



BUSINESS PAPER

ORDINARY MEETING OF COUNCIL

To be held on

Wednesday, 22 March 2023
4pm

at

Armidale Council Chambers

Members

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
Councillor Bradley Widders

AGENDA

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16 Close of Ordinary Meeting

Ethical Decision Making and Conflicts of Interest

A guiding checklist for Councillors, officers and community committees

Oath or Affirmation of Office

Councillors are reminded of the Oath or Affirmation taken of office, made under section 233A of the *Local Government Act 1993* when elected.

Ethical decision making

- Is the decision or conduct legal?
- Is it consistent with Government policy, Council's objectives and Code of Conduct?
- What will the outcome be for you, your colleagues, the Council, anyone else?
- Does it raise a conflict of interest?
- Do you stand to gain personally at public expense?
- Can the decision be justified in terms of public interest?
- Would it withstand public scrutiny?

Conflict of interest

A conflict of interest is a clash between private interest and public duty. There are two types of conflict:

- ***Pecuniary*** – regulated by the *Local Government Act 1993* and Office of Local Government
- ***Non-pecuniary*** – regulated by Codes of Conduct and policy. ICAC, Ombudsman, Office of Local Government (advice only). If declaring a Non-Pecuniary Conflict of Interest, Councillors can choose to either disclose and vote, disclose and not vote or leave the Chamber.

The test for conflict of interest

- Is it likely I could be influenced by personal interest in carrying out my public duty?
- Would a fair and reasonable person believe I could be so influenced?
- Conflict of interest is closely tied to the layperson's definition of 'corruption' – using public office for private gain.
- Important to consider public perceptions of whether you have a conflict of interest.

Identifying problems

1st Do I have private interests affected by a matter I am officially involved in?

2nd Is my official role one of influence or perceived influence over the matter?

3rd Do my private interests conflict with my official role?

Local Government Act 1993 and Model Code of Conduct

For more detailed definitions refer to the *Local Government Act 1993*, Chapter 14 Honesty and Disclosure of Interest and Model Code of Conduct.

Disclosure of pecuniary interests / non-pecuniary interests

Under the provisions of Section 440AAA(3) of the *Local Government Act 1993* (pecuniary interests) and the Model Code of Conduct it is necessary for you to disclose the nature of the

interest when making a disclosure of a pecuniary interest or a non-pecuniary conflict of interest at a meeting.

A Declaration form should be completed and handed to the General Manager as soon as practicable once the interest is identified. Declarations are made at Item 3 of the Agenda: Declarations - Pecuniary, Non-Pecuniary and Political Donation Disclosures, and prior to each Item being discussed: The Declaration Form can be downloaded at [Disclosures and Declarations of Interest at Meetings](#).

Item:	5.1	Ref: AINT/2023/04508
Title:	Minutes of Previous Meeting held 22 February 2023	Container:
	ARC16/0001-8	
Responsible Officer	General Manager	
Author:	Melissa Hault, Executive Officer	
Attachments:	1. Draft OCM Minutes - 22 February 2023	

RECOMMENDATION:

That the Minutes of the Ordinary Council meeting held on 22 February 2023 be taken as read and accepted as a true record of the meeting.

Item:	6.1	Ref: AINT/2023/02928
Title:	Mayoral Minute - Recognising the Achievements of Antony (Tony) Deakin OAM with Keys to the City	Container: ARC16/0025-7
Responsible Officer	General Manager	
Author:	Sam Coupland, Mayor	
Attachments:	Nil	

1. Purpose

This Minute is to recognise the achievements of Antony Deakin OAM and to award him with the Keys to the City

2. OFFICERS' RECOMMENDATION:

That Council award the Keys to the City of Armidale to Antony (Tony) Deakin OAM in recognition of his connection to Armidale and the outstanding contribution he has made to the architecture of Armidale.

3. Keys to the City/Town

The granting of the Keys to the City is a symbolic presentation that represents the highest honour that a city can confer on an individual or an organisation. In the case of individuals who have given a particularly high level of long-term service and contribution to the community over and above the criteria outlined for the Australia Day Awards.

The Keys to the City is traditionally presented by the Mayor at an appropriate official Ceremony/Civic Reception to acknowledge the achievement/contribution of an individual or organisation in furthering the ideals of the city. It may be awarded to recognise outstanding achievement in sport, community or humanitarian work by a resident of the Armidale Regional Council Local Government Area at an International or National level.

4. Summary of Accomplishments

Mr Deakin joined the architecture firm Magoffin and Deakin in 1965 where he travelled from Sydney to Armidale two days a week from 1965 until the end of 1972, travelling by DC3 aircraft for the first several years and staying overnight at Tattersall's Hotel when required. Mr Deakin and his family moved permanently to Armidale at the end of 1972.

Reg Magoffin and Tony Deakin went into part partnership as Magoffin and Deakin in 1974. R J Magoffin retired in 1984 but the Firm's name Continued as Magoffin and Deakin.

The Firm's offices were in 'Birida' for 20 years, in Hanna's Arcade from 1986 -1996 and since then in the Catholic Church Office building at 172 Dangar St. (Both buildings were designed by Magoffin and Deakin.)

Tony Deakin retired in 2005 in his 52nd year as an architect, and in the firm's 32nd year. The firm was bought by former employee, Michael McPhillips, architect, who continues to operate under its original name. Tony Deakin has continued working for Magoffin and Deakin on a part-time consultancy basis particularly in the field of Heritage work.

Magoffin and Deakin owns most of the Hickson and Harris original drawings, which have been catalogued but not yet published. They also hold all the original hand-drawn designs and working drawings carried out by the firm until about the late 1990's when computer documentation was introduced to the office. These records cover more than 2000 projects in all. They do not include many hundreds of house inspections for prospective purchasers, valuation reports, miscellaneous reports commissioned by solicitors, arbitrations, heritage reports and Conservation Management Plans.

The firm's architectural work nearly always comprised preparation of a brief with clients, production of sketch plans, production of working drawings and specifications, calling tenders and administering building contracts.

