



ORDINARY MEETING OF COUNCIL

To be held on

Wednesday, 23 May 2018

1pm

at

Armidale Council Chambers

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Notice of Motion to Rescind Resolution

We hereby give Notice of our Motion to rescind Resolution 13.6 of the Council Meeting on 26 April 2018, which RESOLVED that;

That Council take no further action in relation to letting a contract for a feasibility study or business case for the Guyra Rail Trail and that the matter be addressed as an in house desktop study.

Diane Gray


LIBBY MARRIN



A.H. Murat


Notice of Motion

We hereby give Notice of Motion that should the above rescission motion be passed we will be moving the following motion;

That Council engage an external, appropriately skilled and creditable firm to undertake a Business Case for the new England Rail Trail as required under clause 4.2 of Councils Economic Development Strategy (adopted unanimously by Council on 7 December 2017) to provide additional feasibility information to Council and for the public, noting that such a Business Case would be required should an application for grant funding be required on any aspect of this potential project in the future, and further noting that the funding of such is within the approved current economic development budget.

Diane Gray


LIBBY MARRIN


A.H. Murat


RESCISSION MOTION

That Councils decision at item 11.2 - Modification to DA-19-2009/A Deletion of Conditions 7 and 47 at OCM. of 26 April 2018 be rescinded and replaced with a motion to the following effect:

That DA-19-2009/A Deletion of Condition 7 and 47 not proceed ~~but~~ and Council retain the conditions 7 and 47 on the basis of securing the public interest now and for the future ^{generations} of riparian (creekside) access for recreation and ecological amenity

attention

Armidale Regional Council
30 APR 2018
RECEIVED

MARGARET O'CONNOR

CR IAN TILLEY

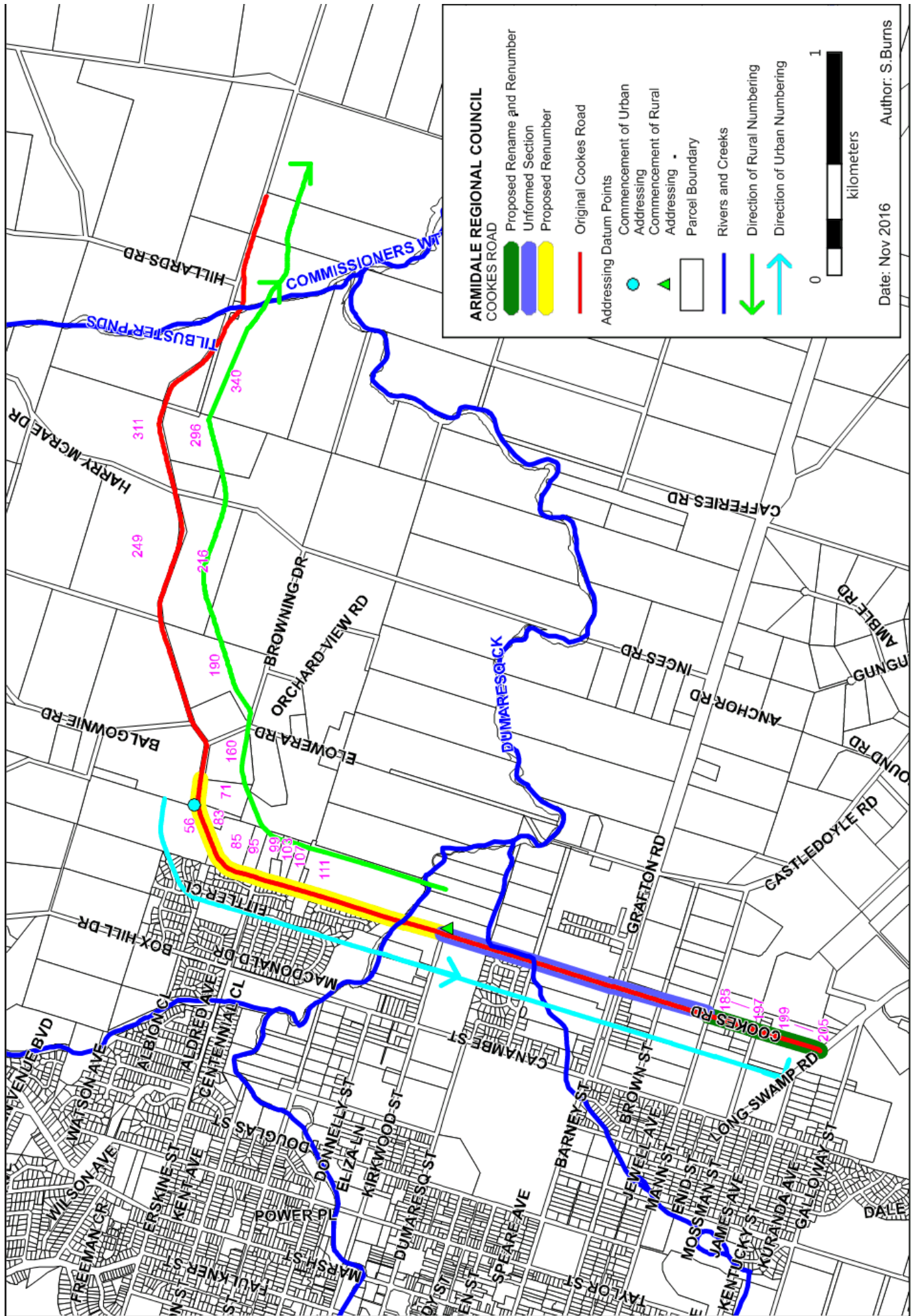
D. Robinson

CR DOROTHY ROBINSON

21/4/18













ARMIDALE REGIONAL COUNCIL

Quarterly Budget Review Statement
for the period 01/01/18 to 31/03/18

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ARMIDALE REGIONAL COUNCIL

Quarterly Budget Review Statement
for the period 01/01/18 to 31/03/18**Report by Responsible Accounting Officer**

The following statement is made in accordance with Clause 203(2) of the Local Government (General) Regulations 2005:

31 March 2018

It is my opinion that the Quarterly Budget Review Statement for ARMIDALE REGIONAL COUNCIL for the quarter ended 31/03/18 indicates that Council's projected financial position at 30/6/18 will be satisfactory at year end, having regard to the projected estimates of income and expenditure and the original budgeted income and expenditure.

Signed: *K Lockyer*

date: 10/05/2018

Keith Lockyer
Responsible Accounting Officer

ARMIDALE REGIONAL COUNCIL

Quarterly Budget Review Statement

for the period 01/01/18 to 31/03/18

Income & Expenses Budget Review Statement

Budget review for the quarter ended 31 March 2018

Income & Expenses - Council Consolidated

(\$000's)	Original Budget 2017/18	Approved Changes			Revised Budget 2017/18	Variations for this Mar Qtr	Notes	Projected Year End Result	Actual YTD figures
		Carry Forwards	Sep QBRS	Dec QBRS					
Income									
Rates and Annual Charges	26,351		674		27,025		27,025	27,629	
User Charges and Fees	19,800			(296)	19,504		19,504	18,997	
Interest and Investment Revenues	2,931			(455)	2,476		2,476	2,931	
Other Revenues	2,063				2,063		2,063	1,755	
Grants & Contributions - Operating	9,550			2,000	11,550		11,550	11,001	
Grants & Contributions - Capital	8,104		40	3,894	12,038		12,038	6,601	
Net gain from disposal of assets	802				802		802	846	
Share of Interests in Joint Ventures	-				-		-	-	
Total Income from Continuing Operations	69,600	-	714	5,143	75,457	-	75,457	69,761	
Expenses									
Employee Costs	19,965		640		20,605	900	21,505	21,500	
Borrowing Costs	1,699				1,699		1,699	1,699	
Materials & Contracts	17,212	-		4,600	21,812	(1,200)	20,612	20,538	
Depreciation	15,476				15,476		15,476	15,476	
Legal Costs	105				105		105	93	
Consultants	1,492				1,492		1,492	1,421	
Other Expenses	8,042				8,042	(103)	7,939	8,008	
Interest & Investment Losses	-				-		-	-	
Net Loss from disposal of assets	-				-		-	-	
Share of interests in Joint Ventures	-				-		-	-	
Total Expenses from Continuing Operations	63,992	-	640	4,600	69,232	(403)	68,829	68,735	
Net Operating Result from Continuing Operations	5,608	-	74	543	6,225	403	6,628	1,025	
Discontinued Operations - Surplus/(Deficit)	-				-		-	-	
Net Operating Result from All Operations	5,608	-	74	543	6,225	403	6,628	1,025	
Net Operating Result before Capital Items	(2,496)	-	34	(3,351)	(5,813)	403	(5,410)	(5,576)	

This statement forms part of Council's Quarterly Budget Review Statement (QBRS) for the quarter ended 31/03/18 and should be read in conjunction with the total QBRS report

ARMIDALE REGIONAL COUNCIL

Quarterly Budget Review Statement
for the period 01/01/18 to 31/03/18

Income & Expenses Budget Review Statement
Recommended changes to revised budget

Budget Variations being recommended include the following material items:

Notes	Details
Employee Costs	900,000
	Increase in operating costs as budget for capital employee costs was \$1.9 M and will only spend \$1 Mill.
Materials	-1,200,000
	Decrease in materials costs with the deferrment of the airport roundabout project to 2018/19.
Other expenses	-103,000
	Reduced costs for bad debts and some internal expenses.
Net Change	-403,000
	Decrease in operating expenses

ARMIDALE REGIONAL COUNCIL

Quarterly Budget Review Statement

for the period 01/01/18 to 31/03/18

Capital Budget Review Statement

Budget review for the quarter ended 31 March 2018

Capital Budget - Council Consolidated

(\$000's)	Original Budget 2017/18	Approved Changes			Revised Budget 2017/18	Variations for this Mar Qtr		Projected Year End Result	Actual YTD figures
		Carry Forwards	Sep QBRS	Dec QBRS					
Capital Expenditure									
- Plant & Equipment	3,821				3,821	-		3,821	1,562
- Land & Buildings	2,267			1,300	3,567	(2,000)		1,567	1,217
- Roads, Bridges, Footpaths, Drainage	15,721		210	-	15,931	(2,400)		13,531	6,783
- Other Structures	334			-	334	-		334	268
Loan Repayments (Principal)	2,175			-	2,175	-		2,175	2,012
Other Expenditure Airport	5,000			-	5,000	-		5,000	4,917
Other Expenditure Other Assets	8,144			-	8,144	-		8,144	4,719
Other Expenditure Water	1,874			-	1,874	-		1,874	2,351
Other Expenditure Sewer	2,032			-	2,032	-		2,032	880
Other Expenditure Library Books	315			-	315	-		315	289
Total Capital Expenditure	41,683	-	210	1,300	43,193	(4,400)		38,793	24,998
Capital Funding									
Rates & Other Untied Funding	18,135		40	(2,549)	15,626	(2,400)		13,226	3,499
Capital Grants & Contributions	8,104			3,849	11,953			11,953	11,697
Reserves:									
- External Resrtictions/Reserves	15,399		170		15,569	(2,000)		13,569	9,512
- Internal Restrictions/Reserves					-	-		-	-
New Loans					-	-		-	-
Receipts from Sale of Assets									
- Plant & Equipment	45				45	-		45	290
- Land & Buildings					-	-		-	-
Total Capital Funding	41,683	-	210	1,300	43,193	(4,400)		38,793	24,998
Net Capital Funding - Surplus/(Deficit)	-	-	-	(0)	(0)	-		(0)	-

This statement forms part of Council's Quarterly Budget Review Statement (QBRS) for the quarter ended 31/03/18 and should be read in conjunction with the total QBRS report

ARMIDALE REGIONAL COUNCIL

Quarterly Budget Review Statement

for the period 01/01/18 to 31/03/18

**Capital Budget Review Statement
Recommended changes to revised budget**

Budget Variations being recommended include the following material items:

Notes	Details	
Waste	Reapportioning land fill costs into next year	(2,000,000)
Bridges Grant	Bridges recuction in expenditure to match grant	(2,400,000)

ARMIDALE REGIONAL COUNCIL

Quarterly Budget Review Statement

for the period 01/01/18 to 31/03/18

Cash & Investments Budget Review Statement

Budget review for the quarter ended 31 March 2018

Cash & Investments - make a choice >>>

(\$000's)	Original Budget 2017/18	Approved Changes			Revised Budget 2017/18	Variations for this Mar Qtr	Notes	Projected Year End Result	Actual YTD figures
		Carry Forwards	Sep QBRS	Dec QBRS					
Externally Restricted ⁽¹⁾									
Unexpended Grants	(8,352)	11,191		(2,600)	239		239	4,831	
Unexpended Loans	(8,000)	12,164			4,164	2,000	6,164	7,220	
Developer Contributions	(124)	1,790	(170)		1,496		1,496	1,664	
Water Fund	990	23,359			24,349		24,349	24,437	
Sewer Fund	(49)	13,677			13,628		13,628	14,844	
Kolora Bonds		2,010			2,010		2,010	2,290	
NIRW		949			949		949	1,046	
Unexpended Contributions		142			142		142	142	
Total Externally Restricted	(15,535)	65,282	(170)	(2,600)	46,977	2,000	48,977	56,474	
(1) Funds that must be spent for a specific purpose									
Internally Restricted ⁽²⁾									
Plant Reserve	186	2,240			2,426		2,426	1,986	
ELE Reserve		5,000			5,000		5,000	5,000	
Sports Council	40				40		40	40	
Programmed Future Works	-				-		-	-	
Total Internally Restricted	226	7,240	-	-	7,466	-	7,466	7,026	
(2) Funds that Council has earmarked for a specific purpose									
Unrestricted (ie. available after the above Restrictic	15,309	1,972	170	2,600	20,051	(2,000)	18,051	5,252	
Total Cash & Investments		74,494			74,494		74,494	68,752	

This statement forms part of Council's Quarterly Budget Review Statement (QBRS) for the quarter ended 31/03/18 and should be read in conjunction with the total QBRS report

ARMIDALE REGIONAL COUNCIL

Quarterly Budget Review Statement
for the period 01/01/18 to 31/03/18

Cash & Investments Budget Review Statement**Comment on Cash & Investments Position**

Not Applicable

Investments

Investments have been invested in accordance with Council's Investment Policy.

Cash

The Cash at Bank figure included in the Cash & Investment Statement totals \$4,971,163

This Cash at Bank amount has been reconciled to Council's physical Bank Statements.
The date of completion of this bank reconciliation is 02/05/18

Reconciliation Status

The YTD Cash & Investment figure reconciles to the actual balances held as follows:

	\$ 000's
Cash at Bank (as per bank statements)	4,971,163
Invstments on Hand	63,780,986
less: Unpresented Cheques	(Timing Difference) -
add: Undeposited Funds	(Timing Difference) -
Reconciled Cash at Bank & Investments	68,752,149

Recommended changes to revised budget

Budget Variations being recommended include the following material items:

Notes Details

ARMIDALE REGIONAL COUNCIL

Quarterly Budget Review Statement

for the period 01/01/18 to 31/03/18

Key Performance Indicators Budget Review Statement - Industry KPI's (TCorp)

Budget review for the quarter ended 31 March 2018

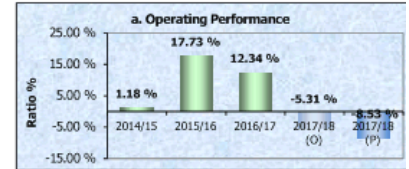
(\$000's)	Current Projection		Original Budget 17/18	Actuals Prior Periods	
	Amounts	Indicator		16/17	15/16
	17/18	17/18			

NSW Local Government Industry Key Performance Indicators (TCorp):

a. Operating Performance

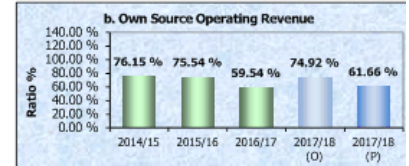
Operating Revenue (excl. Capital) - Operating Expenses	-5410	-8.53 %	-5.31 %	12.34 %	17.73 %
Operating Revenue (excl. Capital Grants & Contributions)	63419				

This ratio measures Council's achievement of containing operating expenditure within operating revenue.

**b. Own Source Operating Revenue**

Rates & Annual Charges + User Charges & Fees	46528	61.66 %	74.92 %	59.54 %	75.54 %
Total Operating Revenue (incl. Capital Grants & Cont)	75457				

This ratio measures fiscal flexibility. It is the degree of reliance on external funding sources such as operating grants & contributions.

**c. Unrestricted Current Ratio**

Current Assets less all External Restrictions	14772	2.37	2.46	2.36	1.75
Current Liabilities less Specific Purpose Liabilities	6245				

To assess the adequacy of unrestricted working capital and Council's ability to meet short term obligations as they fall due.



NSW Local Government Industry Key Performance Indicators (TCorp):

d. Debt Service Cover Ratio

Operating Result before Interest & Dep. exp (EBITDA)	30869	6.00	3.52	6.00	8.19
Principal Repayments + Borrowing Interest Costs	5147				

This ratio measures the availability of operating cash to service debt including interest, principal and lease payments



ARMIDALE REGIONAL COUNCIL

Quarterly Budget Review Statement

for the period 01/01/18 to 31/03/18

Contracts Budget Review Statement

Budget review for the quarter ended 31 March 2018

Part A - Contracts Listing - contracts entered into during the quarter

Contractor	Contract detail & purpose	Contract Value	Start Date	Duration of Contract	Budgeted (Y/N)	Notes
BMR Quarries	ARC Gravel Crushing in Guyra	Supply Contract	17/07/17	Annual Supply	y	
Garwood	Supply & disposal on truck mounted road sweeper	228,700	14/08/17	N/A	y	
Ducats Earthmoving	Cluny Road Upgrade	221,133	09/10/17	to 30/11/17	y	
Electromotives	Electrical Water Ass Rect	91,031	17/10/17	to 31/12/17	y	
Vertel	Two Way Radio Extension	310,445	01/09/17	to 8/12/17	y	
AEC	Armidale Regional Airport Precinct Business Plan	164,933	30/10/17	29/10/2018	y	
Public Works	Water & Sewer network modelling & servicing strategy	192,046	08/12/17	7/12/2018	y	
Telstra	Staff office Accommodation	65,930	30/10/17	30/10/2018	y	
Cardno	Pipeline From Malpas to Res to Guyra Consult	219,566	07/11/17	6/11/2018	y	
Roadwork Industries	Heavy patching 2017	140,580	10/10/17	10/10/2018	y	
Douglas Partners	Timber Bridge Geotech Investigation	39,358	13/12/17	12/12/2018	y	
Richardson & Wrench	Real estate - Sale of land contract	60,000.00	01/03/18	30/06/2018	y	
Roadwork Industries	Reseal - Jessie Street Dumaresq To Beardy St	Sch of rates	02/03/18	30/06/2018	y	
Douglas Partners Pty Ltd	Three timber bridges Geotechnical investigation	39,358.00	03/03/18	30/06/2018	y	
Hofman Electrical Group	Electrical on New England Hwy Roundabout at airport	292,905.00	04/03/18	30/06/2018	y	

This statement forms part of Council's Quarterly Budget Review Statement (QBRS) for the quarter ended 31/03/18 and should be read in conjunction with the total QBRS report

ARMIDALE REGIONAL COUNCIL

Quarterly Budget Review Statement
for the period 01/01/18 to 31/03/18**Consultancy & Legal Expenses Budget Review Statement**

Consultancy & Legal Expenses Overview

Expense	YTD Expenditure (Actual Dollars)	Budgeted (Y/N)
Consultancies	3,352,237	Y
Legal Fees	301,929	Y

Definition of a consultant:

A consultant is a person or organisation engaged under contract on a temporary basis to provide recommendations or high level specialist or professional advice to assist decision making by management. Generally it is the advisory nature of the work that differentiates a consultant from other contractors.

Community Strategy Plan 2017-2027
2018 Exhibition Period Submissions



Unleash the opportunities

www.armidaleregional.nsw.gov.au

- Individual Submission #1

The words 'sustainable' and 'resilient' are used in the plan (and probably in every other such local government strategic plan). They are ideals that I suspect are supported by almost everyone. But what exactly do they mean? These terms are not defined in the Plan. More to the point, how can sustainability and resilience each be measured to be able to tell whether progress in these regards is being made or not? If these concepts cannot be measured and monitored, as I suspect is the case, they become meaningless buzz words.

But then adjectives get hung on the terms which affect their interpretation. Under Environment and Infrastructure, Community Outcome 2 the goal of 'a sustainable lifestyle' is cited. (The fact that it is expressed in the singular seems to imply a degree of uniformity to which I suspect not everyone would agree.) But how do we tell whether a lifestyle is sustainable? What are the key indicators thereof? The Plan does not say. It really would not do to discover too late that local lifestyles are not sustainable.

Also under Environment and Infrastructure, Community Outcome 3 refers to 'resilient infrastructure'. How is that defined? Does it mean that the infrastructure is hard to break, or that it does not degrade? To my mind the problem with infrastructure is that it is not maintained, usually for lack of funds. Council gets capital grants to install certain infrastructure, but then there is no money for upkeep. Cycle tracks are a good example, as inspection of almost any such track around the region will show. I note that some other Councils seem to do better.

Under the heading of 'Growth, Prosperity and Economic Development' we are promised increased population, growth of agriculture, boosted tourism and growth of business and industry. Could it be that all these good things would cause serious harm to the goals of environmental preservation and 'a sustainable lifestyle'? The Plan is silent on how such conflicts are to be managed.

Turning to Performance Indicators, I do not see that the first two, capital works completed and development applications determined, are reasonable measures of environmental protection, sustainable lifestyles or 'resilience' generally. Indeed, they may lead to harm in these respects.

Under 5. Environment and Infrastructure, Community Outcome 2, two items caught my attention:

1. Prepare disaster management plans to reduce the impact of natural disasters. That's great, but surely Council should also have plans to reduce the chances of disasters, particularly those caused by human error or neglect. I think of road safety, unsafe infrastructure, public health, and much more. (I have worked on risk issues for around 50 years if anyone is interested.)
2. Develop a Sustainability Strategy which includes objectives for the region as a whole as well as Council operations. Given the issues I have mentioned in specifying what sustainability is and whether/how it can be measured, this strikes me as little more than a 'feel good' statement. What aspects of sustainability will be in the strategy and what not? What is the time horizon

being considered? There will be trade-offs, between 'development' and the natural environment. By whom and how will these be addressed?

Under 6. Growth, prosperity and economic development, the same issues emerge. Ensuring 'the ongoing growth and sustainability of the livestock trade', if successful, will cause more methane emissions from ruminants. Methane is a greenhouse gas many times more potent than carbon dioxide. Some believe that we must reduce our meat consumption to make the planet sustainable. Are we to ignore these views?

I could go on, but that is enough.

- [Individual Submission #2](#)

-

On Page 19 - Community Outcome 3, regarding the Visitor Economy supporting strategies.

Include the following:

Support the development of a Rail Trail north of Armidale to attract visitors to the region.

- [New England Greens Armidale Tamworth Submission #3](#)

We would like to offer the following suggestions:

The Front cover be amended by

- The inclusion of an apostrophe in the word 'Council's'
- The slogan 'Council, community and business working together' be replaced by 'Council and community working together'- business is part of our community
- The unnecessary descriptors under the words 'Guyra', 'Armidale' and 'The Armidale Region' be removed

The Acknowledgement of Country includes the names of the indigenous peoples within the Council area.

National Parks and wildlife reserves unique to the Region be acknowledged as outstanding resources in need of our protection.

The Plan needs clearer targets and performance indicators

An effective plan should focus on targets that can be achieved, starting with the issues and targets where action by council would provide the greatest benefits.

Instead of firm targets that would benefit the community, much of the current Strategic Plan is a Plan to create More Strategic Plans, such as an Economic Development Strategy and a Sustainability Strategy.

The Statistical Comparison should be updated to 2016 or later data

The statistical comparison on p27 is based on data from 2011, which is out of date for a 2017-2017 plan. At the very least, the ABS 2016 census data should be used. For example, unemployment has increased from 7.4% to 7.7% in the ARC area, and from 5.9% to 6.3% in NSW. The median weekly rent has increased from \$205 to \$250 in the ARC area and from \$307 to \$380 in NSW. The median household income has increased from \$949 to \$1170, compared to an increase from \$1,233 to \$1,486 across the State. The current Strategic Plan lacks the detail and relevant performance indicators to properly evaluate what has been achieved.

Although the Delivery Plan will help address these deficiencies, it would be extremely helpful to provide performance indicators for all community outcomes and list them along each desired community outcome. Some additional suggestions for important performance targets are included below. It would also be helpful to provide an indication of the costs and benefits of the strategies to help prioritize the actions needed to implement them. Strategies that require action and resources from Council – those for which Council is required to play a leading role – should be listed first, because their success or failure depends mainly on the actions of Council.

Additional Performance Targets

- Environment & Health

- 1) Reduce child mortality rates to the NSW average
- 2) Increase life expectancy to the NSW average
- 3) Achieve National Air pollution targets by 2020 and aim for a 90% reduction in wood smoke pollution throughout the entire city by 2025
- 4) Reduce per-capita greenhouse gas emissions (including short-lived climate pollutants) by 25% by 2025.
- 5) Introduce a voluntary star rating for new homes and reward 10-star efficient homes with a 50% reduction on their section 7.12 contributions and 9-star homes with a 25% reduction.
- 6) Council's GreenPrint (a series of environmental strategic plans under development by Council) completed and, at implementation, commenced on at least 50% of the strategies
- 7) Increase in number of journeys made on foot , by bicycle and by public transport

- Economic Development

- 1) Reduction in unemployment to NSW average
- 2) Reduction in the numbers of road injuries
- 3) Reduction in the proportion of households below the poverty line
- 4) Reduction in homelessness
- 5) Reduction in crime rates
- 6) Mall revitalization plan commenced and supported by at least 75% of the community
- 7) Economic Development Strategy agreed and at implementation commenced on least 50% of the strategies

- Leadership & Community Satisfaction

- 1) Continued improvement in annual community satisfaction surveys
- 2) Council actively promotes community service volunteering and achieves an increase in the volunteer participation rate

- 3) Increase in grant funding to supplement income from rates and charges

Additional strategies for Growth, Prosperity and Economic development:

Community Outcome 5 (p21) - the community has access to transport which enables connectivity both locally and outside of the region

- Promote cycling for transport as a healthy, environmentally-friendly option for small cities and towns such as Guyra and Armidale.
- Update the 2012 Bicycle Strategy to cover all planning developments in the foreseeable future and safeguard routes that might be needed 20, 50, or 100 years in the future.

