1) 6m x 3m Digital Wall Advertisement at 197 Beardy Street, Armidale (Dumaresq Street frontage)Ref: AINT/2019/24119 (DA-56-201

221/19

Moved Cr Murat

Seconded Cr Tiley

That having regard to the assessment of DA-56-2019, that Council:

- a) Grant consent to the Application subject to the conditions, as detailed in the conditions document in Attachment 5 to this report.

DIVISION The result being:-

FOR: Crs P Bailey, J Galletly, D Gray, L Martin, A Murat, S Murray, D O'Brien, M O'Connor, D Robinson, I Tiley and B Widders

AGAINST: Nil

The Mayor declared the Motion CARRIED unanimously.

12. REPORTS FOR DECISION - OUR PEOPLE AND COMMUNITY

12.1 FOR DECISION: Work Health and Safety Policy *Ref: AINT/2019/22182 (ARC16/0619)*

222/19

Moved Cr Murat Seconded Cr Martin

- (a) That the revised Work Health, Safety (WHS) and Incident Free Policy be placed on Public Exhibition for no less than 28 days and if no submissions are received, that the Policy be adopted.
- (b) That once adopted the WHS Policy be placed on all Council noticeboards at all Council facilities.

The Motion on being put to the vote was CARRIED.

13. REPORTS FOR INFORMATION

13.1 FOR INFORMATION: Disclosure of Interest by Councillors and Designated Persons 2019 *Ref: AINT/2019/19922 (ARC16/0662-1)*

223/19

Moved Cr Murat Seconded Cr Tiley

That Council note the Register of Disclosures by Councillors and designated persons for the period July 2018 – June 2019, as tabled.

The Motion on being put to the vote was CARRIED.

13.2 FOR INFORMATION: 2019 Christmas and New Year closure dates

Ref: AINT/2019/22418 (ARC17/2389)

224/19

Moved Cr Murat Seconded Cr Tiley

That Council note the 2019 Christmas and New Year close down period from close of business Tuesday, 24 December 2019 and re-opening on Thursday 2 January 2020.

The Motion on being put to the vote was CARRIED.

13.3 FOR INFORMATION: Cash and Investment Report September 2019

Ref: AINT/2019/23627 (ARC16/0001-4)

225/19

Moved Cr Murat Seconded Cr Tiley

That Council receive and note the Cash and Investment Report September 2019.

The Motion on being put to the vote was CARRIED.

13.4 FOR INFORMATION: Monthly Financial Report September 2019

Ref: AINT/2019/23983 (ARC19/3334)

226/19 Moved Cr Murat Seconded Cr Tiley

That Council receive and note the Monthly Financial Report September 2019.

The Motion on being put to the vote was CARRIED.

**13.5 FOR INFORMATION: Summary of Resolutions of Council April 2019 -
September 2019**

Ref: AINT/2019/24123 (ARC16/0001-4)

227/19 Moved Cr Murat Seconded Cr Tiley

That the report outlining resolutions of Council from April 2019 to September 2019 and actions carried out, be noted.

The Motion on being put to the vote was CARRIED.

13.6 FOR INFORMATION: Petition - Climate Emergency *Ref: AINT/2019/24293 (ARC17/1544)*

228/19 Moved Cr Murat Seconded Cr Tiley

That the Petition in relation to climate emergency be noted.

The Motion on being put to the vote was CARRIED.

14. REQUESTS FOR LEAVE OF ABSENCE - NIL

15. AUTHORITY TO AFFIX COUNCIL SEAL - NIL

16. COMMITTEE REPORTS

**16.1 FOR INFORMATION: Minutes of the Audit and Risk Committee Meetings held
on 27 August 2019 and 18 September 2019**

Ref: AINT/2019/22835 (ARC16/0522-2)

229/19 Moved Cr O'Connor Seconded Cr Gray

a) That the Minutes of the Audit and Risk Committee meetings held on 18 September 2019 be noted.

b) That the 27 August 2019 minutes be included in the next Ordinary Council Meeting agenda.

The Motion on being put to the vote was CARRIED.