A summary of projects;

- Schools
 - TAS, PLC, NEGS, O'Connor Catholic High School – building included libraries, classrooms, technics workshops, arts and crafts buildings, science laboratories, boarding houses, a swimming pool, gymnasiums, music buildings, a chapel and a theatre, together with many alterations and additions to existing building.
 - Several state government school buildings, (in Tenterfield, Jennings, Ben Venue, Red Range, Garah, Bingara, Moree, Bundarra) including several projects under the recent Federal Government's Building the Education Revolution programs.
 - University and Teachers' College/CAE + TAFE Colleges –
Several miscellaneous, general minor, alterations and additions, as well as landscaping over many years (totalling 43 projects) at UNE.
Duval College Conference Centre
Moree and Tenterfield TAFE Colleges – major additions
Renovations to Smith House for ACAE.
- Hospitals and Health Care Buildings –
Armidale Hospital –
The Chapel, alterations to wards and design of new Children's Ward, Day Surgery and X-Ray Departments (in association with Carthy Architects), new Dental Surgeries, alterations to Nurses' Home, and Maternity "Motel".
New Ophthalmic Surgery building in Butler St, new doctors' surgeries in Rusden St; and alterations and additions to four other doctors' surgery buildings.
New Aboriginal Health Care Building, Broken Hill.
- Shops and Commercial Buildings
Hanna's Arcade, Beady St; Alpha Furnishers building; Rusden St Armidale Building Society building, Faulkner St; Australian Poll Hereford Society Office building; J.B. Young Shopping Centre, Queanbeyan: Dept. of Main Roads Office Building, Glen Innes; K.G. Motors Showroom; Girraween Shopping Centre and Service Centre; 7 Brothers Restaurant; Additions and alterations to two building for Treloars, Tamworth; Forsyth's Office building, Faulkner St; Paddington's Crematorium; miscellaneous additions and alterations to 4 hotels and 6 motels; several new buildings and many alterations for J Antonyson & Co; New England Country Council building.
- More than 100 houses
 - Several blocks of flats, including the flats on the corner of Dangar & Brown Sts which have basalt stone walls.

- Retirement Villages and Aged-Care Accommodation

Autumn Lodge Armidale – every building since 1976 including four hostel blocks plus Ningana Dementia Care Hostel, Wollemi High-care Building, 42 aged-care houses and the administration wing/community building.

Coleman Court Retirement Village in Jessie St for the Catholic Church.

Several projects for the Royal Freemasons Benevolent Institution, including additions to the Armidale Masonic Village, additions to Moonbi House.

Kolora Hotel and Units, Guyra.

Hilton (now Bupa) Nursing Home Units.

- Cinemas and Theatres

Michael Hoskins Centre at TAS (in association with PTW Architects)

The Playhouse, Armidale – alterations and renovations

- Work for Local Government Councils and Government Departments

Armidale City Council – the original Mall and its subsequent redesign in 1988
Armidale Tourist Information Office and Bus Station.

Guyra Shire Council – Showground Pavilion

Pastures Protection Board buildings in Armidale and Inverell.

Motor Registry additions in Moree, Inverell and Armidale.

Police Station additions in Armidale, Inverell, Moree and Bundarra.

Dept. of Housing & Aboriginal Corp houses in Armidale, Guyra and Uralla.

Sheep research building and laboratory at CSIRO, Chiswick.

Dumaresq Shire Council Building 1970 and additions, Jessie St.

Gwydir Shire Council Living Classroom rural buildings.

Armidale City Council Swimming Centre buildings.

- Churches

St Peter's Cathedral Armidale – new north porch plus adjacent cloisters and Parish Centre.

St Mary's Church West Armidale – new sanctuary and new vestry additions to church.

St Mary and St Joseph's Cathedral Armidale – miscellaneous repairs and renovations and including the new narthex.

Ursuline Convent – major alternations and renovations 1982.

- Community Buildings

New England Regional Art Museum (Stage 1) in association with NSW Government Architect, 1983.

Aboriginal Cultural Centre and Keeping Place, Kentucky St, 1988.

Armidale Showground Pavilion, Canambe St, 2009.

Child Care Centres at Armidale, UNE, Glen Innes and Uralla.

Salvation Army building additions, Armidale.

Armidale Tennis Club.

A selection of major and/or interesting projects;

- First job in Armidale was the Apex Lookout D H Drummond Memorial.

- The Armidale School – designed and/or supervised the construction of almost every building at the school, both new buildings and alterations and additions since R J Magoffin's Memorial Hall in 1957, including the Michael Hoskins Centre (in association with PTW Architects). All the buildings were designed using Armidale 'blue' bricks with red brick trims to compliment the original 1893 buildings designed by Sir John Sulman.

- The Armidale Mall – original commissioned by the Armidale Council when one Beardy St was closed to traffic. The firm subsequently won a design competition for State 2 of the Mall, as it is now.
- New England Regional Art Museum (Stage 1), designed in association with NSW Government Architect, which won an RAIA Commendation Award, 1984.
- The Aboriginal Cultural Centre and Keeping Place, Kentucky St, a 1988 Bicentennial Project on which he worked on with Thelma McCarthy and Steve Widders and other members of the Aboriginal community to develop the design.
- Hanna's Arcade in Beardy St, commissioned by the Hanna family with the brief that the arcade was to have a feeling like the Strand Arcade in Sydney.
- St Peter's Cathedral – The Parish Centre was commissioned in 1973 but took 20 years to design under three different Deans, including nine alternative basic designs, but was continually delayed due to lack of funding. The new North Porch to the Cathedral as well as the Cloisters and the Parish Centre were designed to complement the Horbury Hunt buildings of the Cathedral and the Deanery. Special bricks were made by both Glen Innes and Armidale brickyards to match some of those used in the Horbury Hunt buildings.
- The old St Peter's Parish Hall, on the corner of Faulkner and Rusden Streets, was sold to help fund the new Parish Centre and was commissioned to design major additions (originally a video shop and subsequently offices).
- Catholic Church Office building on the corner of Dangar and Rusden Streets was designed to complement the other buildings on the Catholic Church site, using Armidale 'blue' bricks with yellow brick trims.
- Trim's Store restoration in Crescent Street - for the St Vincent de Paul Society. The building was nearly derelict and had a Council demolition order on it. Subsequently restored the building adding some residential units within the original 1888 building and several small houses adjacent to it. The restored building won a Council Heritage Award and a Wattyl Paints Colour Award.
- Tony Harris's house on the corner of Faulkner and Barney Streets became R J Magoffin and Son's first Armidale office and we subsequently restored and converted it to the current Lindsay House Hotel. It had been used as university student accommodation for some years and was in poor condition.
- The major additions and alterations to the Fisher Wing (1956) at The Armidale School, which won the firm's first Heritage Award in 1991.
- The Poll Hereford Society offices on the Uralla Road was the subject of our second Council Heritage Award in 1992.

Miscellaneous Other Projects

Guyra Bowling Club – This was Tony's first project in Guyra in the winter of 1966. We came out from the opening ceremony dinner to find the car windscreen covered in ice, our first experience of the phenomenon.

- The oldest house worked on was alterations and renovations to Ohio Homestead, built in 1840.
- Involved with the Armidale Rotary Club in repairs and renovations to the hospital on Tanna Island Vanuatu.

- Involved in the St Peters Cathedral Bells project, to the extent of detailing the design of the bell frames and reconstruction of the stairs in the tower. The bells and their frames were built by the Whitechapel Foundry in London.
- Over a number of years we have carried out alterations and additions work at the Armidale and Tamworth hospitals.
- Recently completed additions, alterations and renovations/restorations to an 1882 house in Burgess St, originally built by the Burgess Family, later owned for many years by Jacky Baker, the jockey on Phar Lap in his first win in 1928.

Achievements

- Mr Deakin was Mayor in 1987.
- In 2000 Mr Deakin was awarded the medal of the Order of Australia General Division for Services to the Community particularly in the field of Architecture.