Evaluate the future role of electric vehicles, including driverless electric shuttles and autonomous vehicles in future transport strategies for the region.

- **Individual Submission #4**

The current Strategic Plan lacks the detail and relevant performance indicators to properly evaluate what has been achieved. Although the Delivery Plan will help address these deficiencies, it would be extremely helpful to provide performance indicators for all community outcomes, which should be listed alongside each desired community outcome. Some additional suggestions for important performance targets are included below. It would also be helpful to provide an indication of the costs and benefits of the strategies to help prioritize the actions needed to implement them. Strategies that require action and resources from council – those for which council is required to play a leading role – should be listed first, because their success or failure depends mainly on the actions of council.

Additional Performance Targets

- Environment & Health
 - 1) Reduce child mortality rates to at least the NSW average
 - 2) Increase life expectancy to at least the NSW average
 - 3) Achieve National Air pollution targets by 2020 and aim for a 90% reduction in woodsmoke pollution throughout the entire city by 2025
 - 4) Reduce per-capita greenhouse gas emissions (including short-lived climate pollutants) by 25% by 2025.
 - 5) Introduce a voluntary star rating for new homes and reward 10-star efficient homes with a 50% reduction on their section 7.12 contributions, and 9-star homes with a 25% reduction.
 - 6) Complete development of environmental strategic plans (aka GreenPrint) and commence implementation on at least 50% of the strategies
 - 7) Increased number of journeys made by bicycle, on foot or by public transport
- Economic Development
 - 1) Reduce unemployment to NSW average
 - 2) Reduction in the numbers of road injuries in the ARC area
 - 3) Reduction in the proportion of households below the poverty line

- 4) Reduction in homelessness
 - 5) Reduction in crime rates
 - 6) Mall revitalization plan commenced and supported by at least 75% of the community
 - 7) Economic Development Strategy agreed and implementation commenced on least 50% of the strategies
 - 8) Consideration given to the role of AI and disruptive technologies in future economic development.
- Leadership & Community Satisfaction
 - 1) Continued improvement in annual community satisfaction surveys
 - 2) Council actively promotes volunteering for community service, and achieves an increase in the volunteer participation rate
 - 3) Increased grant funding to supplement income from rates and charges

Additional strategies for Growth, Prosperity and Economic development:

Community Outcome 4 (p19) Economic development is supported through new initiatives, innovation and additional resources to assist growth of business and industry

Evaluate the health costs in terms of increases mortality and illness of current levels of particulate (wood smoke) pollution compared with what might be expected if the entire city used non-polluting heating.

Community Outcome 5 (p21) - the community has access to transport which enables connectivity both locally and outside of the region

- Promote cycling for transport as a healthy, environmentally-friendly option for small cities and towns such as Guyra and Armidale.
- Update the 2012 Bicycle Strategy to cover all planning developments in the foreseeable future and safeguard routes that might be needed 20, 50, or 100 years in the future.
- Evaluate the future role of electric vehicles, including driver-less electric shuttles and autonomous vehicles in future transport strategies for the region.



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Armidale Regional Council
Section 7.12
Contributions Plan 2018

DRAFT



Armidale Regional Council Section 7.12 Contributions Plan 2018

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1. Executive Summary

1.1 Background

1.1.1. What are development contributions?

Development contributions are contributions made by those undertaking development approved under the Environmental Planning and Assessment Act 1979 (the Act). Contributions may be in the form of money, the dedication of land or some other material public benefit (or a combination of these). The mechanisms available for development contributions are limited to:

In the case of contributions made under Sections 7.11 or 7.12 of the Act - toward the provision or improvement of amenities or services (or the recouping of the cost of provision or improvement of amenities or services), or

In the case of contributions made under a planning agreement prepared in accordance with sections 93F to 93L of the Act toward public purposes.

The Plan deals with Section 7.12 contributions.

1.1.2. Section 7.11 and 7.12 levies

Sections 7.11 and 7.12 of the Act provide Council the means to levy contributions towards the cost of public facilities and services to meet the increased demand created by development. In the case of Section 7.11 contributions, there has to be a direct nexus between the development being levied under section 7.11 and the need for the public amenity or service (infrastructure) for which the contribution is required. Section 7.12 contributions do not require a nexus between the development, infrastructure and the contribution.

A condition of development consent may be imposed by Council under a Section 7.12 contribution plan with a requirement that the applicant pay a levy based on a percentage of the proposed cost of carrying out the development. A condition under Section 7.12 that is allowed by and determined in accordance with a contributions plan may not be disallowed or amended by the Court on appeal.

The monies collected will assist Council towards the provision, extension or augmentation of public amenities or public services. The application of the money is subject to any relevant provision of the Contribution Plan and the Works Schedule at Appendix 1.

1.2 Purpose

The purpose of this Contributions Plan is:

- To authorise the Council to impose a condition on certain development consents and complying development certificates requiring the payment of a contribution pursuant to section 7.12 of the Act;
- To require a certifying authority (the Council or an accredited private certifier) to impose, as a condition of issuing a complying development certificate, a requirement that the applicant pay to Council a levy determined in accordance with this Plan;
- To assist the Council to provide public facilities and amenities which are required to maintain and enhance amenity and service delivery within the area;
- To state the purposes for which the levies are required, and
- To provide for the governance of the contributions and their application in accordance with the Act and Regulations.

1.3 Timescales identified in the plan

This Plan aims to cater for development to 2028. It is anticipated that the Plan will be reviewed in the intervening period and updated.

Council recognises that demographic change in the existing and new population is driving changes in the demand for public services and amenities, and accordingly this Plan seeks to respond to these future needs.

The Work Schedule in this Plan is based on “high”, “medium” and “low” priorities, which translate into target implementation periods of 2018-2021, 2021-2024, and 2024-2028 respectively.

1.4 Summary of facilities

This Plan seeks contributions towards the following categories of public services and facilities:

- Roads and related infrastructure.
- Pedestrian and cycling Infrastructure.
- Open Space and Recreation.
- Civic and community facilities.

1.5 Summary of contribution rates

The contribution rate is calculated as a percentage of the cost of development, as per the table below.

Cost of Development	Contribution levy rate %
All development valued at \$100,000 or less	0.0%
All development valued at \$100,001 up to \$200,000	0.5%
All development valued in excess of \$200,000	1.0%

Certain exemptions apply to the Contribution. Details can be found in Section 3.13.

1.6 Work schedule

The Work Schedules can be found in Appendix 1 to this Plan.

2. Introduction

2.1 Name of the Plan

This Plan is the Armidale Regional Council Section 7.12 Contributions Plan 2018.

This Contributions Plan has been prepared in accordance with the Environmental Planning and Assessment Act 1979 (the Act), the Environmental Planning and Assessment Regulation 2000 (the Regulation), the then Department of Planning and Infrastructure's Development Contributions Practice Notes 2005, relevant Ministerial Directions, and Department of Planning and Environment Circulars and Guidelines.

2.2 Commencement of Plan

This Contributions Plan takes effect on < date on which public notice of Council's approval of the Plan is given, or a later date specified in the notice >.

Development applications and applications for complying development certificates determined on or after this date will be subject to the provisions of this Plan.

2.2.1. Savings and transitional arrangements

A development or complying development application which has been submitted prior to the adoption of this Plan but not determined shall be determined in accordance with the provisions of the Plan which applied at the date of determination of the application.

2.3 Purpose of the Plan

The purpose of this Contributions Plan is:

- To authorise the Council to impose a condition on certain development consents and complying development certificates requiring the payment of a contribution pursuant to Section 7.12 of the Act;
- To require a certifying authority (the Council or an accredited private certifier) to impose, as a condition of issuing a complying development certificate, a requirement that the applicant pay to Council a levy determined in accordance with this Plan;
- To assist the Council to provide public facilities and amenities which are required to maintain and enhance amenity and service delivery within the area;
- To state the purposes for which the levies are required, and
- To provide for the governance of the contributions and their application in accordance with the Act and Regulations.

2.4 Area to Which the Plan Applies

This Contributions Plan applies to all land within the Armidale Regional Council Local Government Area, except for the land shown on the map at Appendix 2.

2.5 Types of Development to which this Plan applies

This Plan applies to all applications for development consent and complying development certificates on the land to which the Plan applies.

Note: "development" referred to in this clause has the same meaning as in the Act.

2.6 What does Section 7.12 of the Act provide?

Section 7.12 of the Act provides as follows:

7.12. Fixed development consent levies

- (4) A consent authority may impose, as a condition of development consent, a requirement that the applicant pay a levy of the percentage, authorised by a contributions plan, of the proposed cost of carrying out the development.
- (5) A consent authority cannot impose as a condition of the same development consent a condition under this section as well as a condition under section 7.11.
- (2A) A consent authority cannot impose a condition under this section in relation to development on land within a special contributions area without the approval of:
 - (a) the Minister, or
 - (b) a development corporation designated by the Minister to give approvals under this subsection.
- (6) Money required to be paid by a condition imposed under this section is to be applied towards the provision, extension or augmentation of public amenities or public services (or towards recouping the cost of their provision, extension or augmentation). The application of the money is subject to any relevant provisions of the contributions plan.
- (7) A condition imposed under this section is not invalid by reason only that there is no connection between the development the subject of the development consent and the object of expenditure of any money required to be paid by the condition.
- (8) The regulations may make provision for or with respect to levies under this section, including:
 - (a) the means by which the proposed cost of carrying out development is to be estimated or determined, and
 - (b) the maximum percentage of a levy.

2.7 Relationship to other Plans and Policies

This Plan supersedes and repeals the following current contributions plans applying to the local government area by amending and/or repeal the following:

- Armidale Contributions Plan 1993- former Armidale City Local Government Area
- Dumaresq Section 94 Development Contributions Plan 1993 – former Dumaresq Shire Local Government Area
- Armidale Contributions Plan No.2 1992 Rockvale Rd footpath/road widening
- Armidale Contributions Plan No.1 1993 Footpath Grafton and Canambe Road
- Armidale Contributions Plan No.4 1993 Footpath Northcott and Munro Streets
- Armidale Contributions Plan No.1 1996 Link Road pedestrian cycleway
- Armidale Dumaresq Development Contributions Plan 2013 Macdonald Drive shared pathway
- Armidale Dumaresq Development Contributions Plan 2013 Cookes Road Bridge Upgrade
- Guyra Section 94A Plan 2006

This Plan complements the Armidale Regional Council Section 7.11 Contributions Plan 2018- Heavy Vehicles. Aspects of development to which the Section 7.11 Plan applies are not to be levied contributions under the Section 7.12 Plan 2018.

Unspent contributions raised and paid under the authority of the previous Section 94 or 94A Contributions Plans:

- will be continued to be directed towards the achieving the outcomes sought by the respective facilities and infrastructure described in the Work Schedule of those Plans. Where items from the previous Section 94 or 94A Contributions Plans have continued in the Armidale Regional Council Section 7.12 Plan 2018, those funds are to be reallocated towards the relevant facilities and infrastructure in the Works Schedule of this Plan, or
- will be redirected towards other facilities and infrastructure to those described in the Works Schedules

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of those Plans. These facilities and infrastructure will achieve the same or similar outcomes sought by the previous Section 94 or 94A Plan. The reallocation of funds received under the previous Plans to facilities and infrastructure in the Works Schedule in this Plan is shown in Appendix 3.

2.8 Infrastructure and Growth

The 2016 ABS Census found the usual resident population of the Armidale Regional LGA was 29,446, which is an increase of 948 from 2011, or 190 people per year.

The Department of Planning and Environment (DPE) produced updated population projections for all Local Government Areas (LGA) in NSW in 2016. The projections included household numbers, dwelling numbers and household size, and are shown in the table below.

It can be seen that the DPE 2016 projections indicate that the population of the LGA will continue to increase to 2036.

	2016	2021	2026	2031	2036	2011-2036	AAGR %
Armidale Regional projection	31500	33400	35200	36950	38600	8900	1.1%
Average Household Size (DPE)	2.34	2.31	2.30	2.28	2.27	-0.10	
Implied Dwellings (DPE)	14150	15200	16100	17000	17850	3700	

Armidale Regional LGA's growth rate is relatively high for a regional area. Most of this growth will occur in Armidale city and its immediate surrounds, and in Guyra.

The projected increase in population and dwellings will increase the demand for public services and facilities, i.e. infrastructure, to meet community needs. This Plan aims to assist in meeting these needs.

3. Operation of the Plan

3.1 Payment of the contribution

This Plan authorises Council to require the payment of a monetary contribution as a condition of development consent in accordance with the provisions of this Plan.

Contributions will be determined on the basis of the proposed cost of development. Clause 25J of the Regulation provides details of inclusions and exclusions from the cost calculations, as follows:

- (1) The proposed cost of carrying out development is to be determined by the consent authority, for the purpose of a section 7.12 levy, by adding up all the costs and expenses that have been or are to be incurred by the applicant in carrying out the development, including the following:
 - (a) if the development involves the erection of a building, or the carrying out of engineering or construction work—the costs of or incidental to erecting the building, or carrying out the work, including the costs (if any) of and incidental to demolition, excavation and site preparation, decontamination or remediation,
 - (b) if the development involves a change of use of land—the costs of or incidental to doing anything necessary to enable the use of the land to be changed,
 - (c) if the development involves the subdivision of land—the costs of or incidental to preparing, executing and registering the plan of subdivision and any related covenants, easements or other rights.
- (2) For the purpose of determining the proposed cost of carrying out development, a consent authority may have regard to an estimate of the proposed cost of carrying out the development prepared by a person, or a person of a class, approved by the consent authority to provide such estimates.
- (3) The following costs and expenses are not to be included in any estimate or determination of the proposed cost of carrying out development:
 - (a) the cost of the land on which the development is to be carried out,
 - (b) the costs of any repairs to any building or works on the land that are to be retained in connection with the development,
 - (c) the costs associated with marketing or financing the development (including interest on any loans),
 - (d) the costs associated with legal work carried out or to be carried out in connection with the development,
 - (e) project management costs associated with the development,
 - (f) the cost of building insurance in respect of the development,
 - (g) the costs of fittings and furnishings, including any refitting or refurbishing, associated with the development (except where the development involves an enlargement, expansion or intensification of a current use of land),
 - (h) the costs of commercial stock inventory,
 - (i) any taxes, levies or charges (other than GST) paid or payable in connection with the development by or under any law,
 - (j) the costs of enabling access by disabled persons in respect of the development,
 - (k) the costs of energy and water efficiency measures associated with the development,
 - (l) the cost of any development that is provided as affordable housing,
 - (m) the costs of any development that is the adaptive reuse of a heritage item

- (4) The proposed cost of carrying out development may be adjusted before payment, in accordance with a contributions plan, to reflect quarterly or annual variations to readily accessible index figures adopted by the plan (such as a Consumer Price Index) between the date the proposed cost was determined by the consent authority and the date the levy is required to be paid.
- (5) To avoid doubt, nothing in this clause affects the determination of the fee payable for a development application.

Applicants are advised to consult the Regulation for any changes in the above list, which was current on 1 February 2018.

3.2 Calculation of the contribution

The contribution will be calculated as follows:

Levy payable = %C x \$C

Where

%C is the levy rate applicable

\$C is the proposed cost of carrying out the development as certified.

3.3 Contribution Rate

The contribution rate is calculated as a percentage of the development value, as per the table below.

Cost of Development	Contribution levy rate%
All development valued at \$100,000 or less	0.0%
All development valued at \$100,001 up to \$200,000	0.5%
All development valued in excess of \$200,000	1.0%

Certain types of development may be exempt from a section 7.12 contribution. Details can be found in Section 3.13.

3.4 Cost estimate reports

In order to enable the amount of the contribution to be accurately determined, a cost estimate report must accompany an application for a development application or a complying development certificate.

A development application or an application for a complying development certificate must be accompanied by a report setting out an estimate of the proposed cost of carrying of the development.

A cost summary report must be completed for works with a value no greater than \$ 3,000,000;

A Quantity Surveyor's Detailed Cost Report must be completed by a registered Quantity Surveyor for works with a value greater than \$ 3,000,000, and example cost estimate reports have been included in Appendix 4.

Applicants can use alternate cost estimation methods as agreed to by Council.

Without limitation to the above, Council may review the valuation or works and may seek the services of an independent person to verify the costs. In these cases, all costs associated with obtaining such advice will be at the expense of the applicant and no construction certificate will be issued until such time that the levy has been paid.

3.5 Complying Development

Accredited Certifiers must impose a condition requiring monetary contributions in accordance with this Plan, in accordance with Section 7.12 of the Environmental Planning and Assessment Act. The amount of the contribution is to be determined in accordance with the formulas contained in this Plan. The conditions imposed must be consistent with Council's standard Section 7.12 consent conditions and be in accordance with this Plan. It is the responsibility of accredited certifiers to correctly calculate the contribution and apply the Section 7.12

contribution.

Complying Development Certificates must be assessed and issued by Council if the developer wishes Council to consider land dedication, material public benefits or works in kind.

3.6 Construction Certificates

In accordance with Clause 146 of the Environmental Planning and Assessment Regulation, a certifying authority must not issue a construction certificate for building work or subdivision works under development consent unless it has verified that each condition requiring the payment of monetary contributions has been satisfied.

In particular, the certifier must ensure that the applicant provides a receipt(s) confirming that contributions have been fully paid and copies of such receipts must be included with copies of the certified plans provided to the Council in accordance with clause 142(2) of the Environmental Planning and Assessment Regulation. Failure to follow this procedure may render such a certificate invalid.

The only exception to this requirement is where works in kind, material public benefit, dedication of land or deferred arrangement has been agreed by the Council. In such cases the Council will issue a letter confirming that an alternative payment method has been agreed with the applicant.

3.7 Alternatives to Payment

Council may accept an offer by the applicant to provide an "in-kind" contribution (i.e. the applicant completes part or all of work/s identified in the plan) or through provision of another material public benefit in lieu of the applicant satisfying its obligations under this plan. The decision to accept such offers is at the sole discretion of the Council.

Council may accept such alternatives when made as an offer as part of a development application.

The applicant may include in the relevant development application or in an application for a modification under section 4.55 of the Act, an offer to carry out works or provide a material public benefit towards which the levy is to be applied. The Council will consider the offer as part of its assessment of the development application or as an application for a modification to a development approval under section 4.55 of the Act where a levy has been imposed pursuant to this plan. If the Council agrees to the arrangement and grants consent to the application, it will substitute a condition of consent requiring the works to be carried out or the material public benefit to be provided for a condition requiring payment of a levy under section 7.12.

In assessing the applicant's offer, the Council will have regard to any relevant requirements of the current Practice Note issued by the NSW Government and such other matters as the Council considers relevant in the circumstances of the case including, but not limited to:

- The value of the works to be undertaken is at least equal to the value of the contribution that would otherwise be required under this plan. Council does not issue credits to applicants for works in kind which are provided in excess of the approved condition outside of a standard procedure involving approval by Council, such as staged development; and
- The standard of the works is to Council's full satisfaction and the works are handed over to the Council at completion without restriction of limitation, and
- The provision of the material public benefit will not prejudice the timing or the manner of the provision of public facilities included in the works program.

The value of an offer to provide Works in Kind, or a material public benefit towards which the levy is to be applied, in lieu (in full or in part) of satisfying a condition of consent relating to payment of a Section 7.12 contribution will be valued utilising the following mechanism:

- Any credit will be calculated based on the actual cost of works or the agreed cost estimate, whichever is the lesser. The agreed cost estimate will be determined by a review of the costs submitted by the applicant via Council's Service Delivery Group (or a Registered Quantity Surveyor at Councils discretion);
- The agreed cost estimate can be amended by submission of a variation request by the applicant which will be reviewed and certified by a registered Quantity Surveyor;
- The actual cost of works is required to be evidenced and verified by a registered Quantity Surveyor;

- The Quantity Surveyor to act on the project will be chosen by Council from a list of 3 recommended by the applicant all of whom are to be members of Panels for The NSW Department of Finance, Services and Innovation or Local Government Procurement, and
- Quantity Surveyor service costs are to be borne by the applicant.

3.7.1. Legal agreements pertaining to works in kind

All offers, should they be accepted, to provide Works In Kind, or a material public benefit towards which the levy is to be applied, in lieu (in full or in part) of satisfying a condition of consent relating to payment of a Section 7.12 contribution will be subject to a legal agreement between Council and the applicant. All agreements will include, but not limited to, the following:

- The works to be undertaken;
- The timing of the works;
- The quality of the works;
- The costs of the works;
- Handover and signoff by Council;
- The applicant's rights and responsibilities, and
- Council's rights and responsibilities.

3.7.2. Planning Agreements

An applicant may offer to enter into a Planning Agreement with the Council in connection with a development application or a rezoning application that is made for the purposes of being able to subsequently make a development application. The applicant's provision under a Planning Agreement may be additional to, or instead of, making contributions under Section 7.12 of the Act.

Provision is made for Planning Agreements under Section 7.4 of the Environmental Planning and Assessment Act 1979, as amended.

Under a Planning Agreement, the applicant may offer to pay money, dedicate land, carry out works, or provide other material public benefits for public purposes.

The offer to enter into a Planning Agreement, together with the draft Agreement, will generally need to accompany the relevant development or rezoning application. The Council will publicly notify the draft Agreement and explanatory note relating to the draft Agreement along with the relevant application and will consider the Agreement as part of its assessment of the relevant application. If the Council agrees to enter into the Agreement, it may impose a condition of development consent requiring the Agreement to be entered into and performed.

Council encourages the use of Planning Agreements, particularly for larger and/or more complex development.

3.8 Reassessment of Contributions

Council may consider an application for the reassessment of the development monetary contribution payable. This may result in the contribution being reduced or waived or modified.

Where a condition of development consent has already been imposed requiring the payment of a contribution, the applicant will be required to lodge an application to review the consent in accordance with Section 8.3 of the Environmental Planning and Assessment Act 1979, as amended, to reassess the contribution charged.

The request shall be in writing and provide sufficient information to satisfy Council of the inappropriate nature of the contribution and the implications to Council of reducing or waiving the contribution in the particular circumstances.

3.9 Are refunds for payments of levies possible?

For a refund of levy payments to be considered, the applicant/landowner must:

- Submit a written request to Council;
- In the request demonstrate that the development has not been commenced;
- Submit the request for a refund by the first working day after 31 January within the year following payment of the levy e.g. payment is made in April 2017 then a refund request cannot be made until first working day after 31 January 2018; and
- Formally surrender the consent that applied the levy.

Part or full refunds may only be provided in circumstances that are considered reasonable and where a formal request has been made. The decision to provide part or full refunds will always be the subject of a report to an appropriate meeting of Council.

3.10 Adjusting Contributions at the Time of Payment

This provision aims to ensure that the value of contributions is not eroded over time by movements in the Consumer Price Index, land value increases, the capital costs of construction of facilities and administration of the Plan, or through changes in the costs of studies to support the Plan.

Contributions required as a condition of development consent will be adjusted at the time of payment using the following formula.

$$CP = \frac{ODC \times \text{Current index}}{\text{Base index}}$$

where:

- CP is the amount of the contribution calculated at the time of payment.
- ODC is the amount of the original contribution as set out in the development consent.
- Current index the Consumer Price Index: All Groups Index for Sydney (as currently available from the Australian Bureau of Statistics at the time of payment).
- Base index is the Consumer Price Index: All Groups Index for Sydney which applied at the time of calculation as shown on the development consent.

3.11 Payment of Contributions

3.11.1. Timing of Payments

The time of payment of contributions shall be as follows:

- Development applications involving subdivision only – prior to the release of the Subdivision Certificate.
- Development applications involving building work only – prior to the release of the Construction Certificate or Complying Development Certificate;
- Development involving both subdivision and building work (e.g. Integrated housing developments) – prior to the release of the Construction Certificate, or the release of the Subdivision Certificate, whichever occurs first, and
- Development applications where no Construction Certificate is required – prior to the issue of an Occupation Certificate.

Where an application is dealt with by an Accredited Certifier other than Council, the development consent shall not operate unless and until the amount required by the consent under this Contributions Plan is paid to Council.

The amount of any monetary contribution to be paid will be the contribution payable at the time of consent, and depending upon the time of payment will be subject to reasonable adjustment due to movements in the

Consumer Price Index and/or changes to the rates indicated within this Plan (refer to Section 3.10).

3.11.2. Deferred or Periodic Payments

Council may consider the deferred payment of contributions or payments made by periodic instalments. This will be a merit based decision, considered on a case by case basis and subject to approval by Council.

A request for deferral or periodic payment must be made in writing to Council, stating the proposed length of deferral, and may only be accepted where:

- There are valid reasons for the deferral or periodic payment;
- The deferral will not prejudice the efficiency and operation or cash flows of the Plan;
- The granting of the request for deferred payment will not jeopardise the timely provision of works or land identified within the Plan;
- A suitable bank guarantee (or equivalent security) can be, and is, provided in the event that the request is accepted by Council;
- Where the applicant intends to make a contribution by way of a planning agreement, works-in-kind or land dedication in lieu of a cash contribution, and Council and the applicant have a legally binding agreement for the provision of the works or land dedication, and
- The periodic or deferred contributions are paid, including interest, at no cost to Council.