16.2 FOR DECISION: Minutes - Traffic Advisory Committee - 1st October 2019

Ref: AINT/2019/23679 (ARC16/0168-4)

230/19

Moved Cr Martin

Seconded Cr Tiley

- a) **That the Minutes of the Traffic Advisory Committee meeting held on 1st October 2019 be endorsed.**
- b) **That a Stop sign and associated line marking be installed on the Kelly Ave leg of the intersection with Newton Street.**
- c) **That No Stopping signs be installed on the western side of driveway of the All Seasons Motel in Railway Pde Armidale.**
- d) **That the current No Stopping Zone located on the eastern side of the Priceline Pharmacy rear entry be replaced with a Loading Zone extending west to including the Repco Loading Dock.**
- e) **That timed parking limits of 2hr be installed in Barney Street between Marsh and Faulkner Streets.**
- f) **That vehicles over 4.5ton be excluded for parking on Barney Street between Faulkner and Dangar Streets.**
- g) **That approval be provided for the installation of Disability User parking spaces in front of 126-128 Bradley Street (Physiotherapist), 106 Bradley Street (Pharmacy) and 92-96 Bradley Street (IGA Supermarket).**
- h) **That approve be provided to change of No Parking Zone to No Stopping Zone at Four Ways Tyre Service entrance to Bradley Street.**
- i) **That Council explore more formal options for the parking concerns raised for Donnelly Street between Canambe and Kennedy Street with a report to be submitted to the next meeting.**
- j) **That the Armidale Secondary College modifications to Infrastructure for Kentucky, Butler and Lambs Avenue be endorsed and monitored once fully functional.**
- k) **That the Special Event Transport Management Plan: Seesaw Armidale Drought Relief Fundraiser and requested road closure for Faulkner Street between Rusden and Barney Streets on Saturday 2 November 2019 from 2pm -4pm be endorsed.**

The Motion on being put to the vote was CARRIED.

17. MATTERS OF AN URGENT NATURE - NIL

18. QUESTIONS ON NOTICE - NIL

MOTION

231/19 Moved Cr Widders Seconded Cr Martin

That Council break for five minutes.

The motion on being put to the vote was CARRIED.

MOTION

232/19 Moved Cr Murat Seconded Cr Martin

That Council resume standing orders.

The Motion on being put to the vote was CARRIED.

PROCEDURAL MOTION

233/19 Moved Cr Murat Seconded Cr Martin

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

19.1 FOR DECISION: CEO Performance Appraisal (12 months). (AINT/2019/24176) - *As this report deals with personnel matters concerning particular individuals (Section 10A(2)(a) of the Local Government Act 1993). Council closes the meeting, in accordance with Council's Code of Meeting Practice, as consideration of this matter in open Council would be contrary to the public interest.*

23.2 FOR DECISION: Land Portfolio Divestment Strategy. (AINT/2019/24717) - *As this report 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 (Section 10A(2)(c) of the Local Government Act 1993). Council closes the meeting, in accordance with Council's Code of Meeting Practice, as consideration of this matter in open Council would be contrary to the public interest.*

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.

The Motion on being put to the vote was CARRIED.

Council entered Closed Session at 6.31pm.

Council returned to Open Session at 6.34pm.

RESUMPTION OF MEETING

234/19 **Moved Cr Widders** **Seconded Cr Gray**

That the recommendations of Closed Session be adopted.

The Motion on being put to the vote was CARRIED.

19. CLOSED SESSION

235/19 **19.1 FOR DECISION: CEO Performance Appraisal (12 months)***Ref: AINT/2019/24176 (ARC18/269*

- a) **That the Report from McArthur Pty Ltd from the CEO Performance Review Panel be adopted.**
- b) **That Council appoint McArthur Pty Ltd to facilitate the drafting of the Performance Appraisal and conduct the annual CEO Performance Appraisal for 2019/2020.**
- c) **That Council review the draft Performance Agreement for endorsement by no later than December 2019.**
- d) **That Council endorse the CEO Performance Panel's recommendation for a 5% salary increase.**
- e) **That Council note the CEO's decision to decline the 5% salary increase based on Council's fiscal environment and the ongoing drought and related water crises.**

The Motion on being put to the vote was CARRIED.

236/19 **23.2 FOR DECISION: Land Portfolio Divestment Strategy** *Ref: AINT/2019/24717 (ARC18/2692)*

- a) That the CEO be delegated authority to dispose of the old Kolora Aged Care Facility, being Lot 1 DP 1157471 and Lot 131 DP 612522, based on the Reserve Price detailed in the report; and
- b) That the Council seal be affixed to the documents associated with the Contracts of Sale for the above Lots.

The Motion on being put to the vote was CARRIED.

There being no further business the Mayor declared the meeting closed at 6.36pm.