Item:	6.2	Ref: AINT/2023/04960
Title:	Mayoral Minute - Australian Transport Museum ARC16/0342	Container:
Responsible Officer	General Manager	
Author:	Sam Coupland, Mayor	
Attachments:	Nil	

1. Purpose

To seek Council resolution to cease directorships and shareholdings in the Australian Transport Museum Ltd ACN 129731 951.

2. MAYOR'S RECOMMENDATION:

That Council resolve to:

- a) Cease all shareholdings in the Australian Transport Museum.
- b) Cease all directorships in the Australian Transport Museum.
- c) The General Manager write to the Australian Transport Museum to provide notice of Councils decision.

Background

Council is a shareholder in the Australian Transport Museum ACN 129731 951 (The Museum).

The Museum was formed on 16 June 2008 and holds charitable status with the Australian charities and Not-for-profits Commission (ACNC).

Council became involved with The Museum at the time of the formation of the company to help establish the entity. The Museum has reached a stage of maturity that direct Council involvement in the Museum as a director or shareholder is no longer required. Further, removing of Council from the Board of The Museum avoids potential conflicts of interest.

The Museum was formed to own land and construct an educational display facility to house 'the Collection' and to promote and foster education about motor transport and its history. The Museum is a company limited by guarantee and, as such, has no share capital. Instead the Museum has members that must meet the membership criteria and otherwise pay their annual subscription fees and contribute on the winding up of the Museum.

Council is a 'B' class member of the Museum and, as such, has a right to appoint two (2) directors to the Board of the Museum (directly) and has a right to appoint an additional 5 directors (together with the A Class Members). Council may remove any Director appointed by it and replace that Director with another.

Cessation of Council shareholdings and directorships

Council is not a shareholder of the Museum. The Museum was established as a company limited by guarantee, and so Council is simply a member. There is no asset (share) to relinquish or transfer.

The Museum's Constitution relevantly provides that:

1. A Member may resign from membership of the Museum by giving written notice to the Secretary which takes effect from the date of receipt of the notice, or the date specified in the notice (clauses 5.1 and 5.2); and
2. Directors cannot remove B Class Members (clause 5.5).

Hence, the only way for Council to cease its membership is to resign by giving notice in writing to the Secretary. It appears from the 2021 AGM Minutes that the Museum acknowledges there is no current directors nominated by Council. If this is the case, there is nothing further Council needs to do to "cease its directorships".

Risk Management

The immediate financial consequences of resigning as a member are limited to:

1. Council may be liable to contribute \$10 to the assets of the Museum if the Museum is wound up while they are a member, or within one year of Council ceasing to be a member (clause 1.2 of the Constitution) – this is the 'guarantee' part of the company limited by guarantee; and
2. Council may be liable to pay the annual subscription fee which is a fee determined by the Directors from time to time and which is due and payable in advance of 30 June of each year (clauses 3.6, 4.2 and 4.3).

Conclusion

Resignation from the Museum may be exercised by the General Manager through his existing delegations, however given the extensive history of the shareholdings and previous dealings with The Museum being taken to Council's governing body for decisions, recommendation is put to Council today to resolve to cease the directorship and membership of the Museum.

Consultation

Council acknowledges the advice of Katie Innes, Director, Bradley Allen and Love Lawyers in the preparation of this Mayoral Minute. The Australian Transport Museum has been informed.

Item:	7.1	Ref: AINT/2023/04510
Title:	Council Actions Report January 2022 - February 2023	Container:
	ARC16/0001-8	
Responsible Officer	General Manager	
Author:	Melissa Hoult, Executive Officer	
Attachments:	1. Action Items Report 22 Mar 2023 OCM	

1. Purpose

The purpose of this report is to inform Councillors on the work carried out by Council Officers to implement Council resolutions.

2. OFFICERS' RECOMMENDATION:

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

3. Background

This is a standard monthly report.

4. Discussion

The resolutions outlined in the attachment have been previously adopted by Council. This report is designed to track progress on implementation from January 2022. Actions marked complete will be reported to Council once and then removed from subsequent reports.

5. Implications

5.1. Strategic and Policy Implications

The strategic and policy impacts of each of the resolutions are varied and were outlined in the original reports to Council.

5.2. Risk

The risks of each of the resolutions are varied and were outlined in the original reports to Council.

5.3. Sustainability

The sustainability impacts of each of the resolutions are varied and were outlined in the original reports to Council.

5.4. Financial

The financial impacts of each of the resolutions are varied and were outlined in the original reports to Council.

6. Consultation and Communication

This report informs Councillors and the community and increases transparency.

7. Conclusion

The information is for noting only.

Item:	9.1	Ref: AINT/2023/04815
Title:	Planning Proposal for 57 Newton Street, Armidale ARC23/5777	Container:
Responsible Officer	Chief Officer Planning and Activation	
Author:	John Goodall, Manager Land Use Planning	
Attachments:	1. 57 Newton St, Armidale Planning Proposal	

1. Purpose

The purpose of this report is to seek Council approval to forward the Planning Proposal for 57 Newton Street, Armidale (Lot 4 DP 546075) to the Department of Planning and Environment (DPE) with a request for a Gateway Determination and to commence the necessary actions resulting from that determination.

2. OFFICERS' RECOMMENDATION:

That Council:

- a. Endorse the Planning Proposal to amend the *Armidale Regional Local Environmental Plan* to regularise the permissibility of the light industry land uses that have historically and continually been carried out at 57 Newton Street, Armidale (Lot 4 DP 546075).
- b. Forward the endorsed Planning Proposal to the Department of Planning and Environment with a request for Gateway Determination and exhibit the proposal in accordance with that determination.
- c. Seek authorisation from the Department of Planning and Environment to be the local plan-making authority.

3. Background

At the February 2022 Ordinary Council Meeting, Council resolved to finalise the merge of the *Armidale Dumaresq Local Environmental Plan 2012 (ADLEP)* and the *Guyra Local Environmental Plan 2012 (GLEP)* into a single *Armidale Regional Local Environmental Plan (ARLEP)* (Ref: AINT/2021/44634 (ARC16/0030-3)).

As part of finalising the ARLEP, Council resolved to regularise existing uses (which were prohibited under the ADLEP) at 57 Newton Street (Lot 4 DP 546075) and 242 Rusden Street (Lot A DP 329168), by adding additional permitted uses for these sites.

Once DPE received the final ARLEP package from Council they advised that the additional permitted uses at Newton and Rusden Street would be best dealt with by way of a new planning proposal (PP), as these changes were not exhibited as part of the LEP merge PP and weren't, (in their view) part of the objectives of the LEP merge project.

Council finalised the additional permitted use at 242 Rusden Street and now have the opportunity to support the new PP (Attachment 1) for 57 Newton Street. If supported, the PP will be forwarded to the DPE for a Gateway Determination. Figure 1 provides an outline of the process from here.



Figure 1: Planning Proposal Process

4. Discussion

The site the subject of this PP is Lot 4 DP 546075, which is known as 57 Newton Street, Armidale. The location of the site and aerial photograph is shown in Figure 2.