The conditions under which Council may accept deferred payment by way of a bank guarantee are that:

- The bank guarantee is by an Australian Bank;
- Indexing will be calculated from the date the contribution was due until the date of payment.
- The bank guarantee is for a maximum period of twelve months.
- The amount of the bank guarantee is the sum of the total contribution or the amount of the outstanding contribution at the time of deferring payment, plus an amount equal to thirteen months' interest;
- The bank unconditionally pays the guaranteed sum to Council if Council so demands in writing, no earlier than 12 months from the provision of the guarantee or completion of the work, whichever occurs first;
- The bank must pay the guaranteed sum without reference to the applicant or landowner or other person who provided the guarantee, and without regard to any dispute, controversy, issue or other matter relating to the development consent or the carrying out of development in accordance with the development consent;
- The bank's obligations are discharged when payment to the Council is made in accordance with the approved bank guarantee or when Council notifies the bank in writing that the guarantee is no longer required, and
- Council's registration and release of bank guarantee fee is paid.

Any outstanding component of the contribution shall be indexed quarterly in accordance with the Consumer Price Index movements. Indexing will be calculated from the date the contribution was due until the date of payment.

The conditions under which Council may accept periodic payment for a staged development are:

- That the instalments are paid before the work commences on each relevant stage of the development, and
- The amount to be paid at each stage is to be calculated on a pro-rata basis in proportion to the demand for the relevant facility being levied by the overall development, including CPI if required.

3.12 Goods and Services Tax

Monetary Section 7.12 development contributions are exempt from the Federal Government Goods and Services Tax (GST).

3.13 Exemptions

Under Directions issued by the Minister in relation to Section 94E of the Act a levy under section 7.12 cannot be imposed on development:

- If a development contribution under section 94 of the *Environmental Planning and Assessment Act 1979* has been required in respect of the subdivision of land (*initial subdivision*), a levy under section 7.12 of that Act may not be required in respect of any other development on the land, unless that other development will, or is likely to, increase the demand for public amenities or public services beyond the increase in demand attributable to the initial subdivision, and

In addition, certain types of development are effectively exempt from a levy under Section 7.12 because they are not to be included in the costing of a development for the purposes of a levy under Clause 25J of the Regulation, including:

- enabling access by disabled persons in respect of the development,
- energy and water efficiency measures associated with the development,
- any development that is provided as affordable housing,
- any development that is the adaptive reuse of a heritage item.

Council also may not impose a Section 7.12 levy on the following:

- An application on or behalf of Council for infrastructure, including that funded by Section 7.11 or 7.12 of the Act, such as but not limited to libraries, community facilities, recreation areas, recreation facilities and car parks;
- An application for development that involves rebuilding or repair after natural disasters such as flooding or bushfires;
- An application for demolition (where there is no replacement building or development), and
- In rare exceptional cases, where Council considers an exemption is warranted, and the decision is made by formal resolution of Council at an Ordinary Council meeting.

To apply for an exemption to the payment of a Section 7.12 Levy, a written application must be submitted to Council at development assessment stage, giving reasons under the relevant category, and providing any necessary evidence and justification for the exemption.

3.14 Review of the Plan

This Plan may be reviewed in full, or in part, when considered appropriate having regard to the rate and type of development, cost of facility provision, and community response to service and facility provision.

A complete review of this Plan is anticipated every five (5) years from the date of commencement of the Plan.

3.15 Accountability

Financial management and accountability are important components of Section 7.12, and Council is obliged to maintain an accurate and up to date register of all Section 7.12 contributions. Council is required to comply with a range of financial accountability and public access to information requirements in relation to section 7.12. These are addressed in Division 5 and 6 of Part 4 of the Regulation and include:

- Maintenance of, and public access to, a contributions register;
- Maintenance of, and public access to, accounting records for contributions received and spent;

- Annual financial reporting of contributions, and
- Public access to contributions plans and supporting documents.

Monetary contributions received under the authority of this Plan will be recorded and kept through a separate account specifically established for this Plan. The records will indicate the contributions received, contributions expended and include the interest, if any, earned on invested funds for each account.

These records are updated on a monthly basis.

Separate accounting records are maintained for all Council's Section 7.11 and Section 7.12 Contribution Plans. Information on Section 94 accounts and funds relating to this Plan will be provided in a condensed format within Armidale Regional Council's Annual Report/s in accordance with requirements of the Regulation

Information is also available in Council's contribution register relating to this Plan, which can be inspected at Council during normal business hours.

3.16 Unspent Section 94 funds

This Plan also authorises that unspent monies collected through the previous Section 94 or 94A Plans are to be expended on works identified in the works schedules included in the Appendices of this Plan, or the Works Schedule of the Section 7.12 Plan, to achieve the same or similar outcomes sought by the previous Section 94 or 94A Plan.

3.17 Application of the Funds

Money paid to the Council under a condition authorised by this plan is to be applied by the Council towards meeting the cost of the public amenities or services that will be or have been provided within the area as listed in the Works Schedule at Appendix 1.

3.18 Pooling of Contributions

This Plan expressly authorises monetary Section 7.12 Contributions paid for different purposes to be pooled and applied (progressively or otherwise) for those purposes. The priorities for the expenditure of the contributions are shown in the Works Schedules.

3.19 Condition of Consent

Unless otherwise determined by the Council, the standard condition described in Appendix 6 will be used on Development Application determinations and Complying Development Certificates for monetary contributions levied under this Plan.

Appendix 1: Works Schedule

Item	Cost	Priority H= 2018-2021, M= 2021-2024, L= 2024-2028
Open space		
Lions Park Guyra – Grandstand	\$80,000	H 2018-2019
Harris Park- embellishment (lighting)	\$390,000	H 2019-2020
Armidale Sportsground - carpark refurbishment and indoor cricket venue	\$390,000	H 2019-2020
Dumaresq Dam embellishment- BBQ covered area, tables, seating, and wildlife viewing platform	\$95,100	M 2022-2023
Armidale Skate Park - embellish - 5 shade trees, covered picnic table and seating, BBQ	\$21,000	M 2022-2023
Charlston Willows - upgrade amenities building (septic system), 3 sets of picnic tables and chairs	\$27,000	M 2023-2024
Purchase Scholes Street bushland reserve, Armidale – recoupment	\$240,000	M 2023-2024
Part 17-27 Grandview Crescent, Armidale - embellish - bushland regeneration, children’s playground equipment, picnic tables and chairs	\$200,000	L 2024-2025
Kellys Plains Reserve - fencing	\$6,000	L 2024-2025
Community facilities		
Armidale Library - digital and on shelf resources, including additional IPADS, laptops, sound recording and production equipment	\$49,600	H 2020-2021
	\$49,600	M 2023-2024
Guyra Library - digital and on shelf resources, including additional ipads, computers, shelving and DVD storage	\$23,000	H 2020-2021
	\$23,000	M 2023-2024
Shareways (shared pedestrian/cycleways)		
Guyra shareway – construct shareway:		
- Stage 1, approximate length 580m	\$116,000	H 2020-2021
- Stage 2, approximate length 425m	\$85,000	M 2023-2024
Northcott Street north of Erskine Street, Armidale – construct shareway, approximate length 105m	\$30,190	H 2020-2021
Scholes Street from Harden Street to Link Road, Armidale:		
- Construction of shareway and lighting to underpass – recoup council costs	\$60,300	H 2020-2021
- Solar lighting from underpass to Link Road	\$185,060	M 2023-2024

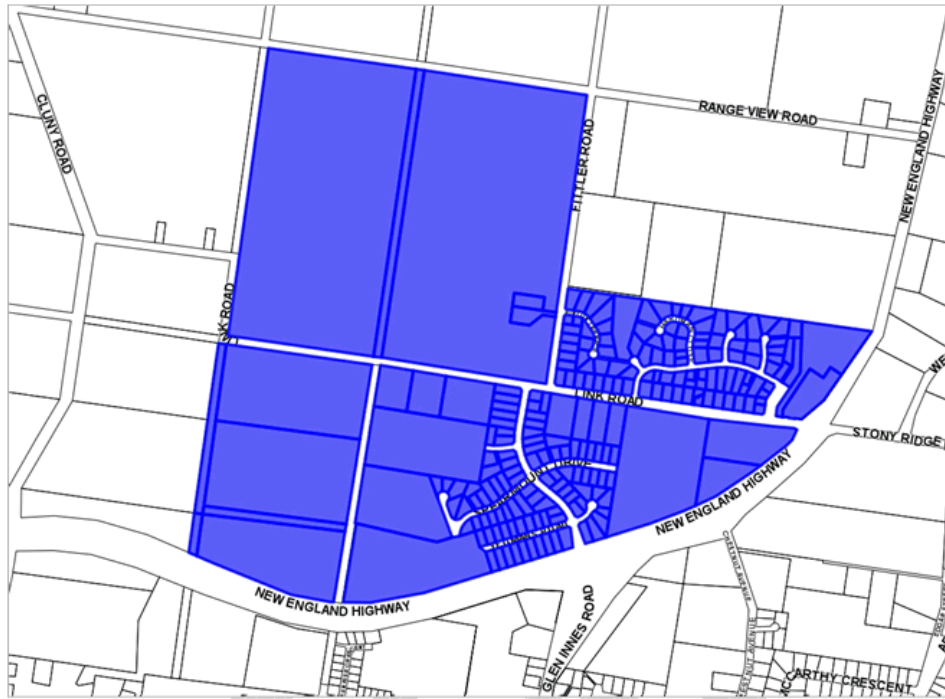
South of Macdonald Drive between Canambe St road reserve and Cookes Road, Armidale - towards construction costs	\$100,600	M 2022-2023
Munro Street off Crest Road, Armidale – construct shareway, approximate length 195m	\$56,060	M 2023-2024
Car parking		
Car parking, 124-126 Allingham Street, Armidale	\$110,000	H 2019-2020
Local roads		
Toms Gully Road from Black Mountain Road to former LGA boundary - rehabilitation	\$400,000	H 2018-2021
Old Gostwyck Road from Post Way to Dangarsleigh Road, Kellys Plains – upgrade approximately 1.8km	\$1,400,000	M 2021-2022
Cluny Road and Madgwick Drive intersection - upgrade	\$500,000	M 2023-2024
Cookes Road Bridge, Armidale - towards cost of upgrading	\$260,000	M 2023-2024
Kookabookra Road bridge - restoration	\$33,000	L 2024-2025
Ryanda Street, Guyra - rehabilitation (pavement strengthening)	\$250,000	L 2024-2025
Fittler Road, Armidale - upgrade unformed section (approximately 1.5km) and seal gravel section (approximately 700m)	\$425,000	L 2027-2028
Administration		
Administration of contributions plan:		
- recoup cost of preparing plan	\$33,000	H 2020-2021
- review of plan	\$15,000	M 2023-2024

The Work Schedule in this Plan is based on “high”, “medium” and “low” priorities, which translate into target implementation periods of 2018-2021, 2021-2024, and 2024-2028 respectively.

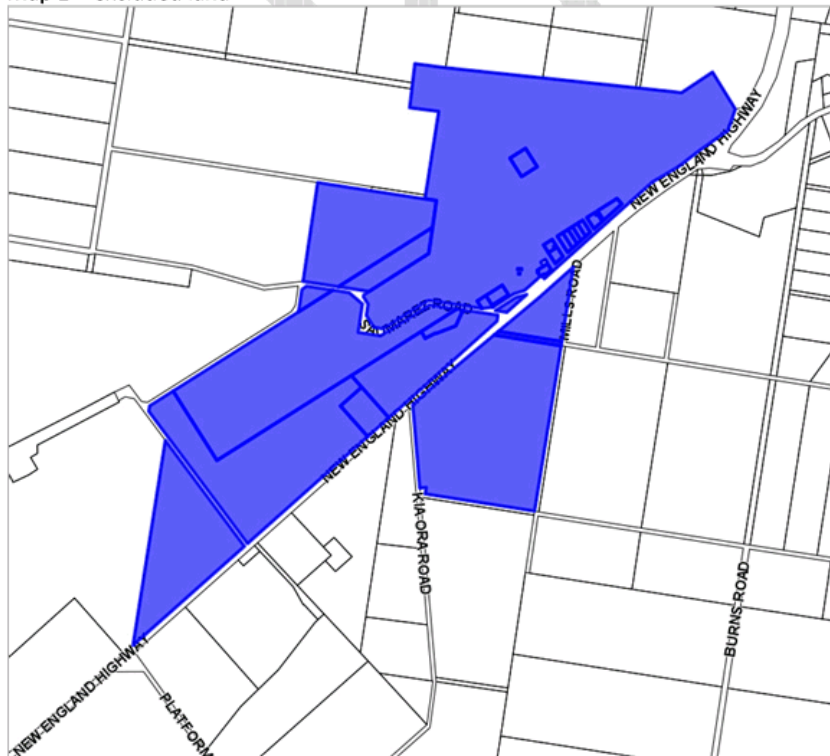
Appendix 2: Land to which this Plan applies

This Plan applies to the all the land in the Armidale Regional Council local government area except for land shown on Maps 1 and 2.

Map 1 – excluded land



Map 2 – excluded land



Appendix 3: Previous Plans – unspent fund reallocation

Unspent funds received under previous section 94 or 94A Contributions Plans will be reallocated to similar facilities in the Works Schedule that maintain a nexus to the development to which the funds were collected. Funds are to be reallocated as follows:

Previous Plan – facility in works schedule	ARC Section 7.12 Plan – facility in works schedule
Armidale Contributions Plan 1993 – purchase and embellish land as bushland reserve, Box Hill Drive	Purchase Scholes Street bushland reserve, Armidale – recoupment
Armidale Contributions Plan 1993 – carparking – Hanna’s carpark extra deck, Rusden Street	Car parking, 124-126 Allingham Street, Armidale
Dumaresq Shire Section 94 Contributions Plan 1993 (as amended) – open space: Dumaresq School site – tennis court, picnic facilities, toilet block, fencing Purchase 4 hectares to establish a West Armidale Reserve	Dumaresq Dam embellishment - BBQ covered area, tables, seating, and wildlife viewing platform

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Appendix 4: Sample Cost Summary Report

[Development between \$100K and \$ 3 million]

DA / CC / CDC No.	Date
Applicant Name	_____
Applicant's Address	_____
Property Address	_____

ANALYSIS OF DEVELOPMENT COSTS:

Demolition and alterations	\$	Hydraulic services	\$
Structure	\$	Mechanical services	\$
External walls, windows and doors	\$	Fire services	\$
Internal walls, screens and doors	\$	Lift services	\$
Wall finishes	\$	External works	\$
Floor finishes	\$	External services	\$
Ceiling finishes	\$	Other related work	\$
Fittings and equipment	\$	Sub-total	\$
Sub-total above carried forward	\$		
Preliminaries and margin	\$		
Sub-total	\$		
Consultant Fees	\$		
Other related development costs	\$		
Sub-total	\$		
Goods and Services Tax	\$		
TOTAL DEVELOPMENT COST	\$		

I certify that I have:

- Inspected the plans the subject of the application for development consent or construction certificate.
- Calculated the development costs in accordance with the definition of development costs in clause 25J of the Environmental Planning & Assessment Regulation 2000 at current prices.
- Included GST in the calculation of development cost.

Signed

Name

Position

Qualification

Date

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Appendix 5: Sample Quantity Surveyor's* Detailed Cost Report

[Development in excess of \$ 3 million]

*A member of the Australian Institute of Quantity Surveyors

DA / CC / CDC No.	Date
Applicant Name	_____
Applicant's Address	_____
Property Address	_____

DEVELOPMENT DETAILS:

Gross Floor Area - Commercial	_____ m ²	Gross Floor Area - Other	_____ m ²
Gross Floor Area – Residential	_____ m ²	Total Gross Floor Area	_____ m ²
Gross Floor Area – Retail	_____ m ²	Total Site Area	_____ m ²
Gross Floor Area – Car Parking	_____ m ²	Total Car Parking Spaces	_____ m ²
Total Development Cost	\$ _____		
Total Construction Cost	\$ _____		
Total GST	\$ _____		

ESTIMATE DETAILS:

Professional Fees	\$ _____	Excavation	\$ _____
% of Development Cost	% _____	Cost per square metre of site area	\$ _____ /m ²
% of Construction Cost	% _____	Car Park	\$ _____
Demolition and Site Preparation	\$ _____	Cost per square metre of site area	\$ _____ /m ²
Cost per square metre of site area	\$ _____ /m ²	Cost per space	\$ _____ /space
Construction – Commercial	\$ _____	Fit-out – Commercial	\$ _____
Cost per square metre of commercial area	\$ _____ /m ²	Cost per m ² of commercial area	\$ _____ /m ²
Construction – Residential	\$ _____	Fit-out – Residential	\$ _____
Cost per square metre of residential area	\$ _____ /m ²	Cost per m ² of residential area	\$ _____ /m ²
Construction – Retail	\$ _____	Fit-out – Retail	\$ _____
Cost per square metre of retail area	\$ _____ /m ²	Cost per m ² of retail area	\$ _____ /m ²

I certify that I have:

- Inspected the plans the subject of the application for development consent or construction certificate.
- Calculated the development costs in accordance with the definition of development costs in clause 25J of the Environmental Planning & Assessment Regulation 2000 at current prices.
- Included GST in the calculation of development cost.

Signed

Name

Position

Qualification

Date

Appendix 6: Standard Condition

Pursuant to Section 7.12 of the Environmental Planning and Assessment Act 1979, the monetary contribution set out in the following table is to be paid to Council prior to the issue of a Subdivision Certificate or Construction Certificate. The contribution is current as at the date of this consent and is levied in accordance with the Armidale Regional Council Section 7.12 Contributions Plan 2016, adopted on <insert date>, which may be viewed during office hours at Council's Customer Service Centres, 135 Rusden St, Armidale, or 158 Bradley Street, Guyra on Council's website www.armidaleregional.nsw.gov.au.

The contribution payable will be calculated in accordance with the contributions plan current at the time of payment, and will be adjusted at the time of payment in accordance with the Consumer Price Index (CPI) (All Groups Index for Sydney) published by the Australian Bureau of Statistic (ABS). Contribution amounts will be adjusted by Council each quarter.

Contribution Type	Proposed Cost of Development ¹	Levy Percentage	Total Contribution	Contribution Rate remains current until*
Section 7.12 Contribution				

Notes

1 As shown on the Development Application / Construction Certificate Application / Complying Development Certificate Application.

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Armidale Regional Council

Section 7.11

Contributions Plan 2018 -Heavy
Vehicles



Armidale Regional Council Section 7.11 Contributions Plan – Heavy Vehicles 2018

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1. EXECUTIVE SUMMARY

1.1. Background

1.1.1. What are development contributions?

Development contributions are contributions made by those undertaking development approved under the Environmental Planning and Assessment Act 1979 (the Act). Contributions may be in the form of money, the dedication of land or some other material public benefit (or a combination of these). The mechanisms available for development contributions are limited to:

- In the case of contributions made under sections 7.11 or 7.12 of the Act - toward the provision or improvement of amenities or services (or the recouping of the cost of provision or improvement of amenities or services), or
- In the case of contributions made under a planning agreement prepared in accordance with sections 93F to 93L of the Act toward public purposes.

The Plan deals with Section 7.11 contributions.

1.1.2. Section 7.11 levies

Section 7.11 of the Environmental Planning and Assessment Act 1979 enables Council to levy contributions from development for the provision of public services and amenities required as a consequence of that development. Contributions may be in the form of cash payments, transfer or dedication of land to Council, or the provision of a Material Public Benefit or Works in Kind.

For Council to levy contributions under Section 7.11 there must be a clear nexus between the proposed development and the need for the public service or amenity for which the levy is being required and as detailed in a Contributions Plan.

This Section 7.11 Contributions Plan seeks contributions towards the additional costs of road maintenance from developments which generate frequent heavy haulage vehicle movements.

Accordingly, certain developments will be levied because of their impact on the frequency of road maintenance, determined by a consistent methodology based on heavy vehicle usage.

1.2. Purpose

The primary purpose of this Plan is to authorise the levying of contributions that will assist Council to provide public services and amenities to:

- Ensure roads are maintained in a reasonable condition for users as a result of damage caused by developments that generate frequent heavy haulage movements.

This Plan enables Council to require a contribution from development towards the provision, extension or augmentation of public services and public amenities that will, or are likely to be, required as a consequence of new development.

The contribution may involve payment of a monetary contribution.

Other purposes of this Plan are to:

- Provide an overall strategy for the coordinated delivery of public facilities and infrastructure consistent with Council's strategic plans and management plan;
- Provide a comprehensive strategy and administrative framework for the assessment, collection, expenditure, accounting and review of developer contributions towards the equitable provision of public services and amenities;

- Identify the additional services and amenities required to meet the demands arising from new development;
- Provide an adequate level of public services and amenities to meet demand arising from development within a reasonable time, as development occurs, and at a reasonable cost, without unduly impacting on the affordability of the proposed development;
- Ensure that the development contributions are based on reasonable estimates of cost;
- Ensure that the existing community is not unduly burdened by the provision of public services and amenities which are needed (either partly or fully) as a result of ongoing development in the LGA, and that there is a reasonable apportionment of cost between existing demand and new demand for public infrastructure provided by Council, and
- Ensure that contributions are fair and reasonable.

1.3. Nexus

All heavy vehicles contribute to the deterioration of road pavements. Australian Road Research Board (ARBB) research shows that an increase in the number of heavy vehicles using a road will accelerate the deterioration of a road, and lead to increased road maintenance costs being incurred by Council. The impact of heavy vehicles on the condition of road pavements has been well documented by Austroads and other authoritative sources.

Council maintains the LGA's roads at an adopted level of service. As a result of a development using heavy haulage vehicles, Council will need to undertake increased maintenance work to maintain this level of service. The extent of the increased maintenance is dependent on the heavy vehicular traffic generated by the subject development.

Increased road maintenance results in an increased drain on Council's finances. These increased costs will burden the community with providing the increased funds required by Council in order to maintain the existing level of service for the road network as a result of the development, unless the subject development provides a contribution commensurate with the increased maintenance costs.

The purpose of this methodology is to ensure that heavy vehicle haulage associated with a specific development provides a fair contribution towards the additional costs incurred by Council as a result of any heavy haulage traffic associated with that development.

The costs of keeping roads in a satisfactory condition occur in three main areas:

- Rehabilitation:
 - Regional sealed pavement rehabilitation;
 - Rural sealed pavement rehabilitation, and
 - Unsealed pavement rehabilitation/gravel resheeting.
- Reseals
 - Maintenance reseal (i.e. regional and local roads)
- Maintenance
 - Annual routine maintenance, and
 - Heavy patching or stabilisation of selected sections.

A traffic generating development will be required to contribute a proportion of all of the above costs based upon the heavy vehicle Equivalent Standard Axle (ESA) impact on the regional or local road used by the heavy vehicles in question, within a given period of time. Developments will be required to regularly report their haulage tonnages and the types of vehicles involved, in order for these costs to be accurately determined.

The methodology used by the Plan to determine the contribution is based on the average annualised road maintenance costs, and the length, and type, of roads to be used by heavy vehicles associated with the subject development

The contribution and its calculation do not apply to State Roads that are the funding responsibility of the State Government, and not Council, such as the New England Highway.

The operation of this Plan will also generate the need for planning, administration and management activities associated with this Plan, in order to regularly review, update and manage the future provision of infrastructure.

1.4. Exemptions:

This Plan does not apply to:

- Extractive industries with an average annual approved output of up to and including 5,000 m³ of solid material, or
- Other developments within an average annual approved total haulage of up to and including 7,500 tonnes of material, or
- Development located in a Business, or Industrial land uses zone.

1.5. Structure of the Plan

This Plan is arranged into a summary and 7 sections as detailed below:

Section 1	Executive Summary and Purpose of the Plan.
Section 2	Introduction
Section 3	Operation of the Plan.
Section 4-	Administration
Section 5	Nexus
Section 6	Transport Facilities
Section 7	Plan Administration Costs

1.6. Summary of Contributions Rates

Contribution rate:

Table 1: Heavy Haulage Vehicle Movement Generating Development Contribution Summary

Contribution Type	Per annum rate per tonne per kilometre of road hauled material
Road maintenance	As determined by the methodology in Section 6
Plan Management and Administration	1% of the above figure
TOTAL	Total of the above as calculated

Note: these amounts are subject to indexation.

2. INTRODUCTION

2.1. Name of the Plan

This Plan is referred to as the Armidale Regional Council Section 7.11 Contributions Plan 2018.

This Contributions Plan has been prepared in accordance with the relevant provisions of the Environmental Planning and Assessment Act 1979, as amended (the Act), the Environmental Planning and Assessment Regulation 2000, the Department of Planning and Infrastructure's Development Contributions Practice Notes 2005, relevant Ministerial Directions and Department of Planning and Environment Circulars and Guidelines.

2.2. Area to Which the Plan Applies

This Contributions Plan applies to the Armidale Regional Council Local Government Area.

2.3. Types of Development to which this Plan applies

This Plan applies to:

- Developments that generate heavy haulage vehicle movements.

Note: "development" referred to in this clause has the same meaning as in the Act.

Exemptions:

Certain developments which use heavy vehicle haulage are exempt from the payments for the heavy vehicle contribution, in order to:

- Assist the viability of smaller local scale enterprises;
- Simplify administration of the Plan, and
- Recognise the generally higher design standards in respect of vehicle loadings of roads in business and industrial areas.

The exempt developments are:

- Extractive industries with an average annual approved output of up to and including 5,000 m³ of solid material, or
- Other developments within an average annual approved total haulage of up to and including 7,500 tonnes of material, or
- Development located in a Business or Industrial zone.

2.4. Commencement of Plan

This Contributions Plan takes effect on **XX XX 2018**.

2.4.1. Savings and transitional arrangements

A development application which has been submitted prior to the adoption of this Plan but not determined shall be determined in accordance with the provisions of the Plan which applied at the date of determination of the application.

2.5. Relationship to other Plans and Policies

This Plan supersedes and repeals the following Development Contributions Plans administered by Armidale Regional Council:

- Section 94 Contributions Plan for the Dumaresq Shire 1993, as amended - Part C Section 10 Road maintenance and reconstruction; and the
- Guyra Section 94 Contributions Plan No.1- Traffic Generating Development.

Unspent contributions raised and paid under the authority of the previous Section 94 Contributions Plans will be continued to be directed towards the outcomes sought by the Work Schedules of those Plans.

This Plan complements the Armidale Regional Council Section 7.12 Plan.

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3. OPERATION OF THE PLAN

3.1. Method of Operation - Authorisation

In determining a Development Application or issuing a Complying Development Certificate to which this Plan applies, this Plan authorises the Council to impose a condition of consent requiring the payment of a monetary contribution in accordance with the provisions of this Plan, or in lieu thereof accept the provision of a material public benefit or works in kind.

Prior to the issue of a Complying Development Certificate for development to which this Plan applies, the issuer of the certificate must impose a condition pursuant to this Plan if such condition may be imposed.

Complying Development Certificates must be assessed and issued by Council if the developer wishes Council to consider land dedication, material public benefits or works-in-kind.

3.2. Types of Contributions

There are a number of alternative methods of settlement of Section 7.11 developer contributions. These are as follows:

- Monetary contribution;
- Dedication of land;
- Material Public Benefit, or
- Works in Kind.

Where a developer negotiates a material public benefit (for works not in the works schedule), works in kind (for items included in the works schedule), or the dedication of land, in lieu of paying any part of the monetary contribution required under this Plan, the applicant must still pay Council's reasonable costs for the management of the Plan (plan management and administration contributions).

The Act also provides the ability for the Council to consider entering into a Planning Agreement (PA) as part of a development application or when rezoning land. Public amenities and services delivered through a PA may be in addition to or instead of the payment of a monetary contribution under Section 7.11.

3.3. Monetary contribution

This Plan identifies the monetary contribution required for the maintenance of roads. The contribution amount payable will be included as a condition of consent on any development approval issued. Details of how and when the amount will be adjusted will be included in the consent as detailed in this Plan.

3.3.1. Dedication of land

Dedication of land in lieu of monetary contributions described in this Plan will only be considered when Council deems that the land is in a location and has physical and servicing characteristics that make it suitable for the designated purpose.

All costs of dedication are to be borne by the applicant, including but not limited to, survey, legal and administration costs.

The land is to be in a condition suitable for its intended purpose cleared of all debris, weeds and waste materials. The land is to have a compliance certificate from a registered testing authority stating that the land is free from contaminated and hazardous materials and substances.

3.3.2. Works in Kind / Material Public Benefits

A works in kind (WIK) is the undertaking of a work or provision of a facility that is scheduled within a Contributions Plan, in lieu of the part or full payment of either a monetary contribution or the dedication of land that would normally apply. WIK are generally offered and assessed as part of the development application process. Applicants seeking Council's acceptance of a WIK arrangement should initially discuss such a proposal with Council officers to determine whether Council would agree to enter into such agreement and to establish Council's requirements.

A material public benefit (MPB) may be offered by the developer in part or full satisfaction of a condition requiring the payment of a monetary contribution. A MPB may include the provision of work that is not scheduled within a Contributions Plan. Council may accept the provision of a MPB if it can be justified why it is of equivalent or greater benefit to the community compared to what has been identified under the Plan.

Such alternative development contributions arrangements may be negotiated with the Council in connection with the carrying out of development in the following circumstances:

a) Offer made to the Council as part of a development application

If an applicant does not wish to pay a monetary Section 7.11 contribution in connection with the carrying out of development, the applicant may include in a development application for the development a proposal to carry out the works towards which a contribution or levy would otherwise have been applied.

The Council will consider the alternative arrangement as part of its assessment of the development application. If the Council agrees to the arrangement and grants consent to the application, it will impose a condition of consent requiring the works to be carried out. If the Council does not agree to the alternative arrangement, it may grant consent subject to a condition imposed under Section 7.11 requiring payment of the monetary contribution.

b) Offer made to Council following the grant of development consent:

If development consent has been granted to the carrying out of development subject to a condition under Section 7.11 requiring payment of a monetary contribution towards the cost of public amenities and public services, the applicant may request in writing that they instead provide to the Council a material public benefit in part or full satisfaction of the requirements of the relevant condition. This application should be made in the form of a formal modification of development consent made under section 96 of the Act.

The material public benefit may be the carrying out of work or another public benefit but not the payment of money or the dedication of land free of cost.

If the Council agrees to the applicant's request, the applicant is required to comply with the alternative arrangement and is not required, in part or whole, as relevant, to comply with the conditions imposed under Section 7.11. If the Council declines the applicant's request, the applicant will be required to comply with the requirements of the conditions imposed under Section 7.11.

In either case, in deciding whether to agree to the applicant's request, the Council will have regard to the requirements of the current Practice Notes issued by the NSW Government in the Revised Development Contributions Manual (DIPNR 2005) and may consider matters such as, but not limited to, the following:

- The need for the facility and how it achieves the outcome being sought by this Plan and the imposition of the condition;
- The purpose and objectives of this Plan and any relevant plans or strategies;
- Whether the alternative will prejudice the timing or the manner of the provision of the infrastructure for which the contribution was required, and

- Full details of the quantities, finishes and costings of the proposed works.

The acceptance of a WIK agreement or a MPB will be at Council's absolute discretion, and aside from any exceptional circumstances, no credits will be granted for in-kind works carried out by the developer that are in excess of the approved contribution amount. Where the value of the WIK, MPB or dedication of land is less than the value of the required contribution, the applicant will be required to settle the balance of the contribution by way of a monetary contribution and/or land dedication.

All works in kind will be designed and constructed in accordance with relevant Australian Standards and in accordance with Armidale Regional Council's Engineering Code.

3.4. Planning Agreements

An applicant may offer to enter into a Planning Agreement with the Council in connection with a development application or a rezoning application that is made for the purposes of being able to subsequently make a development application. Provision is made for Planning Agreements under Sections 7.4-7.10 of the Environmental Planning and Assessment Act 1979, as amended.

Under a Planning Agreement the applicant may offer to pay money, dedicate land, carry out works, or provide other material public benefits for public purposes. The applicant's provision under a Planning Agreement may be additional to, or instead of, making contributions under Section 7.11 of the Act.

The offer to enter into a Planning Agreement, together with the draft Agreement, will generally need to accompany the relevant development or rezoning application. The Council will publicly notify the draft Agreement and explanatory note relating to the draft Agreement along with the relevant application and will consider the Agreement as part of its assessment of the relevant application. If the Council agrees to enter into the Agreement, it may impose a condition of development consent requiring the Agreement to be entered into and performed.

Council encourages the use of Planning Agreements, particularly for larger and/or more complex development.

3.5. Payment of the Contribution

3.5.1. Timing of Payments

The time of payment of contributions shall be as follows:

- Within 28 days of receipt of a quarterly notice from the Council stating the contribution amount pursuant to the previous quarter's heavy haulage vehicle activity.

3.5.2. Deferred or Periodic Payments

Council may consider the deferred payment of contributions or payments made by periodic instalments.

A request for deferral or periodic payment must be made in writing to Council, stating the proposed length of deferral, and may only be accepted where:

- There are valid reasons for the deferral or periodic payment;
- The deferral will not prejudice the efficiency and operation or cash flows of the Plan;
- The granting of the request for deferred payment will not jeopardise the timely provision of works or land identified within the Plan;
- A suitable bank guarantee (or equivalent security) can be, and is, provided in the event that the request is accepted by Council;
- The applicant intends to make a contribution by way of a planning agreement, works-in-kind or land dedication in lieu of a cash contribution and Council and the applicant have a legally binding agreement for the provision of the works or land dedication, and

- The periodic or deferred contributions are paid, including indexing, at no cost to Council.

The conditions under which Council may accept deferred payment by way of a bank guarantee are:

- The bank guarantee is by an Australian Bank;
- indexing will be calculated from the date the contribution was due until the date of payment in accordance with the CPI indexing provisions stated in Section 3.8 of this Plan;
- The bank guarantee is for a maximum period of twelve months;
- The amount of the bank guarantee is the sum of the total contribution or the amount of the outstanding contribution at the time of deferring payment, plus an amount determined by Council to include any anticipated indexation for the next thirteen months following the date the contribution was due;
- The bank unconditionally pays the guaranteed sum to Council if Council so demands in writing, no earlier than 12 months from the provision of the guarantee or completion of the work, whichever occurs first;
- The bank must pay the guaranteed sum without reference to the applicant or landowner or other person who provided the guarantee, and without regard to any dispute, controversy, issue or other matter relating to the development consent or the carrying out of development in accordance with the development consent;
- The bank's obligations are discharged when payment to the Council is made in accordance with the approved bank guarantee or when Council notifies the bank in writing that the guarantee is no longer required, and
- Council's registration and release of bank guarantee fee is paid.

Any outstanding component of the contribution shall be indexed quarterly in accordance with the Consumer Price Index movements. Indexing will be calculated from the date the contribution was due until the date of payment.

3.6. Complying Development

Accredited Certifiers must impose a condition requiring monetary contributions in accordance with this Plan, in accordance with Section 7.11 of the Environmental Planning and Assessment Act. The amount of the contribution is to be determined in accordance with the formulas contained in the Plan and the current contribution rates. The conditions imposed must be consistent with Council's standard Section 7.11 consent conditions and be in accordance with this Plan. It is the responsibility of accredited certifiers to correctly calculate the contribution and apply the Section 7.11 contribution.

3.7. Goods and Services Tax

Monetary Section 7.11 development contributions are exempt from the Federal Government Goods and Services Tax (GST).

3.8. Adjusting Contribution Rates

To ensure that the value of contributions is not eroded over time by movements in the Consumer Price Index, CPI) land value increases, the capital costs of construction of facilities and administration of the plan or through changes in the costs of studies to support the Plan, the Council will index the contribution rates indicated in this Plan, on a quarterly basis, with reviewed rates to apply from the first working day of December, March, June and September.

This Plan authorises Council to undertake these index based changes without the necessity of preparing a new or amending contributions plan.

The contribution rates will be reviewed and subsequently indexed by reference to the Construction costs by the Consumer Price Index (All Groups – Sydney) as published quarterly by the Australian Bureau of Statistics.

In accordance with Clause 32(3)(b) of the Environmental Planning and Assessment Regulations, the following sets out the means by which Council will index contribution rates that are set out in this Plan:

For changes to the Consumer Price Index (Sydney All Groups), the contributions will be reviewed quarterly in accordance with the following formula:

$$\text{New Contribution Rate} = \frac{C \times \text{CPI 2}}{\text{CPI 1}}$$

where:

- C is the initial contribution rate at the time of adoption of the Plan, expressed in dollars
- CPI 2 is the Consumer Price Index Number (Sydney All Groups) available at the time of the review
- CPI 1 is the Consumer Price Index Number (Sydney All Groups) at the date of adoption of the Plan, or its subsequent amendment

3.8.1. Adjusting Contributions at the Time of Payment

Contributions required as a condition of development consent will be adjusted at the time of payment using the following formula.

Contribution amounts will initially be calculated and regularly updated in accordance with the terms of Clause 2.7 at the time development consent is granted. The contributions amounts included in a development consent are to be adjusted at the date of payment on the basis of the contribution rates that are applicable at the time of the payment, and not at the date of the approval of the development.

Adjustments to the contributions amount in a consent will be made in the following manner:

$$\text{CP} = \frac{\text{CDC} + (\text{CDC} \times (\text{CRP} - \text{CRC}))}{\text{CRC}}$$

Where:

- CP is the amount of the contribution calculated at the time of payment;
- CDC is the amount of the original contribution as set out in the development consent.
- CRP is the contribution rate at the time of payment
- CRC is the contribution rate at the time of the original consent or quarterly statement

The current contribution rates are published by Council and are available from Council Offices.

3.9. Reassessment of Contributions

Council may consider an application for the reassessment of the development contributions payable. This may result in the contribution being reduced, waived or modified.

Where a condition of development consent has already been imposed requiring the payment of a contribution, the applicant will need to lodge an application to review the consent in accordance with Section 8.3 of the Environmental Planning and Assessment Act 1979, as amended.

The request shall be in writing and provide sufficient information to satisfy Council of the inappropriate nature of the contribution and the implications to Council of reducing or waiving the contribution in the particular circumstances.

3.10. Review of the Plan

This Plan may be reviewed in full, or in part, when considered appropriate, having regard to the rate and type of development, cost of facility provision, and community response to service and facility provision.

A complete review of this Plan is anticipated every five (5) years from the date of commencement of the Plan.

3.11. Funding and Timing of Works

The contributions made to Council under the Plan may fully or partially fund the public amenities and services identified in this Plan. The contribution rates have been determined on the basis of apportionment between the expected development and other sources of demand. In circumstances where public amenities and services are not fully funded by contributions, the remaining funds will be supplied from other Council sources.

Public amenities and services are required at the time demand is created, which may be before sufficient contributions are received. Council's ability to forward fund these services and amenities is very limited, and consequently their provision is largely contingent upon the availability of contributions. Pooling of funds to assist with the provision of infrastructure, as detailed in Section 3.12 will be considered and used when necessary.

Council will aim to spend all funds within a reasonable time and in a manner which achieves an equitable high standard of road maintenance.

To provide a strategy for the implementation of the services and amenities levied for in this Plan, and to use contributions in the most effective manner, work will be reprioritised. This will take into account development trends, population characteristics, existing funds, funds from other sources (where required) and anticipated revenue flows. The priorities for Council's maintenance works will be published in Council's Delivery Program.

3.12. Pooling of Contributions

This Plan expressly authorises monetary Section 7.11 Contributions paid for different purposes to be pooled and applied (progressively or otherwise) for those purposes. The priorities for the expenditure of the contributions are shown in the Works Schedules (if any).

3.13. Unspent Section 7.11 funds

This Plan also authorises that unspent monies collected through previous Section 7.11 Plans are to be expended in accordance with the provisions of those Plans, including any Works Schedule.

3.14. Accountability

Financial management and accountability are important components of Section 7.11, and Council is obliged to maintain an accurate and up to date register of all Section 7.11 contributions.

Monetary contributions received under the authority of this Plan must be recorded and kept through a separate account specifically established for this Plan. The records must indicate the contributions received, contributions expended and must include the interest, if any, earned on invested funds for each account.

These records are updated on a monthly basis.

Separate accounting records are maintained for all Council's Section 7.11 and Section 7.12 Contribution Plans. Information on Section 7.11 accounts and funds relating to this Plan will be provided in a condensed format within Armidale Regional Council's Annual Report/s in accordance with requirements of the Environmental Planning and Assessment Regulation.

Information is also available in Council's contribution register relating to this Plan, which can be inspected at Council during normal business hours.

4. ADMINISTRATION OF THE PLAN

4.1. Management Costs of the Plan

There is a substantial time and cost overhead associated with this Plan and its implementation.

Accordingly, costs associated with the preparation, administration and management of this Plan will be levied on all applications which result in a contribution payable under this Plan. These costs are shown as a separate element in the rates schedule and the method of calculation is described in Section 6 and covers the implementation review, monitoring and updating procedures set out in the Plan. In addition, studies are undertaken to determine the design and costing of works as well as to review the development and demand assumptions of the Plan.

Where a MPB or WIK agreement is negotiated between a developer and the Council, the Plan Administration and Management Contribution levy will still apply. This amount will cover plan review costs and also Council's costs associated with negotiating the MPB or PA and supervision of the work undertaken.

5. NEXUS AND METHODOLOGY

This section of the Plan establishes the relationship (nexus) between the expected types of development in the Contribution Areas and the demand for additional public services and facilities to meet the needs of that development.

Nexus is the relationship between the expected types of development in the area and the demonstrated need for additional public facilities created by those developments. The concept of nexus is often referred to in the following terms:

- Causal Nexus – 'what'. This is a demonstration that the anticipated development will or is likely to create a need or increases the demand for a particular public facility.
- Spatial or physical nexus – 'where'. Spatial nexus requires that the proposed public facility be located so as to serve the needs of those who created the demand for it.
- Temporal nexus – 'when'. Temporal nexus seeks to ensure that the public facility will be provided in a timely manner to benefit those who contributed towards it.

The level of provision sought for the facilities identified in this Plan is considered reasonable and are required to satisfy the expected demands arising from relevant development in the Plan's Contributions Area. New or expanding development utilising heavy vehicle haulage will increase the need for maintenance of certain public roads. It will therefore be necessary for increased maintenance to be provided in response to the impact of increased heavy vehicle usage.

Table 2: Facilities categories

Category	Types of Services/Facilities
Heavy vehicle Generating Development	Road maintenance (heavy haulage vehicle impacts),
Plan Management and Administration	Management of development contributions and works, and review of the Plan.

Details of the methodology for calculating the contribution towards increased maintenance costs are attached to this Plan.

6. HEAVY VEHICLE GENERATING DEVELOPMENT

6.1. Introduction

The contributions provided for in this Plan are required to meet the increase in road maintenance from new development within the identified Contribution Area.

The key documents supporting these works are identified below:

- Armidale Regional Council Community Strategic Plan 2017-2027 Armidale Regional Council
- Council Delivery Plan 2017-2021 Armidale Regional Council
- Council Operational Plan 2017-2018 Armidale Regional Council
- Council Financial Strategy Policy 2017-2021 Armidale Regional Council
- Council Resourcing Strategy Armidale Regional Council
- Armidale Regional Council Engineering Code
- Armidale Regional Council Roads Management Strategic Plan
- Austroads Guide to Pavement Technology Part 2: Pavement Structural Design (2012)

6.2. Nexus

Facilities provided for within this Plan are consistent with the Council's Community Strategic Plan (CSP) including:

- Community Outcome 5 The community has access to transport which enables Outcome 5 connectivity both locally and outside of the region
- Supporting Strategy: Council's asset management plans ensure that roads and bridges are provided and maintained to an acceptable standard, and are suitable for use by heavy transport

A contribution is sought in the case of development that generates significant heavy haulage vehicle movements. It is well documented that heavy vehicles accelerate the deterioration of road surfaces, and lead to a requirement for more frequent and expensive remediation and maintenance works if road service standards are to be maintained. Accordingly, such developments may be required to contribute towards the costs of the resultant more frequent maintenance regime.

6.3. Apportionment

In relation to heavy vehicle haulage contributions, the contribution rate has been calculated solely on the demand attributable to a proposed development, and as a result no apportionment has been applied.

6.4. Methodology

All heavy vehicles contribute to the deterioration of road pavements. An increase in the number of heavy vehicles using a road will accelerate the deterioration of a road, and lead to increased road maintenance costs being incurred by Council. The impact of heavy vehicles on the condition of road pavements has been well documented by Austroads and other authoritative sources.

Council maintains the Local Government Area's roads at an adopted level of service as specified in the Armidale Regional Council's Roads Management Strategic Plan. As a result of a development using heavy haulage vehicles, Council will need to undertake increased maintenance work to maintain this level of service. The extent of the increased maintenance is dependent on the heavy vehicular traffic generated by the subject development.

Increased road maintenance results in an increased drain on Council's finances. These increased costs will burden the community with providing the increased funds required by Council in order to maintain the existing level of service for

the road network as a result of the development, unless the subject development provides a contribution commensurate with the increased maintenance costs.

The purpose of this methodology is to ensure that heavy vehicle haulage associated with a specific development provides a fair contribution towards the additional costs incurred by Council as a result of any heavy haulage traffic associated with that development.

The costs of keeping roads in a satisfactory condition occur in three main areas:

- Rehabilitation:
 - Regional sealed pavement rehabilitation;
 - Rural sealed pavement rehabilitation, and
 - Unsealed pavement rehabilitation/gravel resurfacing;
- Reseals
 - Maintenance reseal (i.e. regional and local roads)
- Maintenance
 - Annual routine maintenance, and
 - Heavy patching or stabilisation of selected sections.

A traffic generating development will be required to pay a proportion of all of the above costs based upon the heavy vehicle Equivalent Standard Axle (ESA) impact on the regional or local road used by the heavy vehicles in question. An Equivalent Standard Axle (ESA) is defined as a Dual Tyred Single Axle transmitting a load of 80kN (or 8.2 tonne) to the pavement (Austroads).

The contribution and its calculation do not apply to State Roads that are the funding responsibility of the State Government, such as the New England Highway.

6.4.1. Roads and Design Life

Council maintains a mix of sealed and unsealed roads. These roads have been subdivided into three categories for the purposes of this Plan:

- Regional sealed pavement;
- Local sealed pavement, and
- Unsealed pavement.

Each road type has a different design life and maintenance requirements.

Austroads Pavement Design Guides contain design tables where pavement design life can be expressed in accordance with design traffic loadings (ESA). Thus, a standard life of pavement can be expressed as ESAs. This means that the life of a pavement can be expressed as the total number of equivalent axles that should pass over it prior to replacement.

The standard life (assumed design life) for the road categories above is expressed as ESA are:

- Regional sealed roads: approximately 1,000,000 ESA over 60 years
- Local sealed approximately 1,000,000 ESA over 90 years
- Unsealed roads approximately 200,000 ESA over 15 years

A sealed road incurs construction costs, maintenance costs and replacement of the wearing course over its design life. An unsealed road incurs ongoing costs for maintenance and gravel resheeting, with additional work required if there is significant damage for natural events, such as flood events.

6.4.2. Maintain the Armidale Regional Council Roads Network

The Table below indicates the costs of maintaining specific road types as determined by Council, at the time of preparation of this Plan. The figures are those generally applying across Council's road network, however specific roads have differing maintenance costs. They are derived from the Armidale Regional Council Roads Management Strategic Plan. This information can be used to calculate the "notional" cost of regional and rural sealed roads, as well as unsealed roads, over their design life. The actual current cost of these works, as they relate to the specific roads affected by a development, will be used by Council in calculating a contribution, in order to ensure that the calculated contribution closely reflects actual costs.

Table: General cost of roads over their design life

Road type	Cost per km	How often
Regional sealed roads:		
Rehabilitation	\$400,000	at 60 th year
Reseals	\$32,500	at 15 th year
Maintenance	\$3,080	annually
Local sealed roads		
Rehabilitation	\$250,000	at 90 th year
Reseals	\$32,500	at 15 th year
Maintenance	\$3,080	annually
Unsealed roads		
Resheet	\$30,000	at 20-25 th year
Maintenance	\$2,174	annually

Applicants are advised to consult with Council in order to determine the current costs for the above maintenance activities for the specific roads affected by their proposal, prior to assessing the likely contribution of a specific development.

Based on the General Table above, the total cost per kilometre of a **regional sealed** road over its assumed design life is:

$$\begin{aligned}
 & \$ \text{ maintenance} \times 55 \text{ yrs.} + \$ \text{reseal (@ 15}^{\text{th}}, 30^{\text{th}}, 45^{\text{th}} \text{ years)} + \$ \text{ reconstruction (@60th year)} \\
 & = (\$3,080 \times 55) + \$32,500 \times 3 + \$250,000 \\
 & = \$666,900 \text{ per km}
 \end{aligned}$$

The total cost per kilometre of a **local sealed** road over its assumed design life is:

$$\begin{aligned}
 & \$ \text{ maintenance} \times 84 \text{ yrs.} + \$ \text{ reseal (@ 15th, 30th, 45th, 60}^{\text{th}}, 75 \text{ years)} + \$ \text{ reconstruction (@ 90th year)} \\
 & = (\$3,080 \times 84) + \$32,500 \times 5 + \$250,000 \\
 & = \$581,900 \text{ per km}
 \end{aligned}$$

The total cost per kilometre of an **unsealed road** is over its assumed design life:

$$\begin{aligned} & \$ \text{ maintenance} \times 18\text{yrs.} + \$ \text{ resheet gravel (@ 20th year)} \\ & = (\$2,174 \times 18) + \$30,000 \\ & = \$69,132 \text{ per km} \end{aligned}$$

6.4.3. Approach to Measuring Traffic Impacts

The calculation of the contribution is based on a comparison of the pre and post development use by heavy vehicles of the roads affected by the development.

The methodology considers the average annualised road maintenance costs, and the length and type of roads to be used by heavy vehicles associated with the subject development. Increased maintenance costs are calculated using the ESA loading on the road per vehicle as a proportion of the total loadings on the road. This is then converted to a total cost per tonne (1000 kilograms) per annum over the designated route travelled by the vehicles.

Predevelopment numbers of heavy vehicles on the roads will be based on the details provided in the documentation submitted with the Development Application (if considered satisfactory by Council), and verified by traffic counts over a minimum period of 1 month, prior to the commencement of the development.

Where the designated travel route involves the use of more than one road, a separate count for each road may be necessary. This should be confirmed with Council.

The increased costs associated with each road will be calculated separately, and the total contribution payable for the development will be the sum of all the calculated contribution rates for all the individual roads on the designated travel route/s.

6.4.4. Measuring Traffic Impacts at DA Stage

An assessment of vehicle movements generated by a development is required as part of the Statement of Environmental Effects (SEE) or Environmental Impact Statement (EIS) accompanying the proposed development application.

6.4.5. Measuring Traffic Impacts, Post DA Determination

Notwithstanding the assessment carried out at DA Stage, Council will require ongoing reporting of haulage movements and tonnages in order to ensure an accurate assessment of contributions towards maintaining the relevant roads.

A quarterly report will be required from the operator of the development. The quarterly report should include details of the number and type of vehicle movements over the past 3 months, including tonnages hauled. Details of the extracted volume of material will also be required, as is usually submitted annually in returns to the NSW Government Department with responsibility for mines and quarries (if relevant). The documents should be audited and certified by the operating company's auditor.

Council may require confirmation of the accuracy of the operator's records at the operator's expense, if Council feels there are discrepancies in the operator's records or no audited statement is provided by the development. If the confirmation process determines that the operator's records are accurate within a tolerance of 5 percent, Council will assume responsibility for the relevant expenses, such as traffic surveys, etc.