The site is zoned R1 General Residential under ARLEP (Figure 3).

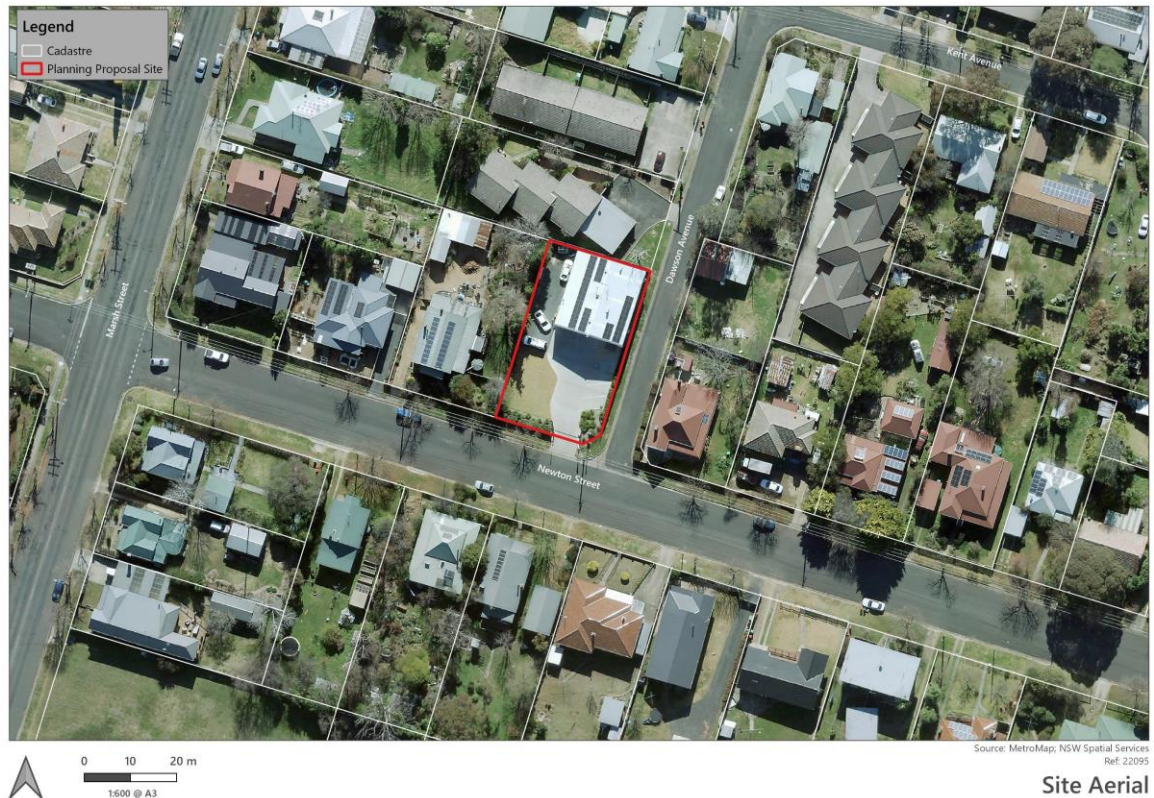


Figure 2: 57 Newton Street Aerial Photograph

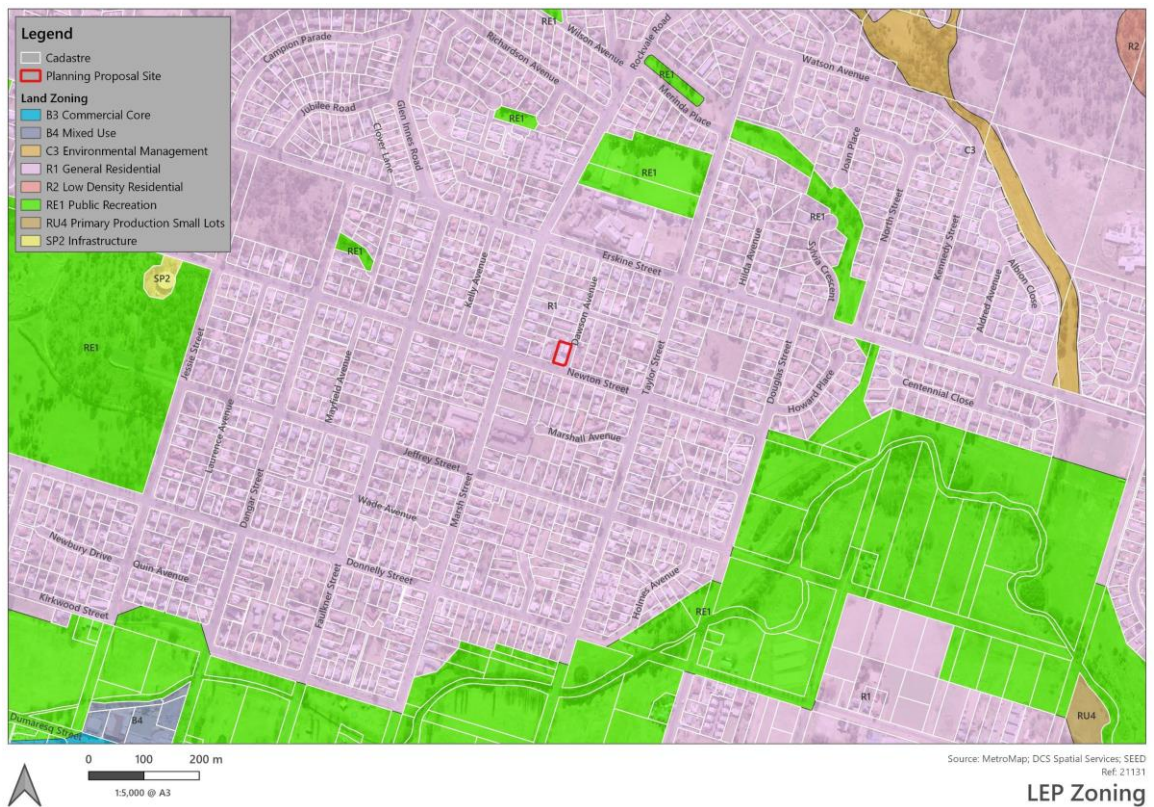


Figure 3: 57 Newton Street Zoning

In 1961 a bus depot was approved on the site, which is understood to have been a permissible land use at the time. In 1971 the building was extended to the west, which is understood to have been permitted through existing use provisions.

In 2011 Council granted development consent on the site for Alterations and Additions and Change of Use to Office and Storage for Construction Material. The assessment report indicated that the DA was granted on the basis of existing use rights with both the existing and proposed uses being Light Industrial land use.

In 2017, Council granted consent for a further change of use of the site from office/storage to showroom/office & workshop, which was also approved under the existing use provisions of the *Environmental Planning and Assessment Regulation 2000*, as it was again considered to be for a Light Industrial land use. This land use approved by Council in 2017, is the current use operating from the site.