There is a relationship between the volume of material extracted from the ground and the vehicle movements generated. For extractive industries, generally a 30% loose volume factor is used for conversion of solid volume to loose volume and therefore, it is assumed that an average haulage truck of loose fill volume 10 m³ represents 7.7m³ of solid volume extracted. Should an applicant be of the view that this volume factor is inappropriate an alternative factor may be applied provided it is justified to Council's satisfaction.

6.4.6. Method of Assessment

The impact of heavy vehicles on roads will be calculated using ESA (equivalent standard axle), which provides a widely accepted way of determining the likely damage to a road pavement from heavy vehicles. The ESA of the relevant heavy vehicles in the operator's annual return will be calculated using the prevailing AUSTRROADS vehicle classification.

Only loaded truck movements will be included in the calculations.

The calculation of contributions will be expressed as a yearly cost, calculated annually and payable quarterly.

6.4.7. Contributions Methodology Formula

This Plan applies a consistent formula to determine the contribution of heavy vehicle haulage towards road maintenance.

This formula considers:

- Use of the roads in question expressed in ESA
- The design life of the roads
- The lifecycle costs of maintaining the roads

Different road vehicles have different axle configurations and different axle load configurations. In turn, vehicle class configurations are converted to equivalent standard axles (ESA).

The Austroads Guide to Pavement Technology Part 2: Pavement Structural Design (2012) provides a methodology for the identifying the ESAs for different vehicles. The table below shows the ESA applying to specific vehicle classes.

Table: Vehicle ESA per Vehicle Class

Vehicle class	Vehicle type (Austroads classification)	ESA
1	Car	0
2	Light vehicle with towing/ commercial van	0
3	Two axle truck	1.2
4	Three axle truck	1.6
5	Four axle truck	2.2
6	Three axle articulated truck	1.8
7	Four axle articulated truck	2.2
8	Five axle articulated truck	2.8
9	Six axle articulated truck	2.8
10	Seven + axle articulated truck	3.4

The calculation of the periodic contribution relating to any heavy haulage development is determined by calculating the aggregate impact of the subject heavy vehicle movements on each of the road type described above. The periodic contribution is determined by applying the following formula:

$$\begin{aligned} \$C &= \frac{\$Reg \times ESA \times Reg \text{ Length}}{Reg. \text{ life}} + \frac{\$Local \text{ seal} \times ESA \times Local \text{ sealed Length}}{Local \text{ seal life}} \\ &+ \frac{\$Unseal \times ESA \times Unsealed Length}{Unsealed life} \end{aligned}$$

where:

- \$C is the monetary contribution payable by the development for the relevant period (e.g. preceding quarter) in dollars
- \$Reg is the standard cost of regional road per kilometre over the design life in dollars, being \$666,900
- \$Local sealed is the standard cost of local sealed road per kilometre over the design life in dollars, being \$581,900
- \$Unseal is the standard cost of local gravel road per kilometre over the design life in dollars, being \$69,132
- ESA is the total number of ESAs generated by the development in the preceding period
- Reg life is the standard life of a sealed regional road, which is 1,000,000 ESA
- Local sealed life is the standard of a local sealed road, which is 1,000,000 ESA
- Unsealed life is the standard life of a local gravel road, which is 200,000 ESA
- Reg Length is the total length of regional sealed road travelled by the development's laden heavy vehicles estimated at the time of the development application, in kilometres
- Local seal Length is the total length of local sealed road travelled by the development's laden heavy vehicles
- Unsealed Length is the total length of local unsealed road travelled by the development's laden heavy vehicles estimated at the time of the development application, in kilometres

6.4.8. Notional examples

Example 1

A fictitious quarry is proposed. The distance travelled on Shire roads from the quarry to the nearest State road is approximately 10 km of local sealed roads.

The applicant states that the quarry will produce 100,000 tonnes of material each year.

The haulage of the excavated material will involve 4000 Class 8 vehicle movements.

Because only one type of road (local sealed) is involved, the formula is:

$$\$C = \frac{\$Local \text{ sealed} \times ESA \times Local \text{ sealed Length}}{Local \text{ sealed life}}$$

$$\$C = \frac{\$581,900 \times 11,200 \times 10}{1,000,000}$$

= \$ 65,173 per annum

Example 2

A fictitious mine is proposed. The distance travelled on Shire roads from the mine to the nearest State road is approximately 5 km of regional sealed roads, 10 km of local sealed roads and 5 km of local unsealed roads.

The applicant states that the mine will produce 50,000 tonnes of material each year.

The haulage of the excavated material will involve 2000 Class 7 vehicle movements.

Because all three road types are involved, the formula is:

$$\begin{aligned} \$C &= \frac{\$Reg \times ESA \times Reg \text{ Length}}{Reg. \text{ life}} + \frac{\$Local \text{ sealed} \times ESA \times Local \text{ sealed Length}}{Local \text{ sealed life}} \\ &+ \frac{\$Unseal \times ESA \times Unsealed Length}{Unsealed life} \end{aligned}$$

$$\begin{aligned} \$C &= \frac{\$666,900 \times 4,400 \text{ (i.e. } 2.2 \times 2000) \times 5}{1,000,000} + \frac{\$581,900 \times 4,400 \times 10}{1,000,000} \\ &+ \frac{\$69,132 \times 4,400 \times 5}{200,000} \\ &= \$14,672 + \$25,604 + 7,605 \\ &= \$47,881 \text{ per annum} \end{aligned}$$

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7. PLAN ADMINISTRATION COSTS

7.1. Nexus

The preparation and administration of a Section 7.11 plan requires resources. Council employs staff to undertake the financial accounting of contributions, and implement the Plan and its works. In addition, consultant studies and specialist advice (e.g. legal and valuation) are obtained to assist with Plan preparation, management and review.

The costs involved with administering Section 7.11 are an essential component of the efficient provision of facilities necessitated by development within the Contributions Areas.

7.2. Strategy

The Plan aims to provide funds to ensure the efficient management of the Section 7.11 planning and financial processes within Council. These processes will be ongoing throughout the life of the Plan.

Council staff that are accountable for facility/service planning and delivery will be involved in reviewing and updating the Plan. This may include review of the works schedules or the latest information on community needs to ensure that facility planning is current and appropriate. This may also include engaging specialist consultants (e.g. planning and engineering specialists) to carry out studies.

7.3. Calculation of Contribution

The estimated cost of Council staff and specialist consulting assistance in the preparation, implementation, management and administration of this Plan is 1% of the value of contributions.

Table 3: Plan Preparation and Management Contributions

Contributions Area	Contribution
Plan Management Administration- Heavy Vehicle Generating Development	1% of the calculated contribution



***Planning Proposal No. 11 – Rezoning and Minimum Lot Size
Amendment affecting land at 16, part 20, and 22 Madgwick Drive
Armidale, NSW***

Lots 1, 2 and part 3 in DP 1196907

May 4, 2018

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INTRODUCTION

This Planning Proposal to amend *Armidale Dumaresq Local Environmental Plan 2012* (the ‘LEP’) has been initiated by one of the landowners of the land subject to the Proposal. The Planning Proposal has been prepared in accordance with Division 3.4 of the *Environmental Planning and Assessment Act 1979* (‘EP&A Act 1979’), *A Guide to Preparing Planning Proposals* and *A Guide to Preparing Local Environmental Plans* (August, 2016) issued by the NSW Department of Planning & Environment (‘DPE’).

Locality

Lot 1 (8,006m²), Lot 2 (4,000m²) and part Lot 3 (approximately 3.84 hectares) in DP 1196907 are the lots forming the ‘Site’ subject to the Planning Proposal. Note that the part of Lot 3 forming the Site is the part of the Lot above the Flood Planning Level. The part of Lot 3 below the Flood Planning Level is excluded from the Site, and this area is not proposed to be rezoned or the minimum lot size amended.

The Site is located in the north-west of Armidale (refer to [Figure 1](#)). It is in proximity to the University of New England, shops, recreational areas, health and medical facilities, primary schools, public bus routes, and is connected to the existing urban road network that provides access to the city centre. The Site adjoins part of the New England Highway bypass (A15), which is a National Highway.

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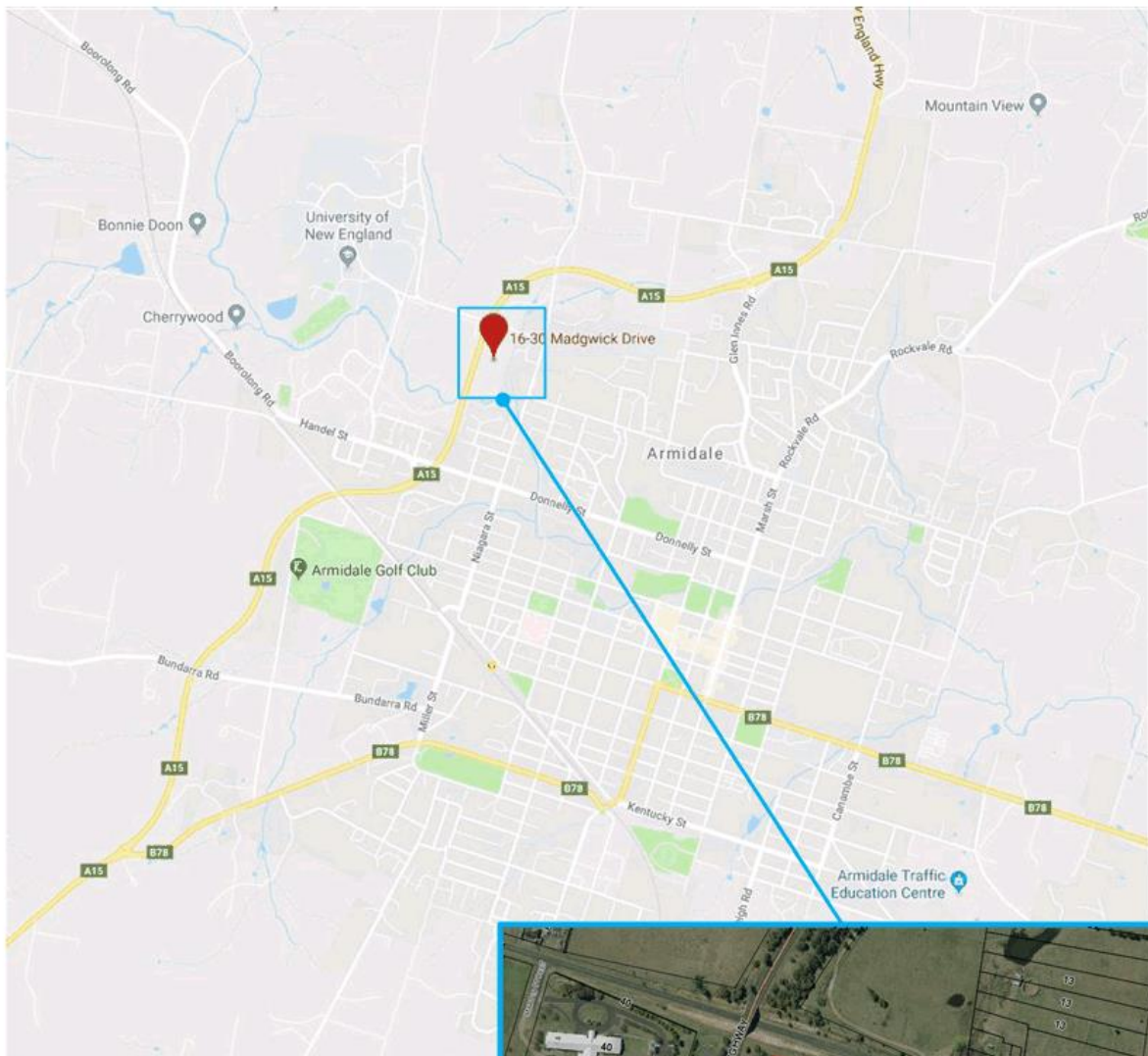


Figure 1. Locality Map of the Site in Armidale, with inset aerial imagery of the Site – outlined in red – and immediate surrounds (2009).



The Site – Background Information

The lots comprising the Site were created as part of stage 1 of a three stage subdivision, approved August 3, 2011 and subsequently modified twice (DA-1-2011; DA-1-2011/A; DA-1-2011/B). The lots were registered in their current form in 2014, and were zoned R2 Low Density Residential under the LEP. The title diagram portraying the three lots is shown in [Attachment 1](#). Also attached to this Proposal is the latest version of the approved DA plans in [Attachment 2](#). Upon completion of the final stage of subdivision (Stage 3), there would be an additional 10 lots compared to what is currently registered (Lots 1, 2, and 3 in DP 1196907). All of these lots would be at least 4,000m², with one large residual lot having an area of 28,293m². Some works have commenced for Stage 2 of approved DA-1-2011/B, such as the partially formed “Harrison Place”. A Subdivision Certificate has not been released for Stage 2 or 3 of the DA.

The Site slopes down to the south-east towards Dumaresq Creek at a rate of 7%:

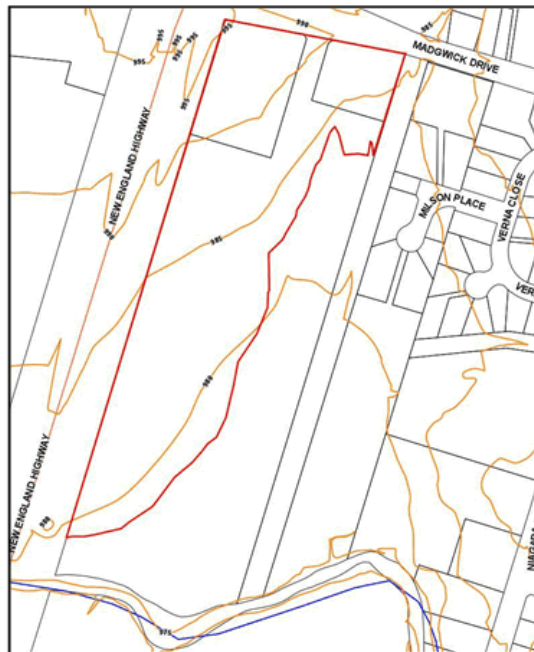


Figure 2. Contours of the Site.

The land is mostly cleared of trees except for an area around the two existing houses at the north-west of the Site. There is a watercourse to the east of the Site (part of the Cluny Road Gully), and Dumaresq Creek to the south of the Site.

Up until recently, the Site was only partially served by Council’s reticulated sewer and water systems. Flooding associated with Dumaresq Creek to the south, Cluny Road Gully to the east, and the proximity of the Site to – and its equivalent ground level with – New England Highway were previously considered potential constraints for zoning the land R1 General Residential. The Site is now fully serviced, or able to be fully serviced, by reticulated sewer and water. The *Armidale Flood Study Review and Update – Stage 3* (July 17, 2014) by BMT WBM Pty Ltd (the ‘Flood Study’) endorsed by Council identifies more land as prone to flooding than was identified in the superseded 2004 Armidale Flood Study. Those parts of the land above the flood planning level are proposed for zoning to R1 General Residential. This includes land adjacent to the New England Highway.

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Existing Site Development

The Site currently supports residential dwellings and health consulting rooms. Lot 1 has two existing dwellings which were on the Site prior to subdivision in 2014. Development consent for “health consulting rooms” on Lot 2 was granted in February 2014, and are located in a new building on Lot 2. Lot 3 contains a relocated dwelling, which was approved in June 2014. See [Figure 3](#) below.



Lot 1 – Original Weatherboard Dwelling, located in northern portion of Lot 1 (looking south-west).



Lot 1 – Original Brick Dwelling, located in southern portion of Lot 1 (looking south-west).



(Looking south-east): Foreground – Lot 2 containing health consulting rooms, background – Lot 3 containing relocated dwelling.

Figure 3. Existing Site Development.

Surrounding Area Development

[Attachment 3](#) shows the land zones applying to the locality. The surrounding area comprises residential development to the east, north-east and beyond the Creeklands to the south. There is some hobby farming (mainly horse and cattle grazing) to the far north and north-west, and commercial development to the west, as separated from the Site by the New England Highway (see [Figure 4a](#)).



Figure 4a. West of Site – Business Park which is separated from the Site by the New England Highway, looking south-west from Madgwick Drive.

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The land to the east and beyond the Creeklands to the south is mostly developed residential land zoned R1:



South of the Site beyond Dumaesq Creek – Residential area



East of the Site beyond Cluny Road Gully – Residential area

Figure 4b. South and east of the Site.

The part of Lot 3 excluded from this Planning Proposal is partially developed with a new (relocated) dwelling:



Figure 4c. East of the Site – other part of Lot 3 – Relocated dwelling.

The land to the north of the Site is zoned R2 with a single large dwelling and associated outbuildings. There is a section of R1 and part E4 Environmental Living zoned land north-east of the Site which is currently underdeveloped; four dwellings front Madgwick Drive:



Figure 4d. North-east of Site – Residential dwellings.

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The New England Highway on the west side of the Site has a wide road reserve of approximately 80m. The road is approximately 45m from the Site boundary and there is established vegetation between the road and the Site, refer [Figure 4e](#):



Aerial imagery – New England Highway road reserve.



Lot 3 – Views to the established vegetation buffering the Site from the Highway (looking west from the centre of the Site).

[Figure 4e](#). Setting in relation to New England Highway

PART 1 – OBJECTIVES OR INTENDED OUTCOMES

The objective of the Planning Proposal is to allow for higher density residential development, and a greater variety of residential development types, than what is currently permissible on the Site.

PART 2 - EXPLANATION OF PROVISIONS

In order to achieve the objective of the Planning Proposal, it is proposed to make the following changes to Armidale Dumaresq Local Environmental Plan 2012 (LEP):

- Amend the Land Zoning Map to zone the Site as R1 General Residential in accordance with the proposed zoning map shown in [Attachment 4b](#), and
- Amend the Lot Size Map to apply a minimum lot size of 500m² to the Site in accordance with the proposed lot size map shown in [Attachment 5b](#).

PART 3 - JUSTIFICATION

SECTION A: Need for the planning proposal

Q1. Is the planning proposal a result of any strategic study or report?

The Planning Proposal is not the result of any strategic study or report.

Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

After consideration was given to other means of achieving the objective of the Planning Proposal, it was concluded that the proposed changes to the zoning and lot size standards in the Planning Proposal are the best means of achieving those objectives and outcomes.

The primary alternative considered was to retain the existing R2 zoning applying to the land but to reduce the minimum lot size ('MLS') from 4,000m² to 1,000m², thereby allowing for an increased density for residential subdivision of the Site. However, retaining the R2 zoning would not allow for more intensive types of residential development, for example multi dwelling housing which is prohibited in the R2 zone but permitted with consent in the R1 zone.

The R1 zone in Armidale generally corresponds with a MLS of 500m², so this MLS is proposed for the Site alongside its proposed R1 zoning. Given the proximity of the Site with respect to UNE, primary schools, health facilities and so on, predominantly low density residential development is not considered to be the most effective and orderly use of the Site.

SECTION B: Relationship to strategic planning framework

Q3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including exhibited draft strategies)?

The *New England North West Regional Plan 2036* (August, 2017) by DPE ('NENW Regional Plan') will guide the NSW Government's land use planning priorities and decisions in the region up to 2036. The NENW Regional Plan provides an overarching framework to guide subsequent and more detailed land use plans, development proposals and infrastructure funding decisions and is accompanied by an Implementation Plan.

The goals of the NENW Regional Plan are:

- A strong and dynamic regional economy
- A healthy environment with pristine waterways
- Strong infrastructure and transport networks for a connected future
- Attractive and thriving communities.

For each goal the NENW Regional Plan identifies directions and associated actions to assist in achieving the goal.

Table 1, beginning on the following page, provides comment on directions and actions of the NENW Regional Plan that are directly relevant to the Planning Proposal, and indicates whether the Proposal is considered to be consistent or inconsistent with the Plan.

Table 1. New England North West Regional Plan		
Goal 1: A strong and dynamic regional economy		Planning Proposal response – is the Proposal consistent with the Strategy?
DIRECTIONS & APPLICABLE ACTIONS	TIMEFRAME OF IMPLEMENTATION	COMMENTS
D1: Expand agribusiness and food processing sectors.	<i>Immediate to ongoing</i>	Consistent. The Site does not comprise any significant agricultural land or Biophysical Strategic Agricultural Land. Current zoning is not for primary production purposes.
D2: Build agricultural productivity.	<i>Medium term to ongoing</i>	
D3: Protect and enhance productive agricultural lands.	<i>Immediate to medium term to ongoing</i>	
D4: Sustainably manage mineral resources.	<i>Ongoing</i>	
D8: Expand tourism and visitor opportunities. A8.1 Facilitate tourism and visitor accommodation and supporting land uses where appropriate through local growth management strategies and local plans.	<i>Ongoing</i> (cont.) <i>Ongoing</i>	Consistent. Broadly, the Proposal is not inconsistent with the intent of the Direction. Some tourist and visitor accommodation types, such as: <ul style="list-style-type: none"> • bed and breakfast accommodation, • hotel/motel accommodation, • serviced apartments, are permissible with consent in the R1 zone. By comparison, only “bed and breakfast accommodation” is listed as a permissible land use in the R2 Land Use Table of the LEP.
Goal 2 : A healthy environment with pristine waterways		Planning Proposal response – is the Proposal consistent with the Strategy?
DIRECTIONS & APPLICABLE ACTIONS	TIMEFRAME OF IMPLEMENTATION	COMMENTS
D10: Sustainably manage and conserve water resources. A10.8 Ensure local plans manage water catchment areas and groundwater sources to avoid potential development impacts.	<i>Medium term to Ongoing</i>	Consistent. The Site does not directly adjoin Dumaresq Creek. The eastern portion of the Site to be rezoned will abut Lot 1 DP 728596 (14 Madgwick Drive), which contains a reach of Cluny Road Gully. The length of this common boundary is approximately 93m. Cluny Rd Gully feeds into Dumaresq Ck. The creek eventually flows south-east into the Macleay River. Water sensitive urban design and urban stormwater pollution management are ongoing processes under Council’s Development Control Plan for managing the quality of water entering creeks and rivers.

<p>D11: Protect areas of potential high environmental value.</p> <p>A11.1 Focus development to areas of least biodiversity sensitivity and implement the ‘avoid, minimise, offset’ hierarchy to biodiversity and areas of high environmental value.</p>	<p>Ongoing</p>	<p>Consistent.</p> <p>Part of Lot 3 is identified in the <i>Biodiversity Values Map</i> (undated) by DPE. The Site subject to the Planning Proposal does not include that part of Lot 3 – refer to Question 7 for more details.</p> <p>The Planning Proposal has adopted the ‘avoid, minimise, offset’ hierarchy approach to protecting areas of potential high environmental value. The Planning Proposal area avoids that land identified in the <i>Biodiversity Values Map</i>.</p> <p>The Site is mainly clear of trees, other than those planted around the dwellings situated on Lot 1. The trees appear to be introduced exotics (pines) and some planted native trees and shrubs in the dwelling curtilage. The remainder of the Site is covered with grass and used for grazing of horses and cattle.</p>
<p>D12: Adapt to natural hazards and climate change.</p> <p>A12.1 Minimise the risk from natural hazards and the projected effects of climate change by identifying hazards, managing risks and avoiding vulnerable areas, particularly when considering new urban release areas.</p> <p>12.2 Incorporate new knowledge on regional climate projections, including flooding and bushfire risk, related cumulative impacts, and findings of the New England North West Enabling Regional Adaptation Project in local plans for new development.</p>	<p>Ongoing to long term</p>	<p>Consistent.</p> <p>Climate change projections for the region in the near future (2020 – 2039) and far future (2060 – 2079) include warmer spring and summer days, less winter rainfall, and more autumn rainfall (NSW Office of Environment & Heritage (OEH), November 2014).</p> <p>The Site is not shown on Council’s Bush Fire Prone Land Map, certified by the Commissioner of the NSW Rural Fire service. The closest mapped bushfire prone land occurs approximately 1km west of the Site.</p> <p>The Site abuts flood prone land (1 in 100 year ARI or 1% AEP), as mapped in the <i>Armidale Flood Study Review and Update – Stage 3</i> (July 17, 2014) by BMT WBM Pty Ltd (‘Flood Study’). The Flood Study adopted by Council modelled flood behaviour for a Dumaresq Creek and its tributaries, identifying 1 in 100 year ARI (1% AEP) and other flood events whilst incorporating potential climate change impacts into the modelling. The Flood Study was prepared in accordance with the Floodplain Development Manual 2005, and other statutory requirements. As the Flood Study has already incorporated climate change projections into its modelling, Action 12.1 is considered satisfied. For more comments on flooding, see Question 8.</p> <p>The <i>Western Enabling Regional Adaptation – New England North West Region Report</i> (June, 2017) by OEH (‘WERA NENW Report’) was consulted. The WERA NENW Report project builds on local</p>

	(cont.) <i>Ongoing to long term</i>	knowledge to understand climate vulnerabilities in the Region and identify opportunities to respond, enabling regional decision-makers to enhance government service delivery and planning at a regional and subregional scale. The Planning Proposal does not detract from the identified activation projects in the WERA NENW Report. As the WERA NENW Report was released in April 2018, a Town Development Network has not yet been established for input into strategic planning processes (p. 29). Furthermore, the Water, Environment, and Technology (WET) working group has not been established and so was not consulted in relation to the Proposal.
Goal 3: Strong infrastructure and transport networks for a connected future		Planning Proposal response – is the Proposal consistent with the Strategy?
DIRECTIONS & APPLICABLE ACTIONS	TIMEFRAME OF IMPLEMENTATION	COMMENTS
D14: Enhance transport and infrastructure networks. A14.1 Protect freight and utility infrastructure and corridors through local plans and strategies to protect network opportunities and distribution from incompatible land uses or land fragmentation. A14.2 Minimise the impact of development on the regional and State road network and rail corridors by identifying buffer and mitigation measures.	<i>Short term to ongoing</i>	Consistent. The Site does not gain direct access to the New England Highway. Madgwick Drive is considered to be a sufficient transport corridor for the purposes of accommodating future residential traffic likely to be generated as a result of the Proposal. Visually, the Site is separated from the New England Highway by existing trees in the road reserve – see Figure 4e in ‘Introduction’. A noise impact assessment was prepared for the Site (June 30, 2010) by Vipac Engineers & Scientists Pty Ltd, to support a development application for subdivision of the Site. Broadly, it is anticipated that noise impacts can be mitigated through appropriate lot layout and dimensions, dwelling orientation and placement, and construction methods. See comments under Question 8 for further details.