The objective of the PP is to amend ARLEP to regularise the permissibility of the light industrial land uses that have historically and continually been carried out at 57 Newton Street, Armidale.

The PP includes the following intended provisions:

- Amend the Armidale Regional LEP 2012 Schedule 1 to include an Additional Permitted Use for the site as follows:
 - “10 Use of certain land at 57 Newton Street, Armidale
 - (1) This clause applies to land at 57 Newton Street, Armidale, being Lot 4 DP 546075.
 - (2) Development for the purposes of Light Industry is permitted with development consent.
- Amend the Armidale Regional LEP 2012 Additional Permitted Uses Map to include the site.

5. Implications

5.1. Strategic and Policy Implications

This item may result in the amendment of the LEP. The PP is an environmental planning instrument, a statutory legal document affecting land use within the Armidale Regional Local Government Area.

5.2. Risk

There are no legal or risk implications arising from the matters addressed in this report.

5.3. Sustainability

There are no known sustainability implications arising from the matters addressed in this report.

5.4. Financial

Budget Area:	Strategic Natural Resources and Land Use Planning						
Funding Source:	Operational						
Budget Ref: (PN)	Description	Approved Budget	Actual	Committed	Proposed	Total Forecast Expenditure	Remaining Budget
250203	Sustainability and Strategic Planning	295,000	38,610	221,250	0	295,000	35,140

There are no financial implications arising from the matters addressed in this report.

6. Consultation and Communication

No formal public consultation has been carried out in relation to this matter. The terms of any formal consultation required to complete this LEP amendment will be stipulated by the DPE should it issue a Gateway Determination in relation to the PP.

7. Conclusion

This report recommends that the PP be forwarded to DPE with a request for a Gateway Determination. The Gateway Determination will specify any government agencies to be consulted, the terms of community consultation/public exhibition, any further specialist studies to be undertaken, and whether or not Council may exercise its local plan-making delegations. Once all of these matters have been addressed, a further report will be presented to Council.

Item:	9.2	Ref: AINT/2023/04816
Title:	Draft Swimming Pool Barrier Inspection Program ARC23/5623	Container:
Responsible Officer	Chief Officer Planning and Activation	
Author:	Rick Mickerts, Manager Regulatory Services	
Attachments:	1. Draft Swimming Pool Barrier Inspection Program	

1. Purpose

The purpose of this report is to seek Council endorsement to place on public exhibition a draft Swimming Pool Barrier Inspection Program policy detailing how Council will proactively inspect swimming pools in Armidale Region Local Government Area. A further report will be presented to Council for consideration with any submissions are received.

2. OFFICERS' RECOMMENDATION:

That Council:

- a. Endorse the Draft Swimming Pool Barrier Inspection Program policy for public exhibition for a period of 28 days.
- b. Receive a further report once the submission period closes to consider any submissions received.

3. Background

The *Swimming Pools Act 1992 (the Act)* requires every council to develop a Swimming Pool Barrier Inspection Program policy detailing how they intend to proactively inspect swimming pools in their local government area.

4. Discussion

The draft Swimming Pool Barrier Inspection Program policy (Attachment 1).

Swimming Pool Barrier Inspection Program

Council will aim to undertake inspections of swimming pools (both outdoor and indoor) that are situated on premises on which a residential building, a moveable dwelling or tourist and visitor accommodation is located in accordance with the following guidelines to ensure compliance with the Act;

- (a) In response to complaints – All complaints received by Council concerning inadequately fenced or unauthorised swimming pools are recorded in Council's Customer Request Management system and will be inspected as a matter of priority within 72 hours as prescribed by the Act. Generally, the investigation of complaints will be undertaken in accordance with the requirements of Section 29A of the Act.
- (b) Assessment of building certificate applications – All building certificate applications for properties on which there is a swimming pool will include an inspection of the swimming pool safety barrier.
- (c) Proactive observations – Where a swimming pool is observed by Council's Regulatory Services Staff and the swimming pool safety barrier appears deficient and/or there is no

current Certificate of Compliance or relevant Occupation Certificate the matter will be recorded in Council's Customer Request Management system and inspections will be undertaken as per item (a) above.

- (d) Notifications from accredited certifiers – Any accredited certifier who is unable to issue a Certificate of Compliance and issues a notice under Section 22E of the Act is required to provide Council with a copy of the notice. On receipt of the notice Council will undertake an inspection of the swimming pool under this program.
- (e) Inspection requests by owner – All inspections requested under Section 22C of the Act by the owner of a premises on which a swimming pool is situated will be carried out in accordance with any timeframes prescribed by the Act and Regulation.
- (f) Premises with more than two (2) dwellings – All premises with more than two (2) dwellings including residential flat buildings and townhouse developments that do not have a current Certificate of Compliance or relevant Occupation Certificate will be inspected by Council at least once every three (3) years.
- (g) Sale of land inspection requests – The *Conveyancing (Sale of Land) Regulation 2010* requires any contract for the sale of land on which there is a swimming pool to include a copy of either a valid Certificate of Compliance or a relevant Occupation Certificate. Inspections requested by the owner of the land to enable the sale of a premises or part of a premises, will be carried out by Council within ten (10) days, as prescribed by the Regulation.
- (h) Lease of land inspection requests – The *Residential Tenancies Regulation 2010* will require landlords of premises on which there is a swimming pool to provide a copy of a valid Certificate of Compliance or a relevant Occupation Certificate at the time a residential tenancy is entered into. Inspections requested by the owner of the land to enable the lease of a premises or part of a premises, will be carried out within ten (10) days, as prescribed by the Regulation.
- (i) Random checks from state-wide Swimming Pool register – As resources permit Council may randomly select properties from the state-wide Swimming Pool register that do not have a current Certificate of Compliance (or relevant Occupation Certificate). Priority will be given to inspecting older swimming pools that have never had a Certificate of Compliance (or relevant Occupation Certificate). Once a property has been selected, Council will write to the owner and request that they make arrangements for an inspection either by a Council Officer or an accredited certifier.

Where a Council inspection identifies the existence of a life-threatening circumstance, Council will determine an immediate course of action to eliminate or reduce the level of risk. If a matter is not considered life threatening, the matter will be prioritised accordingly.

5. Implications

5.1. Strategic and Policy Implications

Advancing our Region Community Plan

Enriched Region, Community & Culture

Goal 1 E1. Access to the services and support that facilitate quality of life

Strategy E1.3 Foster safety and security within our community and support the provision of basic needs

Undertake regulatory controls that maintain community order and safety including Companion Animals Regulation, parking management, building compliance, and Development Applications (E1.3.3).

5.2. Risk

The *Swimming Pools Act 1992* requires every council to develop a Swimming Pool Barrier Inspection Program detailing how they intend to proactively inspect swimming pools in their local government area. Council has not adopted a formal Swimming Pool Barrier Inspection Program.

5.3. Sustainability

No sustainability considerations have been identified.