<p>D16: Coordinate infrastructure delivery.</p> <p>A16.1 Undertake detailed infrastructure service planning to establish that land can be feasibly and economically serviced prior to rezoning.</p> <p>16.2 Maximise the cost-effective and efficient use of infrastructure by focusing development on existing infrastructure or promoting co-location of new infrastructure.</p>	<p><i>Short term to ongoing</i></p>	<p>Consistent.</p> <p>The Site is located within the urban area of Armidale, and is readily able to connect to services where it is not already connected – refer to Question 10.</p>
<p>Goal 4: Attractive and thriving communities</p>		<p>Planning Proposal response – is the Proposal consistent with the Strategy?</p>
<p>DIRECTIONS & APPLICABLE ACTIONS</p>	<p>TIMEFRAME OF IMPLEMENTATION</p>	<p>COMMENTS</p>
<p>D18: Provide great places to live.</p> <p>A18.2 Secure an appropriate supply of residential land to meet projected housing needs within local growth management strategies endorsed by the Department of Planning and Environment.</p> <p>A18.4 Monitor the supply of residential land and housing through the New England North West Housing and Land Monitor.</p>	<p><i>Immediate to short term to ongoing</i></p>	<p>Consistent.</p> <p>The Site has been previously identified as a suitable ‘urban release area’ in an endorsed land use (development) strategy – see Question 4.</p> <p>The <i>New England North West: Housing and Land Monitor 2017</i> (October, 2017) by DPE indicates that there has been a surplus of residential approvals per year compared to the projected amount of new residential dwellings required by 2036 for the Region. From 2010 to 2016, Armidale had the highest amount of multi-unit (including dual occupancy) approvals in the Region, indicating the density of residential accommodation is likely to be higher in Armidale than any other locality in the Region. The proposed R1 zoning and reduction in minimum lot size applying to the Site will enable at least an additional 31 residential lots and will contribute to the pool of residential land able to be developed in Armidale.</p>

<p>D19: Support healthy, safe, socially engaged and well connected communities.</p> <p>A19.2 Facilitate more recreational walking and cycling paths, linkages with centres and public transport, and expand inter-regional and intra-regional walking and cycling links.</p>	<p><i>Immediate to short term to ongoing</i></p>	<p>Consistent.</p> <p>The location of the Site offers a variety of transport choices for future residents. The Site has direct access to, and is immediately adjacent to a sealed public road (Madgwick Drive) which has an existing cycleway. The Site is accessible to transport services, various amenities and facilities including the Armidale city centre, and to UNE and its associated facilities to the west. The proximity of the Site to amenities and services offers future residents of the Site the option to walk, cycle, drive, or use public transport to access those services and amenities. Refer to Question 10 for more details.</p>
<p>D20: Deliver greater housing diversity to suit changing needs.</p>	<p><i>Immediate to medium term to ongoing</i></p>	<p>Consistent.</p> <p>The proposed zoning from R2 to R1 and change in MLS from 4,000m² to 500m² will facilitate new residential development that is of a broader variety than what is currently the case for the Site.</p>
<p>D23: Collaborate with Aboriginal communities to respect and protect Aboriginal culture and heritage.</p> <p>A23.4 Undertake Aboriginal cultural heritage assessments to inform the design of planning and development proposals so that impacts to Aboriginal cultural heritage are avoided and appropriate heritage management mechanisms are identified.</p>	<p><i>Immediate to ongoing</i></p>	<p>Consistent.</p> <p>OEH's <i>Aboriginal Heritage Information Management System (AHIMS)</i> web services search result (March 19, 2018) concluded that within 200m of the Site, no Aboriginal sites or places are recorded or declared (see Attachment 6). An archaeological survey was undertaken for the Site in October 2010 by Suzanne R Hudson Consulting, but a specific Aboriginal Cultural Heritage study was not done for the land. Comments in relation to this study are contained in Question 9. It is considered that the Site is unlikely to contain items of Aboriginal cultural heritage significance.</p>

Q4. Is the planning proposal consistent with a Council's local strategy or other local strategic plan?

New England Development Strategy

The New England Development Strategy (Worley Parsons, 2010) (NEDS) was prepared for Armidale Dumaresq, Guyra Shire, Uralla Shire and Walcha Councils. The NEDS outlines key land use policies and principles for the four council areas and provides the planning context for the preparation of LEP provisions. The Strategy has a timeframe up to 2032. The NEDS was adopted by the four councils and endorsed by the Director-General of the Department of Planning and Infrastructure and informed preparation of the current LEP.

The NEDS provides projected population growth and an estimate of the anticipated future housing stock required to meet growing demand. The NEDS estimates that 1,940 new residential lots will be required in Armidale up to 2021 and identifies Urban Release Areas to cater for that projected demand based on potential lot yields under an R1 or R2 zoning. When the Urban Release Areas have been developed, an area to the north-east of Armidale (referred to as the Tilbuster corridor) has been identified in the NEDS as an investigation area for future urban expansion – see [Figure 5](#).

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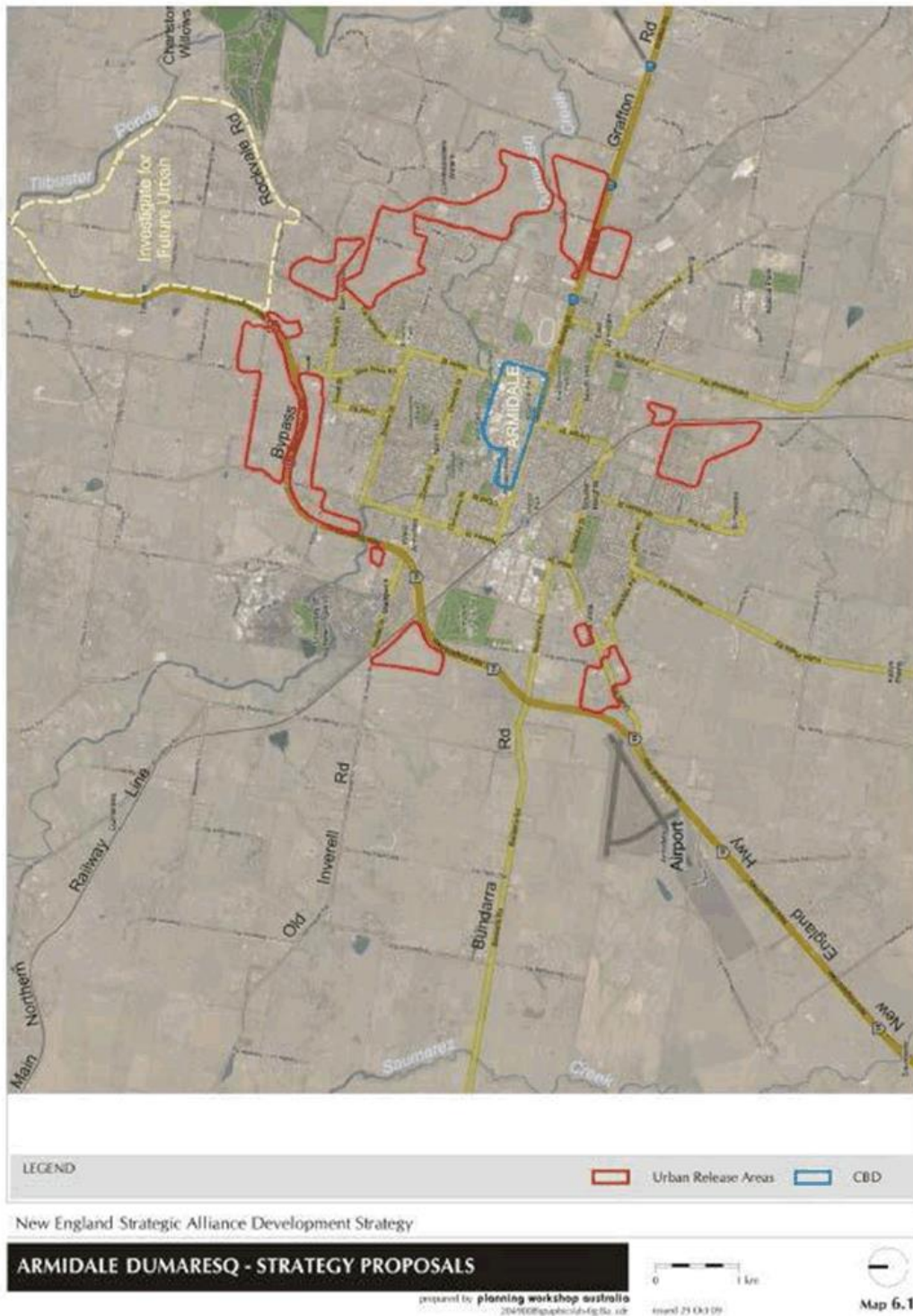


Figure 5. Armidale Urban Release Areas (NEDS, 2010, p. 33).

The Armidale Urban Release Areas identified in the NEDS were based on the *Strategic Analysis for the Draft Armidale Dumaresq LEP 2005* (January, 2005) by the former Armidale Dumaresq Council. The Strategic Analysis underpinned residential zones introduced in Armidale Dumaresq LEP 2008 (LEP 2008), and subsequently carried through into the current LEP. Figure 5.1 and Table 5.8 of the Strategic Analysis identify the Site as potentially being suitable for “conventional residential subdivision” subject to flood analysis (Dumaresq Ck and Cluny Rd Gully) and noise assessments (New England Highway). An updated Flood Study for Armidale was prepared in 2014 which identifies the extent of flooding associated with the eastern watercourse. A noise impact assessment was prepared for the Site (June 30, 2010) by Vipac Engineers & Scientists Pty Ltd, to support a development application for subdivision of the Site. See comments under **Question 8** for further details.

The Site currently has an area of approximately 5.0406 hectares and has been subdivided into 3 residential lots. Development consent for further subdivision has been granted over Lot 3 DP1196907 but the lots have not yet been created. Approximately 20% of the Site is already occupied by existing dwellings and buildings in use. Therefore, there is approximately 80% (4.0324 hectares) of the Site available for further residential development. Should the Site be zoned R1, the potential lot yield for the developable part of the land is estimated to be at least 31 lots, based on the following:

- exclude 30% of the developable part of the Site for internal roads and urban infrastructure, and
- assume lot size of 900m² for new residential lots as a low range estimate, which is consistent with the average lot size used in the demand and supply analysis for residential land in the Strategic Analysis. Assume the proposed minimum lot size control of 500m² is used uniformly for a high range estimate.

The demand and supply analysis underpinning the Urban Release Areas in the NEDS was based on the Site having an R2 zoning. The Planning Proposal is inconsistent with the NEDS as it proposes to rezone the land to R1 which will increase the potential supply of residential lots. However this inconsistency is considered to be minor and is justified for the following reasons:

- The Planning Proposal is likely to result in at least 31 additional lots on the Site, which represents a minimum of 1.6% of the projected 1,940 new lots required by 2021 in the NEDS. Future residential development of the Site will contribute to housing supply but not to the extent that it is likely to undermine the residential growth strategy in the NEDS.
- Since the Site was zoned R2 in 2008, the potential constraints to zoning the Site to R1 have been addressed. The Armidale Urban Release Areas identified in the NEDS to the north and north-west of the Armidale city centre are located adjacent to the New England Highway. Traffic noise levels from the New England Highway were therefore anticipated to be assessed as part of any future subdivision development application. Traffic noise is discussed further in **Question 8**. Water and sewer has been constructed and provided to the Site and the extent of any flooding associated with the eastern watercourse has been identified.

The Planning Proposal, which will permit smaller residential lots and an increased range of housing types, offers a more efficient use of the Site which is located close to amenities and serviced by physical and social infrastructure.

The Planning Proposal will contribute to greater development potential of suitable land within Armidale for residential purposes prior to developing land in the Tilbuster corridor. This is considered to provide an efficient and orderly pattern of growth. Future residential development of the Site will contribute to keeping Armidale compact and reduce urban sprawl on the periphery of the city.

The Planning Proposal is considered to satisfy the recommendation of the NEDS that land be provided for residential development based on the following attributes:

- flat-moderate grades to minimise construction costs and improve ‘walkability’,
- service and infrastructure capacity/staging,
- access to community services and facilities,
- access to convenience/other retail,
- road access, and
- market considerations such as aspect and neighbourhood amenity.

To conclude, the Planning Proposal furthers the following recommendation of the NEDS “...achieve a mix of dwelling and allotment sizes in new development areas on the periphery of the city” (p. 44).

Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

The Planning Proposal is considered to be consistent with all applicable SEPPs (refer to [Attachment 7](#)).

Q6. Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions)?

Consistent with every Direction, except 1.3 Mining, Petroleum Production and Extractive Industries. The inconsistency between the Planning Proposal and the Direction is considered to be of minor significance and therefore justified (see [Attachment 8](#)).

SECTION C: Environmental, social, and economic impacts

Q7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The Site has not been identified as containing any critical habitat. The *Armidale City Flora and Fauna Survey: A Report to the Armidale City Council* (June, 1996) by C.L. Bale, G.J. White and S. Debus ('Flora/Fauna Study') does not identify any flora and fauna species potentially occurring on the Site. Lot 3 borders Dumaresq Creek, which is identified on the *Biodiversity Values Map* (undated) by DPE:

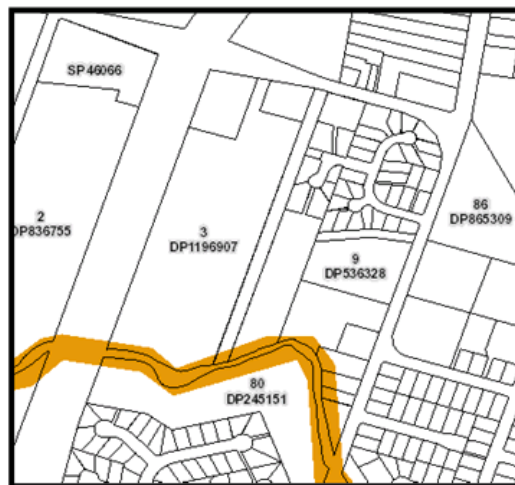


Figure 6. Extract from the *Biodiversity Values Map* (undated).

The highlighted part of Lot 3 may contain riparian vegetation. The Site forming the Planning Proposal excludes this part of Lot 3.

The Site is mainly clear of trees, other than those planted around the dwellings situated on Lot 1. The trees appear to be introduced exotics (pines) and some planted native trees and shrubs in the dwelling curtilage. The remainder of the Site is covered with grass and used for grazing of horses and cattle. Refer to **Figure 7** on the following page. The Site has been disturbed by past clearing and long term grazing activities. Grasses are introduced pasture species and little to no native flora remains on the Site.

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Lot 3 – Views to Dumaresq Creek (south) from the centre of the Site. Note the Weeping Willow in the foreground (left).



Lot 1 – Views to brick dwelling (north) from the centre of the Site. Note the pines in the house-yard area.



Lot 2 and 3 – Views to north-east, including Lot 2 Building, from the centre of the Site. Trees are located in Lot 1 DP 728596 (14 Madgwick Drive), being part of the Cluny Road Gully.



Lot 3 – Views to south-east, including Lot relocated dwelling (not part of the Site) and flood prone land, from the centre of the Site.



Lot 3 – Views to west, including New England Highway, from centre of the Site. Trees in photo are located in road reserve, and not on the Site.

Figure 7. Vegetation on the Site and its boundaries.

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Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

Flooding

Part of Lot 3 is identified as flood prone land by the Flood Study prepared for Armidale in accordance with the Floodplain Development Manual 2005. The Flood Study was adopted by Council on 28 September 2015. A consequent Floodplain Risk Management Study (FRMS) and Floodplain Risk Management Plan (FRMP) has not as yet been prepared for or adopted by Council.

Flooding originating from Dumaresq Creek and Cluny Road Gully for certain events, floodwater depths, and velocities is shown in **Figure 8**:

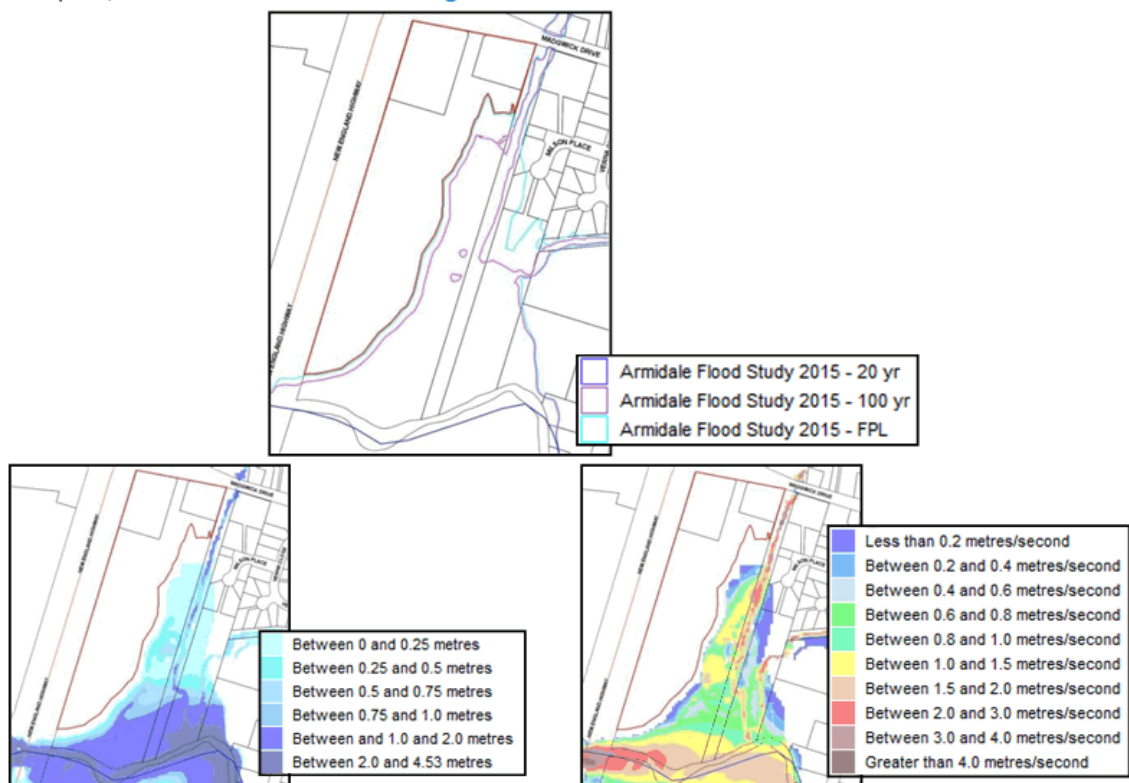


Figure 8. TOP: The Site as overlaid by the 4.9% AEP ("20 yr"), 1% AEP ("100 yr"), and Flood Planning Level 1% AEP + 500mm freeboard (FPL).

BOTTOM LEFT: The Site as overlaid by the 1% AEP flood depths.

BOTTOM RIGHT: The Site as overlaid by the 1% AEP flood velocities.

As can be seen above, the Site subject to this Planning Proposal is above the flood planning level (1% AEP + 500mm). The existing internal access road located between Lot 1 and 2 provides flood free access to those parts of Lot 3 that are not flood affected. Land below the flood planning level on Lot 3 is split zoned R2 Low Density Residential and E3 Environmental Management, and it is not proposed to alter the zoning or the minimum lot size standard applying to this land as part of the current Planning Proposal. This is considered the most appropriate approach until such time as a FRMP has been prepared which recommends the most appropriate zonings of land below the flood planning level for the urban reaches of Dumaresq Creek.

Groundwater

Part of the Site is identified as potentially spring affected, per Council’s Development Control Plan (Chapter 2.6):



Figure 9. The Site and extent of potentially spring affected land (purple dotted overlay).

It can be seen from **Figure 9** and from the ‘**Introduction**’ part of this Proposal that the northern portion of the Site that is potentially spring affected has largely been developed by way of dwellings and other structures. Future geotechnical engineering investigations would need to occur as part of any future development application on land that is potentially spring affected. Generally, development of spring affected land can be managed by way of engineered footings and the like.

Visual

There are established trees along the western boundary of the Site and in the New England Highway road reserve, which act as visual screens between the Site and the Highway – refer to **Figure 7** under **Question 7**. The New England Highway is slightly elevated above the Site, particularly in the southern portion of the Site (see **Figure 10** on the next page). Nonetheless, the extent of trees in the road reserve of the Highway provides dense landscaped screening that protects views to the Site from New England Highway.

Most of the eastern boundary of the Site is further screened by riparian vegetation and trees along Cluny Road Gully. Due to the south-east downslope of the land, the Site will be most highly visible from areas south of Dumaresq Creek, including the walking track on the southern side of Dumaresq Creek in the Creeklands. The majority of land south of Dumaresq Creek in this area is established residential area, as portrayed in **Figure 11** on the following page. The anticipated use of the Site for general residential purposes is not incongruous with the established residential area that will have views to the Site.

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Figure 10. Approximate ground level of the Highway shown with red dashed line, as viewed from the centre of the Site (looking west).



Figure 11. Aerial view of area south of the Site (via Google Imagery), beyond Dumaresq Creek. NB: Site overlay is approximate only.

It is considered, therefore, that visual impacts as a result of the Proposal are considered to be acceptable, and views to the Site from the Highway are limited by way of existing vegetation and the topography of the land.

Noise

A noise impact assessment for the purposes of residential subdivision was prepared for the Site (June 30, 2010) by Vipac Engineers & Scientists Pty Ltd. The findings of that assessment have been used as an indication of the suitability of the Planning Proposal, with regards to noise impacts.

The basis of the noise impact assessment was for subdivision of the Site for thirteen resultant lots with average lot size of approximately 4,000m², and one remnant lot (southern part of Lot 3) of around 30,000m². Noise originating from New England Highway was logged and predictions made of future noise levels for future receivers (dwellings) located on the proposed lots. Recommendations were included in the assessment to achieve internal noise levels for future dwellings, such as:

- setback residences from the western boundary adjoining the Highway at least 20 metres,
- locate less sensitive rooms/spaces of future dwellings and lots away from the Highway, and
- incorporate small/few window openings and doors facing the Highway.

Future subdivision layout of the Site will need to be able to achieve the required setbacks from the western boundary of the Site. Good subdivision design will also need to incorporate principles to prevent noise reverberation between structures. It is acknowledged that achieving the right setbacks and dwelling layout to minimise noise impacts on future residents will be more complex for smaller lots, if subdivision were proposed at the minimum lot size control of 500m². Nonetheless, an appropriate subdivision design at this MLs could be achieved.

Q9. Has the planning proposal adequately addressed any social and economic effects?

European Heritage

The Site is not located within a heritage conservation area and there are no items of European heritage on the Site. The nearest built heritage items listed in Schedule 5: Environmental Heritage of the LEP are approximately 1km away and comprise:

- Item I116 – University of New England Lodge, sub-lodge, science block, shingled cottage (a local heritage item), and
- Item I117 – House and grounds at “Booluminbah” (on the State Heritage Register).

There is also a local archaeological heritage item approximately 300m away (Item A043 “Site of Child’s Brickworks”). **Figure 12** on the following page shows the location of these items relative to the Site.

There are no indications that the Site once contained historical dwellings/huts that would be of archaeological value. Further comments in relation to archaeology are contained below, under the subheading “Aboriginal cultural heritage”, as a survey of the Site was undertaken in 2010, investigating the European and Aboriginal archaeological potential of the Site.

The Site is considered to be sufficiently far away to minimise potential impacts from future residential development on the setting or significance of the heritage items. The Planning Proposal is unlikely to result in any adverse impacts on heritage items in the area.

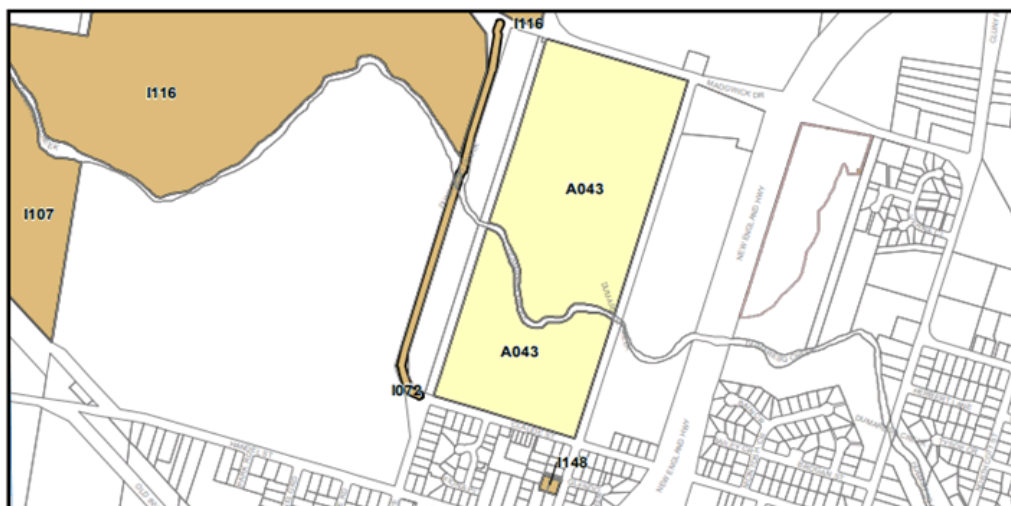


Figure 12. Extract of LEP Heritage Map, as located on the NSW Legislation website, with the Site overlaid in red.