5.4. Financial

The Swimming Pool Barrier Inspection Program is to be implemented using qualified Council Staff. As such, there are no financial implications identified.

6. Consultation and Communication

If supported by Council the draft Swimming Pool Barrier Inspection Program will be placed on public exhibition for a period of 28 days. A further report will be presented to Council for consideration with any submissions are received.

7. Conclusion

It is recommended that Council endorse for public exhibition the Draft Swimming Pool Barrier Inspection Program (Attachment 1) detailing how Council will proactively inspect swimming pools in Armidale Region Local Government Area. A further report will be presented to Council for consideration with any submissions are received.

Item:	12.1	Ref: AINT/2023/04843
Title:	Enabling Council-run Public Libraries to continue to be Community Partners with the Trove National Archive Container: ARC16/0025-7	
Responsible Officer	General Manager	
Author:	Susan McMichael, Councillor	
Attachments:	Nil	

I hereby give notice of my intention to move the following motion at the Ordinary Council to be held on 22 March 2023.

That the Armidale Regional Council calls on the Federal Government to intervene to stop the National Library of Australia's plans to charge increased subscription fees to Council-run public libraries to enable contribution and provide access to Australia's national data-base and archive – Trove.

.....

Cr Susan McMichael

13 March 2023

Background Supporting Information

National Objectives

Trove is a national archive that is maintained and managed by the National Library of Australia. A decade of effective funding cuts has led to the National Library of Australia announcing in 2022 that it will now charge subscription fees to Local Government Public Libraries to be Trove Partners and contribute to and access Trove. It is understood that these subscription fees will increase year on year.

This example of Federal Government cost-shifting to Local Government may see public libraries withdraw from being a Trove Partner if they cannot afford these increases. A survey by the NSW Public Libraries Association has shown that already, more than 10% of libraries in NSW have withdrawn from Trove and this trend is forecast to continue which could result in a significant impact on our national cultural and social history.

Trove is a significant national platform to record and access Australia's history and culture.

Many public libraries across Australia are Trove Partners and have actively and proudly contributed to Trove.

The partnership between public libraries and the National Library of Australia has enabled Trove to become a highly valued and comprehensive, single national archive.

Trove's expansive public digital archive is a resource used by people of all ages, for education and training, local and family history, as well as life-long learning and development. The importance of Trove is demonstrated by nearly 20 million visits per year.

Up until now, public libraries, run by local Councils across Australia, have been able to access and contribute to Trove without significant financial costs. However, the National Library of Australia is now increasing Trove subscription fees for Council-run public libraries, with these subscription fees set to increase year on year.

The National Library of Australia's plans to charge to use Trove is a short-sighted example of cost-shifting, which overlooks the fact that public libraries are local community services with

tight and finite budgets. Public libraries do not generate their own income. They are funded by Councils with some grant contributions from State Governments.

Surveys and consultations with public libraries indicate that some libraries are already considering withdrawing from Trove because of increases in subscription fees.

Known Legal Implications:

N/A

Budget Implications:

N/A

Strategic Implications:

N/A

Policy Implications:

Nil.

General Manager's Comment:

Nil.

Item:	12.2	Ref: AINT/2023/04847
Title:	Support for the Murrumbidgee GP Scheme "Single Employer Model" as next Pilot in the NSW Hunter New England Health District	
	Container: ARC16/0025-7	
Responsible Officer	General Manager	
Author:	Margaret O'Connor, Councillor	
Attachments:	Nil	

I hereby give notice of my intention to move the following motion at the Ordinary Council to be held on 22 March 2023.

That Armidale Regional Council write to the Federal Health Minister, the Prime Minister's Office, the NSW Minister for Health, the NSW Minister for Regional Health and the NSW Premier to note our strong endorsement and support for the running of the next pilot of the "Single Employer Model" (also known as the Murrumbidgee GP Scheme) in our LGA which is part of Hunter New England Health District to allay the current crisis of GP shortages (eight GP's leaving or relocating from Armidale Region and five more trainee GP's leaving the Armidale Regional Public Hospital) leaving about 6,000 people in our LGA without a GP.

.....

Cr Margaret O'Connor

13 March 2023

Background Supporting Information

Leaving a major regional centre like Armidale with such a shortage of GP's as evidenced by recent public meetings and a 7.30 Report ABC news item, plus a number of recent press releases from Hon. Adam Marshall MP is a major blow to Council's growth strategy, (4000 new job, 10,000 new residents) as people will not move to, or indeed remain in a centre that cannot provide GP level medical care for them. The "Single Employer Model" has proved to work in Wagga Wagga hospital and while the NSW Government is seeking it to be rolled out across regional NSW this requires consent from the Federal Government who have to date not given any clear notice of intention that Armidale will be the site of the next pilot program of the Single Employer model.

Known Legal Implications:

N/A

Budget Implications:

N/A

Strategic Implications:

N/A

Policy Implications:

N/A

General Manager's Comment:

Nil.

Item:	13.1	Ref: AINT/2023/04702
Title:	Traffic Advisory Committee - Minutes of meeting held 7 March 2023 Container: ARC16/0168-8	
Responsible Officer	Chief Officer Assets and Services	
Author:	Belinda Ackling, Divisional Assistant Operations	
Attachments:	1. Agenda - Traffic Advisory Committee - 7 March 2023 2. Minutes- Traffic Advisory Committee - 7 March 2023	

RECOMMENDATION:

That in relation to the report "Armidale Regional Council Traffic Advisory Committee Minutes – 7 March 2023", that Council:

- a) Endorse the temporary road closures of Faulkner Street Armidale from Dumaresq Street to Beardy Street and the connecting intersections with Moore Street, East Mall and Rusden Street roundabout for the Armidale 2023 Anzac Day March and Commemoration Service to be held on Tuesday 25 April 2023.
- b) Endorse the rolling road closure of Bradley Street Guyra from MacKenzie Street to the Southern side of the Hall will allow the crowd to gather outside the Soldier's Memorial Hall at 163 Bradley Street for the service for the annual Anzac Day Dawn Service will occur on Tuesday, 25 April 2023 between 5.30 am and 7.00 am, in accordance with the provided traffic control plan.
- c) Endorse the rolling road closures of Bradley Street from MacKenzie Street to the Southern side of the Hall will allow the crowd to gather outside the Soldier's Memorial Hall at 163 Bradley Street for the annual Anzac Day March held on Tuesday, 25 April 2023 between 10.00am and 12.30pm, in accordance with the provided traffic control plan.
- d) That Council note the endorsement of the temporary road closure of Canambe Street between Dumaresq and Kirkwood Street for the Armidale & New England Show that was held from 6:30pm Thursday 2 March until 10pm on Sunday 5 March 2023.
- e) Endorse the requested road closures and route options for the 2023 Autumn Festival Parade Route of :
 - i. Dangar and Faulkner Street Armidale including Tingcombe Lane, from Barney Street to Rusden Street be closed from 7am for the staging of the Autumn Festival Parade.
 - ii. Faulkner Street between Dumaresq and Kirkwood Streets will be closed from 7am and remain closed for the duration of the Autumn Festival Parade.
 - iii. Route Option A –
The closure of Faulkner Street Armidale, from Barney Street to Kirkwood Street disassembling in Faulkner between Civic and Curtis Park.
 - iv. Route Option B –
The closure of Faulkner Street Armidale, from Barney to Rusden Street, turning left into Rusden Street, right into Dangar Street following into Moore Street, left into

Faulkner disassembling in Faulkner between Civic and Curtis Park.