Aboriginal cultural heritage

The Site subject to the Planning Proposal does not include the banks of Dumaresq Creek, but the Site is bordered to the east by Cluny Road Gully. Past and present uses of the Site have resulted in largely disturbed groundcover. There are no old growth native trees present in the Site.

There is limited potential for Aboriginal objects or places of significance to be present, given the Site has been modified by way of dwellings being built and continued hobby grazing. An archaeological survey of the Site was undertaken in October 2010 by Suzanne R Hudson Consulting. This survey found the Site contained no materials of archaeological significance (European or Aboriginal). The survey does acknowledge that the outskirts of Armidale – which would have included the Site many years ago – hold some cultural significance to the local Aboriginal community. The Site does not contain any listed Aboriginal sites or places, and the AHIMS web search undertaken March 19, 2018 did not identify any sites or places within 200m of the Site (see [Attachment 6](#)).

Social and Economic Effects

The increased residential density in the Planning Proposal will contribute to housing supply identified in the NEDS to cater for the projected population growth in the city until at least 2021. The Planning Proposal will allow a greater variety of housing types, including medium density housing.

The Site is in proximity to, or can reasonably access, existing social infrastructure such as the University of New England, schools, Armidale Hospital, as well as a retail hub in the area (Girraween) and the Armidale city centre. Pedestrian access to community open space, such as the Dumaresq Creeklands walking track to the south, is possible from the Site.

The increased density allowed by the Planning Proposal will potentially result in at least 31 additional residential lots and this increase is considered unlikely to result in significant impacts on existing social infrastructure in Armidale.

SECTION D: State and Commonwealth interests

Q10. Is there adequate public infrastructure for the planning proposal?

The Site is serviced by existing public infrastructure (refer to [Attachment 9a to 9g](#)), including:

- health, education and emergency services
- public transport
- roads
- reticulated water and sewerage
- waste management and recycling services
- power
- gas
- telecommunications.

It is likely that existing public infrastructure is adequate, or can be upgraded, to meet the needs of the estimated additional development of at least 31 residential lots as a result of the Planning Proposal.

Health, education, and emergency services

The Site is located in proximity to health, education, and emergency services including:

- Medical services – including local medical centre (1.9km), the Armidale Hospital and medical precinct (2.6km), health consulting rooms (on site)
- Educational facilities – including Sandon Primary School (0.5km), University of New England (1.2km), Drummond Park Pre-School and Child Care (1.3km), PLC School (2.0km), Duval High School (2.5km)
- Emergency services – including Ambulance Service (3.8km), Armidale Police Service (4.6km), and the Armidale Fire Station (5.3km).

Public transport

The Site is in proximity to public transport services including:

- local buses servicing Armidale and surrounds (bus stops 1.0km and 1.5km)
- Armidale Railway Station (2.7km)
- Armidale Regional Airport (6.8km).

Roads and Cycleway

The Site is located on Madgwick Drive west of the corner of Madgwick Drive and Niagara St. Madgwick Drive is a sealed public road that services existing development on the Site. Both sides of Madgwick Drive have apron cycleways that can be utilised by users of the Site.

Water and Sewer Infrastructure

The Site is currently serviced by Council's sewerage and water supply infrastructure.

Waste Management and Recycling Services

The Site is currently serviced by Council's weekly Urban Waste Management and Recycling Services which can be made available to future additional residential development on the land.

Power

The Site is currently serviced by overhead electricity power lines along the northern boundary of the Site.

Gas

Natural gas infrastructure exists along the northern boundary of the Site in Madgwick Drive.

Telecommunications

The Site is currently serviced by:

- telephone infrastructure along the northern boundary of the Site.
- NBN high speed internet telecommunications infrastructure along the northern boundary of the Site.

Q11. What are the views of State and Commonwealth Public Authorities consulted in accordance with the gateway determination?

The views of any State or Commonwealth agency have not been obtained prior to preparing this Planning Proposal. Given the attributes of the Site and the nature of the Proposal, it is not considered necessary to consult with government agencies. However, a Gateway Determination may require certain agencies to be consulted.

PART 4 – MAPPING

Relevant mapping for the proposed amendment to the LEP are included as attachments.

Attachment 4a and **4b**: Current and proposed land use zones for the Site.

Attachment 5a and **5b**: Current and proposed minimum lot size controls for the Site.

PART 5 – COMMUNITY CONSULTATION

Schedule 1 of the EP&A Act 1979 requires that Planning Proposals for LEPs be publicly exhibited for 28 days, or any other time period specified in the Gateway Determination issued by DPE.

The method for exhibition is proposed to include:

- notification in a local Armidale newspaper,
- notification on the Council’s website at www.armidale.nsw.gov.au, and
- notification (in writing) to adjoining landowners.

PART 6 – PROJECT TIMELINE

The anticipated project timeline for completion of the Planning Proposal is outlined in [Table 2](#) below.

The Project Timeline assumes Council exercises its local plan making delegations (see [Attachment 10](#)).

Table 2. Anticipated project timeline	
Task	Anticipated
Date of Gateway Determination.	June 2018
Completion of required technical information (if required).	August 2018
Government agency consultation (pre and post exhibition - if required by Gateway Determination).	July 2018
Any changes that may be required to the Planning Proposal resulting from technical studies and government agency consultations. If required resubmit altered Planning Proposal to Gateway panel. Revised Gateway determination issued, if required.	September 2018
Commencement and completion dates for public exhibition (14, 28, or any other number of days per the Gateway Determination	October 2018
Council considers public submissions, any changes to the Planning Proposal and finalising the LEP amendment.	November 2018
Date of submission to the Department to finalise the LEP, if council does not use its local plan making delegations.	December 2018
If Council uses its local plan making delegations, anticipated date Council will forward the LEP amendment to the Department for notification.	January 2019

LIST OF RESOURCES

- Armidale Dumaresq Council [former]. (January, 2005). *Strategic Analysis for the Draft Armidale Dumaresq LEP 2005*.
- Bale C.L., White G.J. & Debus, S. (June, 1996). *Armidale City Flora and Fauna Survey: A report to the Armidale City Council*.
- BMT WBM Pty Ltd. (July 17, 2014). *Armidale Flood Study Review and Update – Stage 3*.
- NSW Government: Office of Environment & Heritage. (March 19, 2018). *Aboriginal Heritage Information Management System (AHIMS)*: Web services search result.
- NSW Government: Office of Environment & Heritage. (November, 2014). *New England North West: Climate Change Snapshot*. Available from <http://climatechange.environment.nsw.gov.au/Climate-projections-for-NSW/Climate-projections-for-your-region/New-England-North-West-Climate-Change-Downloads>
- NSW Government: Office of Environment & Heritage. (June, 2017). *Western Enabling Regional Adaptation – New England North West Region Report*. Available from <http://climatechange.environment.nsw.gov.au/Adapting-to-climate-change/Regional-vulnerability-and-assessment/New-England-North-West>
- NSW Government: Planning & Environment. (August, 2016). *A Guide to Preparing Planning Proposals*. Available from http://www.planning.nsw.gov.au/Plans-for-your-area/Local-Planning-and-Zoning/~/_media/FC9BDEEC8CFA4BCD85FFDAAF7BFCBE63.ashx
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- NSW Government: Planning & Environment. (Undated). *Biodiversity Values Map*. Available from <https://www.lmbc.nsw.gov.au/Maps/index.html?viewer=BVMap>
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- NSW Government: Planning & Environment. (August 30, 2016). *LEP Practice Note 16-005: Delegation of plan making decisions*. Available from

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<http://www.planning.nsw.gov.au/~media/Files/DPE/Circulars/delegation-of-plan-making-decisions-circular-2016-08-30.ashx>

NSW Government: Planning & Environment. (October, 2017). *New England North West: Housing and land monitor 2017*. Available from

<http://www.planning.nsw.gov.au/Plans-for-your-area/Regional-Plans/New-England-North-West/~media/3A81541109804CDBB3564158F7B3ACD2.ashx>

NSW Government: Planning & Environment. (August, 2017). *New England North West Regional Plan 2036*. Available from

<http://www.planning.nsw.gov.au/~media/Files/DPE/Plans-and-policies/new-england-north-west-final-regional-plan-2017-09.ashx>

NSW Government: Urban Affairs and Planning [former]. (August, 2001). *Integrating Land Use and Transport: Improving transport choice – Guidelines for planning and development*. Available from

<http://www.planning.nsw.gov.au/~media/Files/DPE/Guidelines/improving-transport-choice-guidelines-for-planning-and-development-2001-08.ashx>

NSW Government: Urban Affairs and Planning [former]. (August, 1998). *Managing Land Contamination: Planning Guidelines SEPP 55 – Remediation of Land*. Available from

<http://www.epa.nsw.gov.au/your-environment/contaminated-land/managing-contaminated-land/role-of-planning-authorities>

Suzanne R Hudson Consulting. (October, 2010). *Archaeological Survey of 16-32 Madgwick Drive, Armidale*.

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WorleyParsons Ltd. (April, 2010). *New England Development Strategy*. Available from

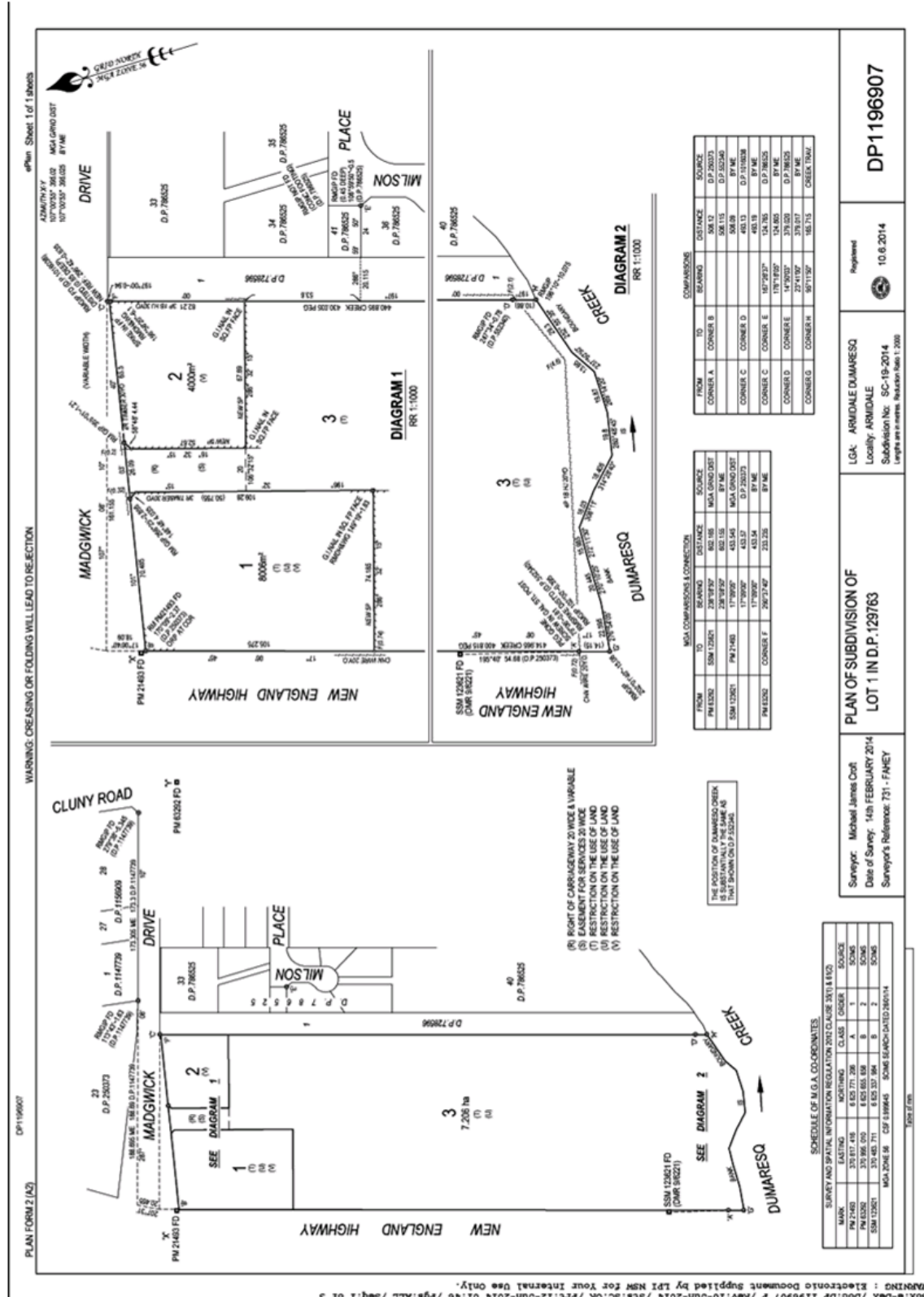
<http://www.armidaleregional.nsw.gov.au/development/planning-controls---guidelines/planning-strategies-and-documents>

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ATTACHMENTS

1. Deposited Plan 1196907 (Current).



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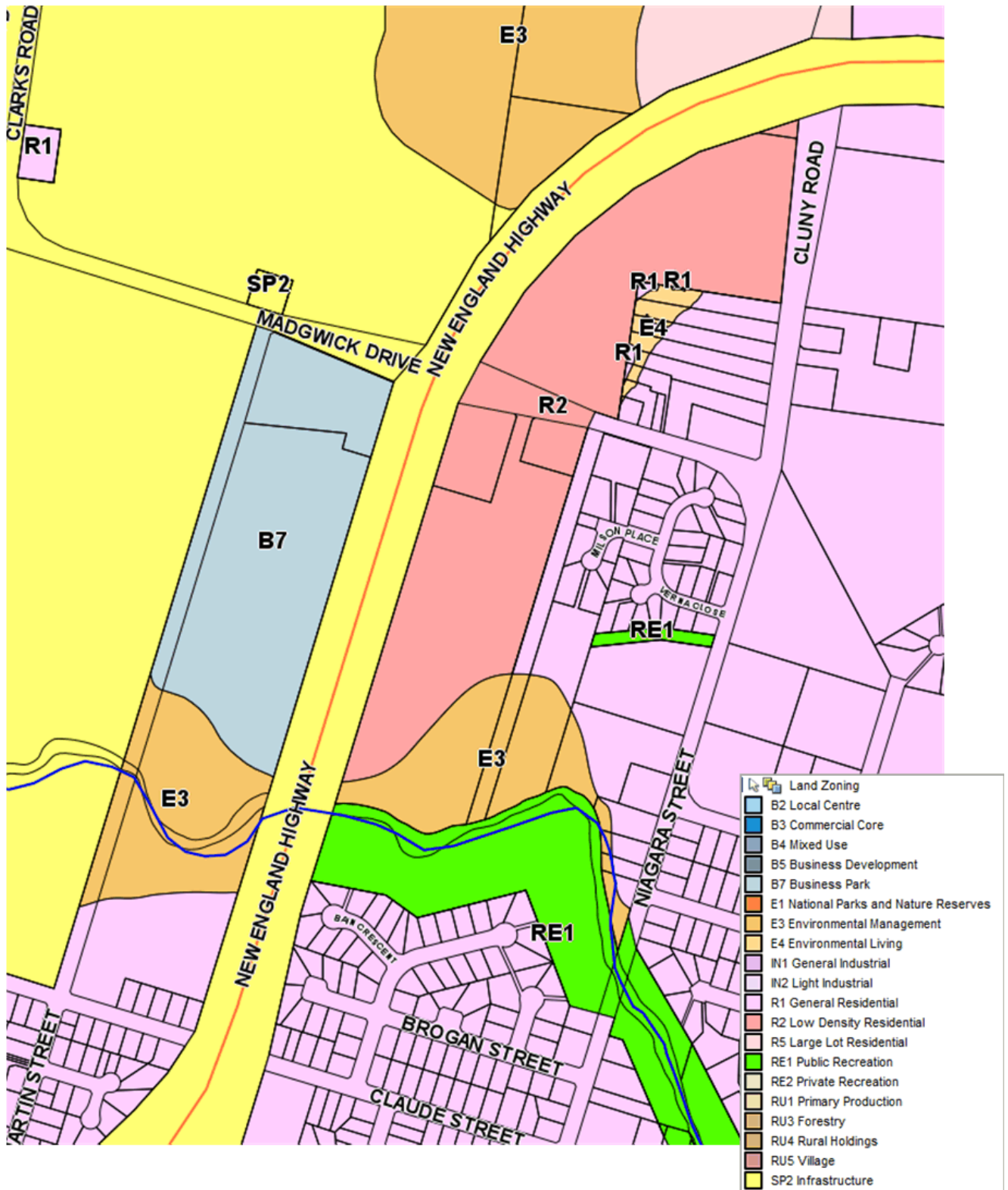
2. Approved plan from DA-1-2011/A. Stages 1, 2, and 3.



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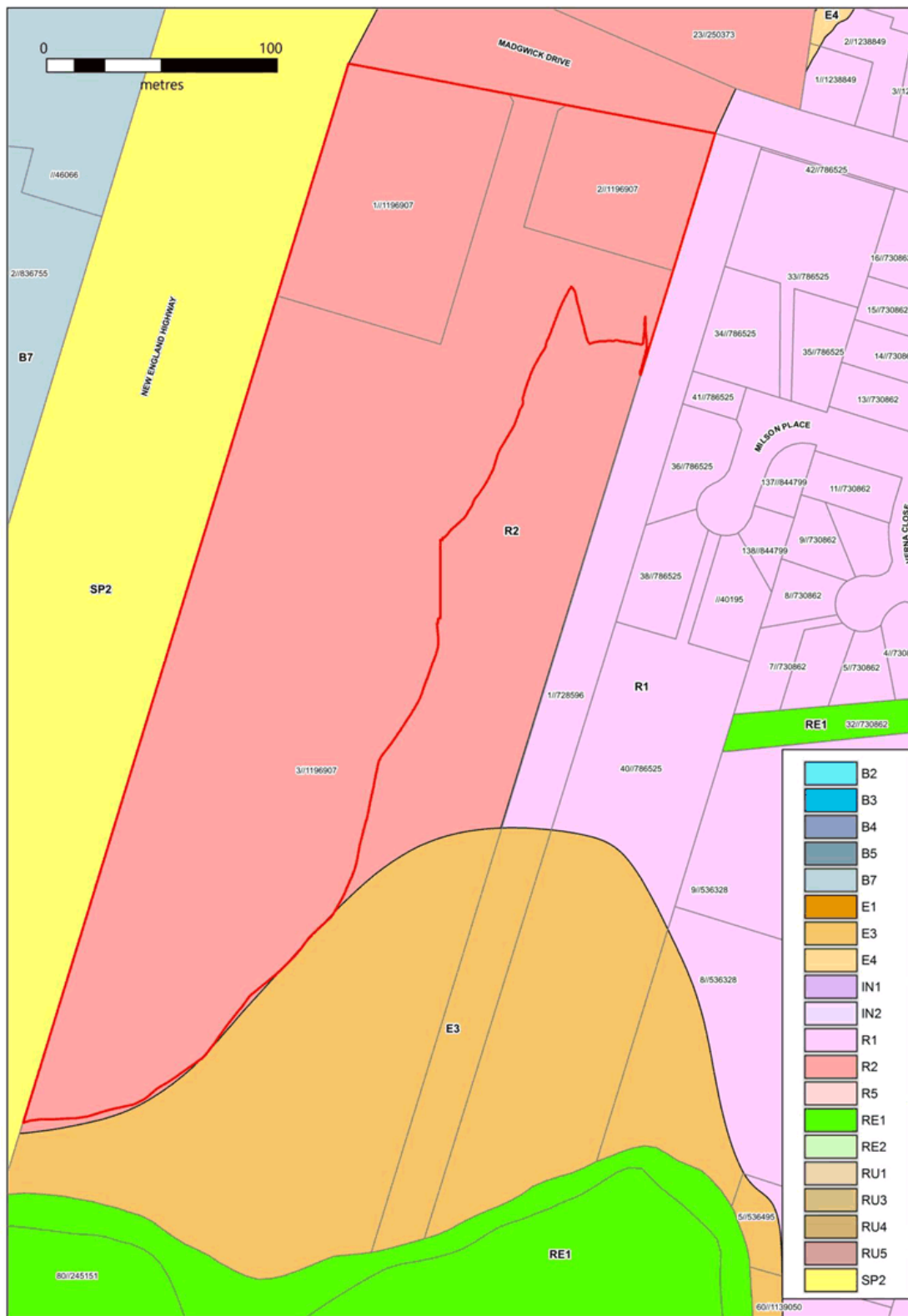
3. Locality – current land zones.



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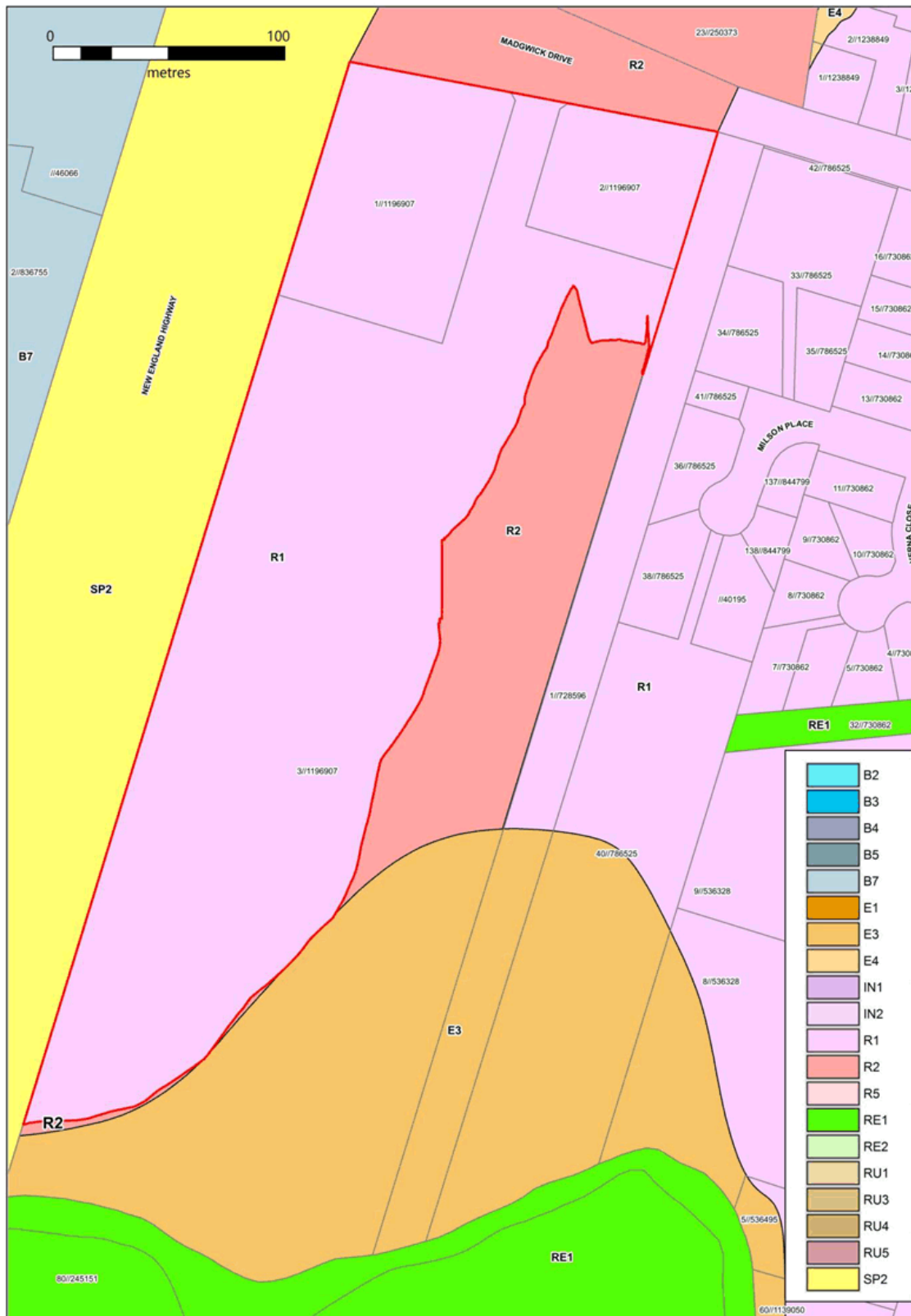
4a. Current zoning of the Site.