- f) Endorse the Special Event Transport Management Plan for the Armidale Cycling Club's 2023 Weekly Race and the use of the Armidale Regional local roads, of Boorolong Road, Dangarsleigh Road/Enmore Road, Bundarra Road and Long Swamp Road.

1. Purpose:

This report is to provide Council with the agenda, minutes and action list of the Traffic Advisory Committee (TAC) meeting held on Tuesday, 7 March 2023 which details recommendations to Council for consideration and adoption.

2. Discussion

To consider the recommendation advice provided by the TAC, a Transport for NSW (TfNSW) committee comprising of experts from TfNSW, Police, State Member representative, ARC Councillor and ARC technical officers.

Council is not bound by the advice given by the TAC. However if Council does wish to act contrary to the unanimous advice of the TAC or when the advice is not unanimous, it must notify TfNSW & the NSW Police and wait 14 days before proceeding.

The TAC has no decision-making powers and is primarily a technical review committee. It only advises the Council on matters for which the Council has delegated authority, being certain prescribed traffic control devices and traffic control facilities.

The Council must refer all traffic related matters to the TAC prior to exercising its delegated functions. Matters related to State Roads or functions that have not been delegated to the elected Council and must be referred directly to TfNSW or relevant organisation. Such matters must not be referred to the TAC.

3. Report:

At its meeting on 7 March 2023 the TAC considered five items requiring endorsement;

a) Special Event Traffic Management Plan - Armidale Anzac Day March 2023

Anzac Day is a recognised National event held on 25 April each year, the event is supported by Council and under Police escort.

The Dawn Service will not include a march. Participants will be bussed to Central Park from the Ex Serviceman's Club for the ceremony start at 5.30am and conclude at 7am.

The Main Anzac March and Service will start to gather at 10.30am in Faulkner Street and head up to Central Park where the service will start at 11am and conclude at 12.30pm.

b) Special Event Transport Management Plan - Guyra Anzac Day March 2023

Anzac Day is a recognised National event held on 25 April each year, the event is supported by Council and under Police escort. Anzac Day Dawn Service is to be held between 5.30 am and 7.00 am. The road closure of Bradley Street from MacKenzie Street to the Southern side of the Hall will allow the crowd to gather outside the Soldier's Memorial Hall at 163 Bradley Street for the service

The main march and service is between 10.00am and 12.30pm. The road closure of Bradley Street will allow the march to assemble and then proceed from Ollera Street to the Soldier's Memorial Hall at 163 Bradley Street.

c) Special Event Transport Management Plan - Armidale & New England Show 2023

The Armidale and New England Show is held annually at the Armidale Showground. The event utilises two sites split across Canambe Street. An annual road closure is required to facilitate the safe and efficient operation of show activities. The TAC received the road closure application after the February TAC meeting and not processed in time to present the closure to Council.

The TAC resolved for Council to note the endorsement by the TAC for the temporary road closure of Canambe Street between Dumaresq and Kirkwood Street for the Armidale & New England Show that was held from 6:30pm Thursday 2 March until 10pm on Sunday 5 March 2023.

d) Special Event Transport Management Plan The Armidale Autumn Festival 2023

The Armidale Autumn Festival has been a long held festival and tradition that over the years has evolved into a celebration of civic pride. The parade is a key part of the festival and two different routes are being considered for 2023 pending resources and budget. This report requests endorsement of two options.

e) Special Event Transport Management Plan - Armidale Cycling Club Weekly Road Races 2023.

The Armidale Cycling Club conducts weekly road races using Boorolong Road, Dangarsleigh Road/Enmore Road, Bundarra Road and Long Swamp Road within the Armidale Regional LGA. This series of events has been conducted over many years without any issues, no road closures are required.

4. Strategic Directions:

The function of the TAC aims to maintain safe and effective traffic facilities on the road network to industry and legislative standards.

The activities and recommendations align with Advancing Our Region - Your Community Plan 2022-2032 and with Council Delivery Program 2022-2026 as part of:

The function of the TAC aims to maintain safe and effective traffic facilities on the road network to industry and legislative standards.

The activities and recommendations align with Advancing Our Region - Your Community Plan 2022-2032 and with Council Delivery Program 2022-2026 as part of:

Connected Region – Transport and Technology

- C1. Quality infrastructure makes it safe and easy to travel around our region
 - C1.1 Build and maintain quality, safe, and accessible road transport infrastructure including roads, footpaths, kerbs, bus stops and parking facilities.
- C2. Transport and technology that enable connectivity both locally and outside the region

- C2.1 Provide access to public and private transport services that link our community to our local towns and villages, other regions, our local attractions, and lifestyle infrastructure.

5. Relevant Legislation

- Roads Act (1993)
- Road Transport (Safety and Traffic Management) Regulations (1999)
- Road Rules (2008), and
- A guide to the delegation to Council for the Traffic (Guidelines)

6. Financial Implications

TfNSW Block Grant.

TfNSW provides block grants to Council as a contribution towards the cost of works on Regional Roads, under the terms of the Block Grant Agreement. Block Grants may be spent on preservation, restoration and enhancement works to the extent provided for in the Block Grant Agreement.

Every council has entitlement to an annual block grant. The grant comprises a roads component and a supplementary component (both available for works on Regional Roads) and a traffic facilities component (which may be spent on works on Regional Roads as well as traffic facilities on Local Roads).

Budget Area:	Tourism and Events						
Funding Source:	City Services - Events						
Budget Ref: (PN)	Description	Approved Budget	Actual	Committed	Proposed	Total Forecast Expenditure	Remaining Budget
210713	Item (a), (b)	\$247,633	\$176,641	Nil	\$2,840.00	\$179,481	\$68,152

Item (c) – The full cost for the installation of the traffic guidance scheme by Council staff was \$561.37 including GST was paid in full by the Armidale Show Society.

Item (d) – The full cost of the road closures and traffic control to support the Autumn Festival Parade is fully funded under the event budget.

Item (e) – There is no financial cost to Council.

7. Conclusion

That Council note the minutes of the Traffic Advisory Committee (TAC) meeting held on Tuesday, 7 March 2023 and the recommendations to Council be considered for adoption.

Item:	13.2	Ref: AINT/2023/04997
Title:	KPWG - Minutes of meetings held November 2022 - March 2023	Container: ARC16/0001-8
Responsible Officer	General Manager	
Author:	Melissa Hoult, Executive Officer	
Attachments:	<ol style="list-style-type: none">1. Enriched Region KPWG Minutes - 4 Nov 20222. Enriched Region KPWG Minutes - 18 Nov 20223. Future Region KPWG Minutes - 30 Nov 20224. Enriched Region KPWG Minutes - 2 Dec 20225. Growing Region KPWG Minutes - 17 Jan 20236. Growing Region KPWG Minutes - 7 Mar 2023	

RECOMMENDATION:

That the following Minutes of the Key Pillar Working Group meetings held from November 2022 to March 2023 be noted;

- Enriched Region KPWG meeting held 4 November 2022
- Enriched Region KPWG meeting held 18 November 2022
- Future Region KPWG meeting held 30 November 2022
- Enriched Region KPWG meeting held 2 December 2022
- Growing Region KPWG meeting held 17 January 2023
- Growing Region KPWG meeting held 7 March 2023

1. Purpose

This report is to provide Council with the minutes and action lists of the Key Pillar Working Group meetings held from November 2022 to March 2023 which details recommendations to Council for consideration.

2. Background

The role of the Key Pillar Working Groups is to advance the key objectives of the Region by working through each pillar of the Community Plan (CP), providing a policy direction and outcome, following engagement with the relevant interest groups that represent our community.

3. Report

At its meeting held 4 November 2022, the Enriched Region KPWG considered:

- The committee endorsed Cr Brad Widders as the Chair
- That the Committee notes Operational Plan Action E1.1.1:-
 - Consider health and community service advocacy and access initiatives through the Enriched Region Key Pillar Working Group and utilise opportunities to lobby local and state representatives to raise health services access.

- Identification of major issues impacting access to health and community services in our region.
 - Local challenges in recruitment of health professionals: -
 - Spousal support – employment
 - Lack of accommodation
 - Lack of childcare
 - Financial incentives not comparable to large cities
 - Professional development opportunities lacking
 - Vibrancy of lifestyle
 - Collaborative community approach required.
 - Strengthening of relationship between hospital and Tablelands Clinical School
 - Packaging and promoting the benefits of living and working in our area.
 - Who else needs to be in the room?
 - New England Division of General Practice
 - Primary Health Network
 - Advocacy – who to?
 - State and Federal Government
 - Challenges/Opportunities
 - Population increase predicted – eventually more attractive centre to work in, however may create further pressure on housing and childcare
 - Concierge process could be beneficial - dedicated person to assist health professionals transition and integrate into the community
 - Actions
 - Marketing for hospital job advertisements – collaboration with Council – Aimee to speak with HR and Comms. Aimee to liaise with Lisa
 - Aimee to reach out to New England Division of General Practice & Primary Health Network for representatives to attend future meetings.
 - Cr McMichael to reach out to local real estate agents about availability/prioritising of housing
 - Collaboration between UNE and hospital – look for opportunities to support each other
 - Aimee to reach out to Council property team to look for rental opportunities in Council owned properties that could be offered in a package to health professionals moving to the area

At its meeting held 18 November 2022, the Enriched Region KPWG considered:

- KPWG Achievable actions relating to improving health outcomes.
 - Exploring the possibility of introducing concierge services locally, which would be used to facilitate a smooth transition for new essential workers moving to the region. Funding opportunities to be explored to finance this.
 - Working Group to be formed to discuss the availability of rental properties, opportunities to furnish properties and have them available for short periods for incoming staff, and other ways to improve housing availability for essential workers moving to the region.

Members included in this working group: -

- Aimee Hutton (ARC)
- Jacinda Sewell (Armidale Town and Country Real Estate)
- The Professionals, Armidale
- Ms Charlotte Cunningham (Hunter New England Health)
- Ms Lisa Ramsland (Hunter New England Health)
- Working Group to be formed to create an opportunity for the private and public hospitals to connect with UNE, to discuss opportunities to link up, create professional development opportunities for health professionals, etc.

Members included in this working: -

- Dr Sundar Thavapalasundram (Hunter New England Health)
- Ms Lisa Ramsland (Hunter New England Health)
- Ms Michelle Whiteley (Hunter New England Health)
- Ms Debra Maslen (Ramsay Health)
- Dr Jennifer Williams (UNE)
- Mr David Schmude (UNE Life)
- Child care providers to be invited to the next meeting to discuss opportunities/challenges in relation to child care availability. Explore new child care developments and report back.

At its meeting held 30 November 2022, the Future Region KPWG considered:

1. The draft Healthy Winter Air Business Case (HWABC) is endorsed by the Future KPWG for next steps by the senior executive.
2. The HWABC used for applications to fund the pilot and follow-up healthy winter air projects
3. ARC's web page on solid fuel and wood smoke is updated to a healthy winter air page, as already drafted and discussed with the chief officer, planning and activation.
4. That as follow-up the application procedure for installing new wood heaters is discussed.
5. The HWABC case is discussed with other interested parties such as asthma Australia and the centre for healthy air who might be able to assist.

At its meeting held 2 December 2022, the Enriched Region KPWG considered:

1. UNE & Hospital Collaboration – Working Group Update
2. Housing Availability – Working Group Update
3. Concierge Proposal – Update on progress to date – discussion about next steps
4. Childcare Providers – Local Challenges/Opportunities

At its meeting held 17 January 2023, the Growing Region KPWG considered:

1. Darren Schaefer provided an update on the progress of the Armidale Airport Café detailing the EOI process undertaken to date.
2. Group shown a summary of interested parties and noted the shortlist of those that submitted a formal EOI.

At its meeting held 7 March 2023, the Growing Region KPWG considered:

Initial Projects – Status

- Airport: P1 – Café – DS to provide update at next meeting
- Airport: P2 – Precinct – Surveyor report identified on LSPS.
- Airport: P3 – Landing system – DS to provide update at next meeting
- Tourism: P1 – Brand & strategy – Plan on a page on hold due to Autumn Festival. Regional Brand update will be brought forward if successful with SRV.
- Tourism: P2 – Access to attractions - DS to provide update at next meeting.
- Tourism: P3 – Attraction signage – DS to provide update at next meeting.

Group agreed that from the documented CSP/DP Goals for the Thriving Region area, the following will get focus;

- Thriving Region – Goal 1 – T1.2.1 – Partner with local business groups and industry bodies to develop initiative to support local businesses.
- Thriving Region – Goal 2 – T2.4.3 – Host events and engagements in the Mall and regional CBDs to attract additional foot traffic.

Approach for each of these items are;

T1.2.1:

- Aim to conduct two public forums with relevant business groups
- One forum would involve a discussion with sectors such as management firms, solicitors, accountants, financial and insurance agencies and consultant organisations posing the question “why does your organisation choose to headquarter in the Armidale region?”.
- Second forum would involve a discussion with trade industries such as construction, agriculture, manufacturing and/or maintenance sectors posing the question ‘what could ARC do better to foster your business environment’?
- Target April to conduct these sessions if possible.

T2.4.3:

- Consolidate a view of planned events in the Mall until Dec23/Jan24 timeframe.

- Review the overall themes and connections with these and other local events at similar times.
- Drive a series of early communication and engagement activity with the community to encourage participation.