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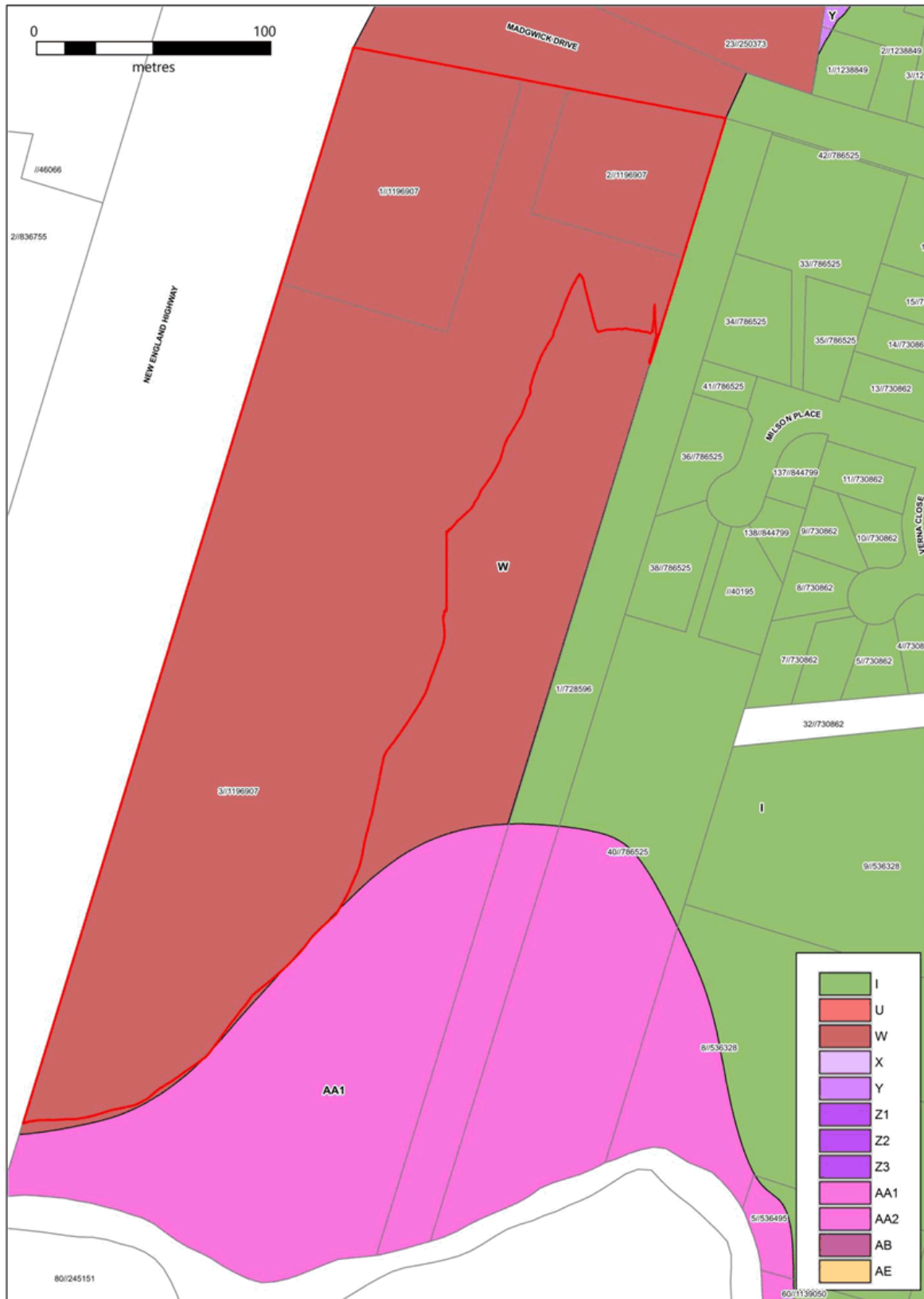
4b. Proposed zoning of the Site.



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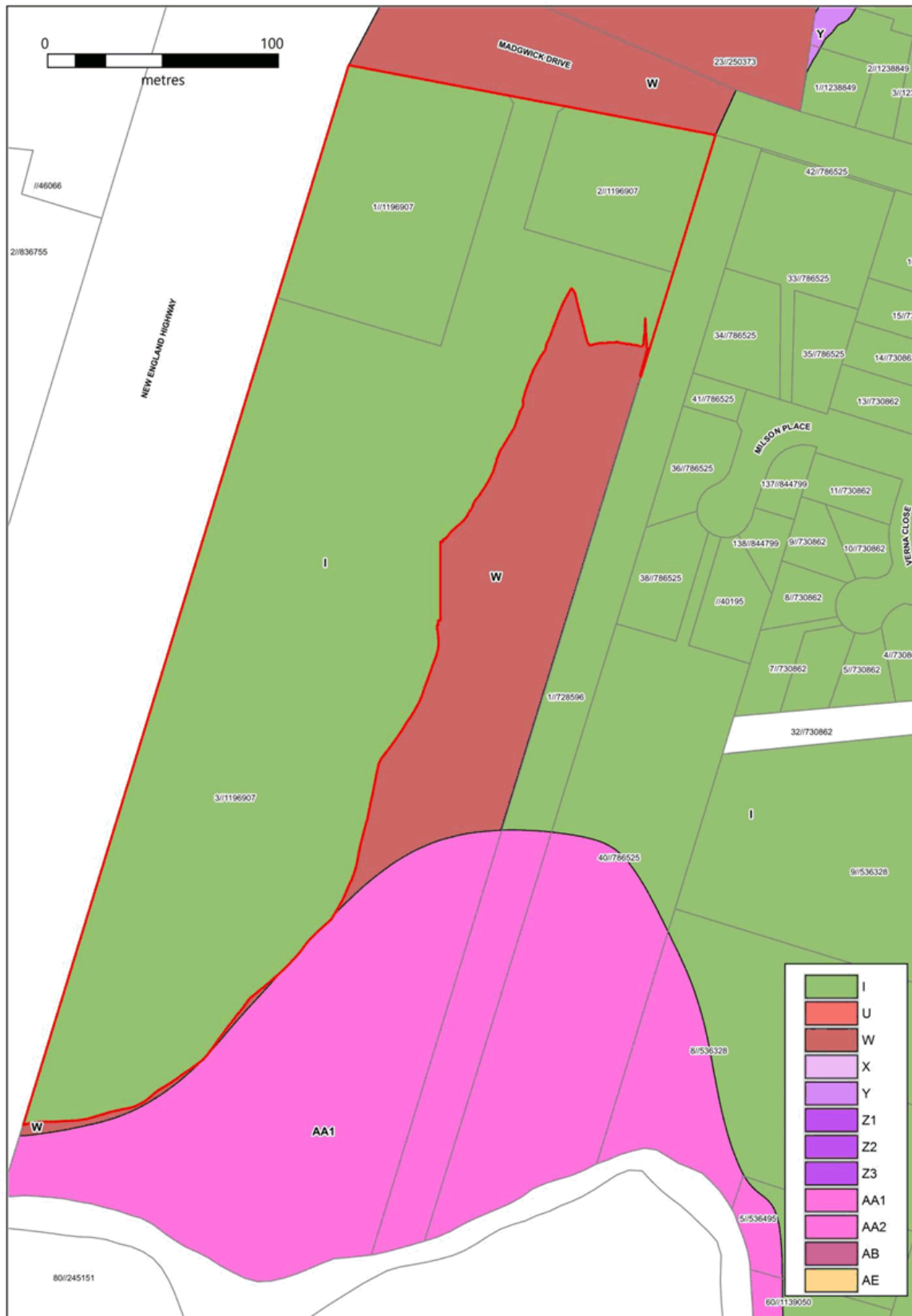
5a. Current lot size map of the Site.



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5b. Proposed lot size map of the Site.



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6. AHIMS web search.



**AHIMS Web Services (AWS)
Search Result**

Purchase Order/Reference : 20 madgwick

Client Service ID : 334389

Date: 19 March 2018



Dear Sir or Madam:

AHIMS Web Service search for the following area at Lot : 3, DP:DP1196907 with a Buffer of 200 meters, conducted by Kayla Clanchy on 19 March 2018.

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of the Office of the Environment and Heritage AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

0	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location. *

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6. (cont.).

If your search shows Aboriginal sites or places what should you do?

- You must do an extensive search if AHIMS has shown that there are Aboriginal sites or places recorded in the search area.
- If you are checking AHIMS as a part of your due diligence, refer to the next steps of the Due Diligence Code of practice.
- You can get further information about Aboriginal places by looking at the gazettal notice that declared it. Aboriginal places gazetted after 2001 are available on the [NSW Government Gazette](http://www.nsw.gov.au/gazette) (<http://www.nsw.gov.au/gazette>) website. Gazettal notices published prior to 2001 can be obtained from Office of Environment and Heritage's Aboriginal Heritage Information Unit upon request

Important information about your AHIMS search

- The information derived from the AHIMS search is only to be used for the purpose for which it was requested. It is not to be made available to the public.
- AHIMS records information about Aboriginal sites that have been provided to Office of Environment and Heritage and Aboriginal places that have been declared by the Minister;
- Information recorded on AHIMS may vary in its accuracy and may not be up to date. Location details are recorded as grid references and it is important to note that there may be errors or omissions in these recordings,
- Some parts of New South Wales have not been investigated in detail and there may be fewer records of Aboriginal sites in those areas. These areas may contain Aboriginal sites which are not recorded on AHIMS.
- Aboriginal objects are protected under the National Parks and Wildlife Act 1974 even if they are not recorded as a site on AHIMS.
- This search can form part of your due diligence and remains valid for 12 months.

3 Marist Place, Parramatta NSW 2150
Locked Bag 5020 Parramatta NSW 2220
Tel: (02) 9585 6380 Fax: (02) 9873 8599

ABN 30 841 387 271
Email: ahims@environment.nsw.gov.au
Web: www.environment.nsw.gov.au

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7. Applicable State Environmental Planning Policies (SEPPs)

SEPP	Consistent?	Comment
No. 21 Caravan Parks	Yes	The Planning Proposal is not inconsistent with this SEPP. This SEPP requires development consent for caravan parks (including camping grounds) and subdivision of caravan parks for lease purposes. Uses to which this SEPP apply are not permissible in the current R2 Zone under ADLEP 2012, but are permitted with development consent in the R1 Zone.
No. 33 Hazardous and Offensive Development	Yes	The Planning Proposal is not inconsistent with this SEPP. This SEPP overrides any other environmental planning instrument definitions relating to hazardous, offensive, and storage facilities (hazardous or offensive) development. The SEPP also stipulates matters for consideration when determining whether consent should be granted for these types of development. The Planning Proposal does not seek to vary any of the definitions in relation to hazardous or offensive development. The current R2 and proposed R1 zonings applying to the Site prohibit such development, as defined in the SEPP.
No. 36 Manufactured Home Estates	Yes	The Planning Proposal is not inconsistent with this SEPP. This SEPP permits with consent manufactured home estates on land where caravan parks are permitted, if the land meets locational criteria in the SEPP. Under the LEP, caravan parks are prohibited in the R2 zone and permitted with consent in the R1 zone. The Planning Proposal would make manufactured home estates permissible with consent subject to the SEPP.
No. 44 Koala Habitat Protection	Yes	The Planning Proposal is not inconsistent with this SEPP. Part 4 of the SEPP encourages the appropriate zoning of identified potential and core koala habitat areas. It is anticipated that any potential koala habitat that may occur on part Lot 3 is already contained in an appropriate zoning (E3) which does not form part of the Site subject of the Planning Proposal. For more comments on biodiversity, see Question 8 .

7. (cont.)

No. 55 Remediation of Land	Yes	<p>The Planning Proposal is not inconsistent with this SEPP. This SEPP includes provisions for identification and/or remediation of contaminated land when preparing a rezoning and/or determining a development application. Clause 6 of the SEPP refers to the matters that must be taken into consideration when rezoning land. A planning authority is not to include in a particular zone any land specified in subclause (4) if the inclusion of the land in that zone would permit a change of use of the land, unless the planning authority has considered whether the land is contaminated. In relation to land specified in subclause (4):</p> <ul style="list-style-type: none"> • Subclause 4(a) - the Site is not contained within an investigation area. • Subclause 4(b) - the <i>Managing Land Contamination: Planning Guidelines SEPP 55 – Remediation of Land</i> (August, 1998) issued by the former NSW Department of Urban Affairs and Planning ('current guideline') was consulted. Council's property file for the Site indicates that there is a history of dwelling and ancillary development approvals for Lots 1, 2, and 3 (including garages, sheds, sewer, and stormwater works). Ancillary use of the Site for hobby farming/grazing continues to this day. Recently, subdivision has been approved across the Site, and "health consulting rooms" approved in 2014 on Lot 2. The dwelling-like structure that houses the health consulting rooms provides specialised sleep assessment for patients, as well as the sale of specialised equipment (e.g. sleep apparatus). The historic and current land uses of the Site do not indicate that the land is potentially contaminated, in accordance with Table 1 and Appendix A of the current guideline. • Subclause (4)(c) - the Planning Proposal proposes to rezone the Site from R2 to R1 in the LEP. Both zones permit development for residential, educational and child care purposes as well as hospitals. In relation to residential purposes, a greater range of development is permitted in the R1 zone, eg multi unit housing. <p>The Site is not identified as being potentially contaminated in Council's Land Information System and search of Council's property file for the Site does not indicate that the land is currently, or has been previously used for a purpose listed in Table 1 of the <i>Managing Land Contamination: Planning Guidelines SEPP 55 – Remediation of Land</i>. It is therefore considered unlikely that the land is contaminated.</p>
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7. (cont.)

No. 64 Advertising and Signage	Yes	The Planning Proposal is not inconsistent with this SEPP. The main aim of this SEPP is to control the location and impact of development for advertising and signage purposes. The SEPP makes permissible with consent a range of advertisement types on certain lands subject to the development meeting the assessment criteria and any other controls. The Planning Proposal does not contradict any part of the SEPP.
No. 65 Design Quality of Residential Apartment Development	Yes	The Planning Proposal is not inconsistent with this SEPP. This SEPP provides for consistent controls in relation to the design of residential apartment development in NSW where permitted under an EPI. The SEPP applies to residential apartment buildings, shop top housing or mixed use development with a residential component. Under the LEP, these types of development are not permitted in the R2 Zone, but are permitted with consent in the R1 Zone.
Affordable Rental Housing 2009	Yes	The Planning Proposal is not inconsistent with this SEPP. The SEPP seeks to facilitate more affordable housing development in NSW. There are some land uses, such as “secondary dwellings”, which are prohibited in the R2 zone, but are made permissible with consent in that zone by virtue of clause 20 of this SEPP. Therefore, the application of the SEPP to the Site – to be rezoned to R1 – will be similar to what is currently the case.
Building Sustainability Index: Basix	Yes	The Planning Proposal is not inconsistent with this SEPP. This SEPP provides for the implementation of a scheme to encourage sustainable residential development across NSW.
Educational Establishments and Child Care Facilities 2017	Yes	The Planning Proposal is not inconsistent with this SEPP. Exempt and complying development provisions for educational establishments and child care facilities are contained in this SEPP. Other controls and matters for consideration are included in the SEPP for land uses requiring a development application to be approved. There is nothing contained in the Planning Proposal that would contravene the intent and application of the SEPP to the Site.
Exempt and Complying Development Code 2008	Yes	The Planning Proposal is not inconsistent with this SEPP. This SEPP provides for streamlined assessment processes and codes for exempt and complying development that must satisfy specified criteria. The Planning Proposal is considered to be consistent with this SEPP.
Housing for Seniors or People with a Disability 2004	Yes	The Planning Proposal is not inconsistent with this SEPP. This SEPP stipulates where and how housing for seniors or people with a disability is to be developed.

Planning Proposal No. 11 – Rezoning and minimum lot size amendment affecting land at 16, part 20, and 22 Madgwick Drive Armidale, NSW



7. (cont.)

Infrastructure 2007	Yes	The Planning Proposal is not inconsistent with this SEPP. The SEPP relates to infrastructure development carried out by or on behalf of a public authority and identifies exempt development and development that may be carried out with or without consent. There is nothing in the Planning Proposal that would contradict the intent and operation of this SEPP.
Mining, Petroleum Production and Extractive Industries 2007	Yes	The Planning Proposal is not inconsistent with this SEPP. This SEPP makes permissible with or without consent certain activities related to mining, petroleum production and extraction – regardless of any other EPI. Clause 8 of the SEPP includes matters to be satisfied in determining development consent for mining, petroleum production, or extractive industries.
Miscellaneous Consent Provisions 2007	Yes	The Planning Proposal is not inconsistent with this SEPP. The SEPP contains provisions that have largely already been absorbed into the Standard Instrument LEP or other SEPPs, such as matters relating to subdivision of land that would result in a secondary dwelling being located on a separate title to the primary dwelling.
State and Regional Development 2011	Yes	The Planning Proposal is not inconsistent with this SEPP. This SEPP identifies regional development, State significant development, and State significant infrastructure for NSW. The Planning Proposal does not affect any such development identified in the SEPP.
Vegetation in Non-Rural Areas 2017	Yes	The Planning Proposal is not inconsistent with this SEPP. The purpose of this SEPP is to regulate the clearing/disturbance of vegetation in predominantly urban areas. The provisions of the SEPP mostly relate to tree removal applications as required in a Council's Development Control Plan, and where referral of such applications to the Native Vegetation Panel is required.

8. Applicable Ministerial Directions (Section 9.1 Directions)

1. Employment and Resources	Consistent?	Comments
1.3 Mining, Petroleum Production and Extractive Industries	No, but justified	<p>The Planning Proposal rezones the land from R2 to R1 zone. Mining and extractive industries are prohibited in both zones under the LEP.</p> <p>The Direction-General of the Department of Primary Industries ('DPI') has not been consulted and therefore the proposal is inconsistent with the Direction. The inconsistency is considered to be of minor significance, because:</p> <ul style="list-style-type: none"> the Planning Proposal does not introduce mining and extractive industries as newly prohibited on the Site by virtue of the proposed zoning. These activities are already prohibited under the current zoning applying to the land. no resources (identified or potential resources or transitional area) have been identified in the DPI Mineral Resources Audit undertaken by DPI Minerals in August 2012, and the area of the proposed R1 land adjoins existing R1 zoned land in Armidale. There are nearby established residential neighbourhoods. Mining and extractive industries on the Site would generate potential land use conflict with nearby residential development.
2. Environment and Heritage	Consistent?	Comments
2.1 Environment Protection Zones	Yes	<p>The Planning Proposal does not propose to alter existing provisions in LEP 2012 that facilitate the protection and conservation of environmentally sensitive areas. The Planning Proposal does not seek to rezone land to or from an environment protection zone.</p> <p>The Planning Proposal is considered to be consistent with this Direction.</p>
2.3 Heritage Conservation	Yes	<p>The LEP includes provisions from the Standard Instrument LEP for the protection of environmental, historical, European and/or Aboriginal cultural or archaeological heritage. The Planning Proposal does not propose to alter these provisions. The Site is not identified as a heritage item or being located within a heritage conservation area. The Site is unlikely to contain items of Aboriginal cultural heritage significance. Further comments are made in relation to heritage under Question 9.</p> <p>The Planning Proposal is considered to be consistent with this Direction.</p>

8. (cont.)

2.4 Recreation Vehicle Areas	Yes	The Planning Proposal does not enable the Site to be developed for the purpose of a recreation vehicle area as recreation facilities (indoor, major, and outdoor) are prohibited in the R1 zone under the LEP. The Planning Proposal is considered to be consistent with this Direction.
3. Housing, Infrastructure and Urban	Consistent?	Comments
3.1 Residential Zones	Yes	The rezoning of the Site from R2 to R1 is consistent with this Direction by: <ul style="list-style-type: none"> • offering a greater choice of housing types on the Site for existing and future housing markets (e.g. by permitting multi dwelling housing), • making efficient use of existing infrastructure and services, • providing for more residential housing close to the centre of Armidale prior to any long term release of residential land in the Tilbuster corridor (as identified in the NEDS – see Question 4), and • providing land of a suitable configuration and with few constraints, so that good subdivision design can be achieved for any future development application. <p>Clause 6.6 of LEP 2012 provides that Council must be satisfied prior to granting development consent that essential services are available or that adequate arrangements have been made to make them available to a development. The Planning Proposal does not alter this provision. Additionally, the Proposal does not contain provisions that will reduce the permissible residential density of land, as the objective of the Proposal is to increase the residential development capacity of the Site.</p> <p>The Planning Proposal is considered to be consistent with this Direction.</p>
3.2 Caravan Parks and Manufactured Home Estates	Yes	Caravan parks and manufactured home estates are permitted with consent under the LEP in the R1 zone. Under SEPP No 36 Manufactured Home Estates, manufactured home estates would be permitted with consent on the Site. The Planning Proposal does not seek to alter the permissible uses in the R1 zone. The Planning Proposal is considered to be consistent with this Direction.
3.3 Home Occupations	Yes	The Planning Proposal does not seek to vary the current LEP 2012 provisions which permit home occupations to be carried out in dwelling houses without the need for development consent. The Planning Proposal is considered to be consistent with this Direction.

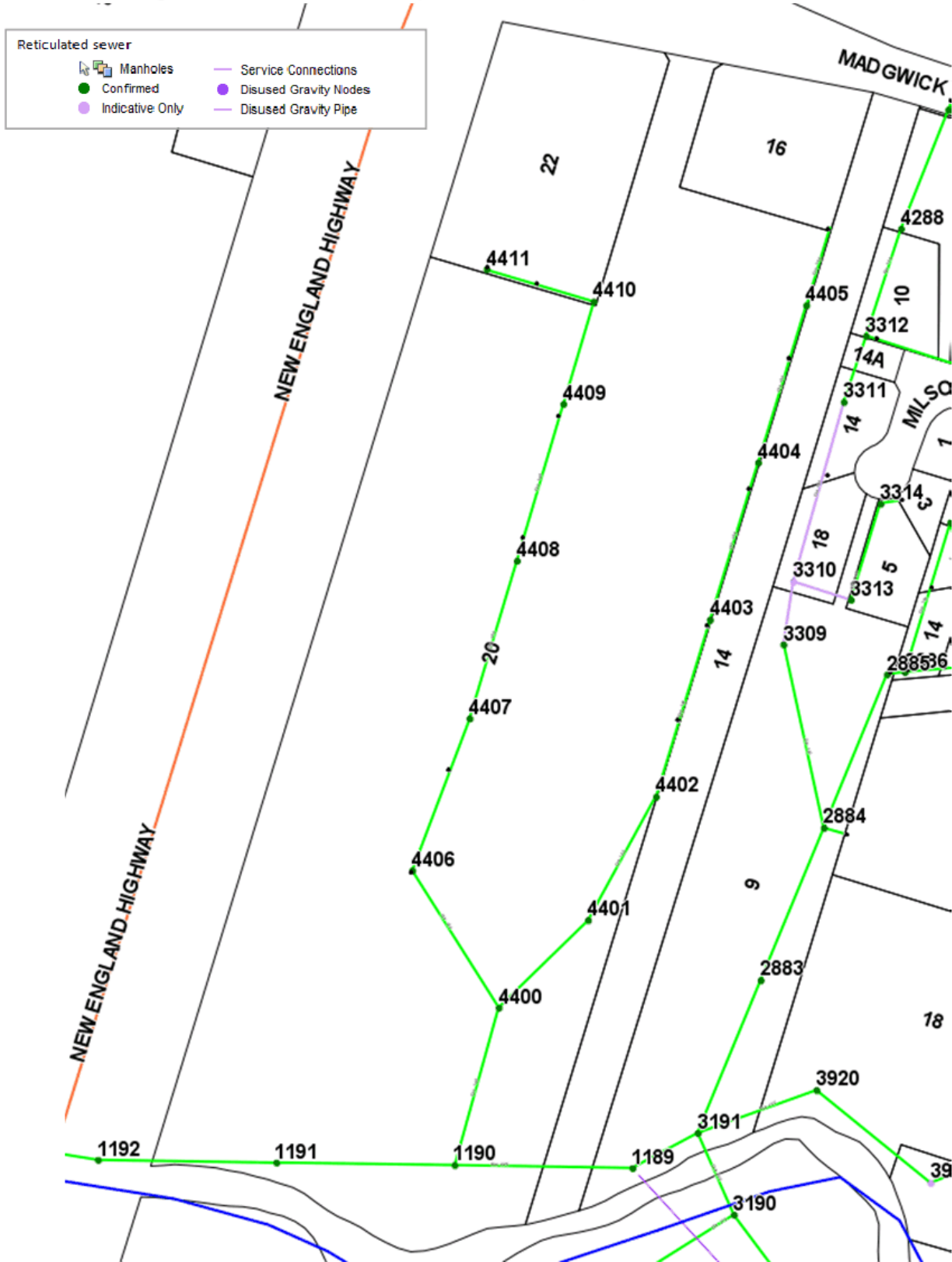
8. (cont.)

3.4 Integrating Land Use and Transport	Yes	<p>This Direction applies by virtue of the Planning Proposal altering/removing a zone relating to urban land. The provisions of this Direction mostly relate to planning residential land in such a way that there are improved cycling, pedestrian and public transport links to key businesses, services, and jobs. The location of the Site is considered to be consistent with the aims, objectives and principles of <i>Improving Transport Choice – Guidelines for Planning and Development</i> (August, 2001) issued by the former DUAP, by offering a variety of transport choices for future residents. The Site has direct access to, and is immediately adjacent to a sealed public road (Madgwick Drive) which has an existing cycleway. The Site is accessible to transport services, various amenities and facilities including the Armidale city centre, and to UNE and its associated facilities to the west. The proximity of the Site to amenities and services offers future residents of the Site the option to walk, cycle, drive or use public transport to access those services and amenities.</p> <p>The Planning Proposal is considered to be consistent with this Direction.</p>
5. Regional Planning	Consistent?	Comments
5.10 Implementation of Regional Plans	Yes	<p>The NENW Regional Plan has been addressed under Question 3. The Proposal is considered to be consistent with all relevant matters contained in the NENW Regional Plan.</p> <p>The Planning Proposal is considered to be consistent with this</p>
6. Local Plan Making	Consistent?	Comments
6.1 Approval and Referral Requirements	Yes	<p>Clause (4) of the Direction requires a Planning Proposal to minimise the inclusion of concurrence/consultation provisions and not identify development as designated development. The Planning Proposal does not propose to alter the LEP in such a way that concurrence, consultation or referral of development applications to a Minister or public authority is required.</p> <p>The Planning Proposal is considered to be consistent with this Direction.</p>
6.2 Reserving Land for Public Purposes	Yes	<p>The Planning Proposal does not propose to create, alter or reduce existing zonings or reservations of land for public purposes.</p> <p>The Planning Proposal is considered to be consistent with this Direction.</p>
6.3 Site Specific Provisions	Yes	<p>The Planning Proposal does not propose to allow a particular development to be carried out on the Site. No specific drawings or technical details relating to future development proposals have been included in the Proposal.</p> <p>The Planning Proposal is considered to be consistent with this Direction.</p>

Planning Proposal No. 11 – Rezoning and minimum lot size amendment affecting land at 16, part 20, and 22 Madgwick Drive Armidale, NSW



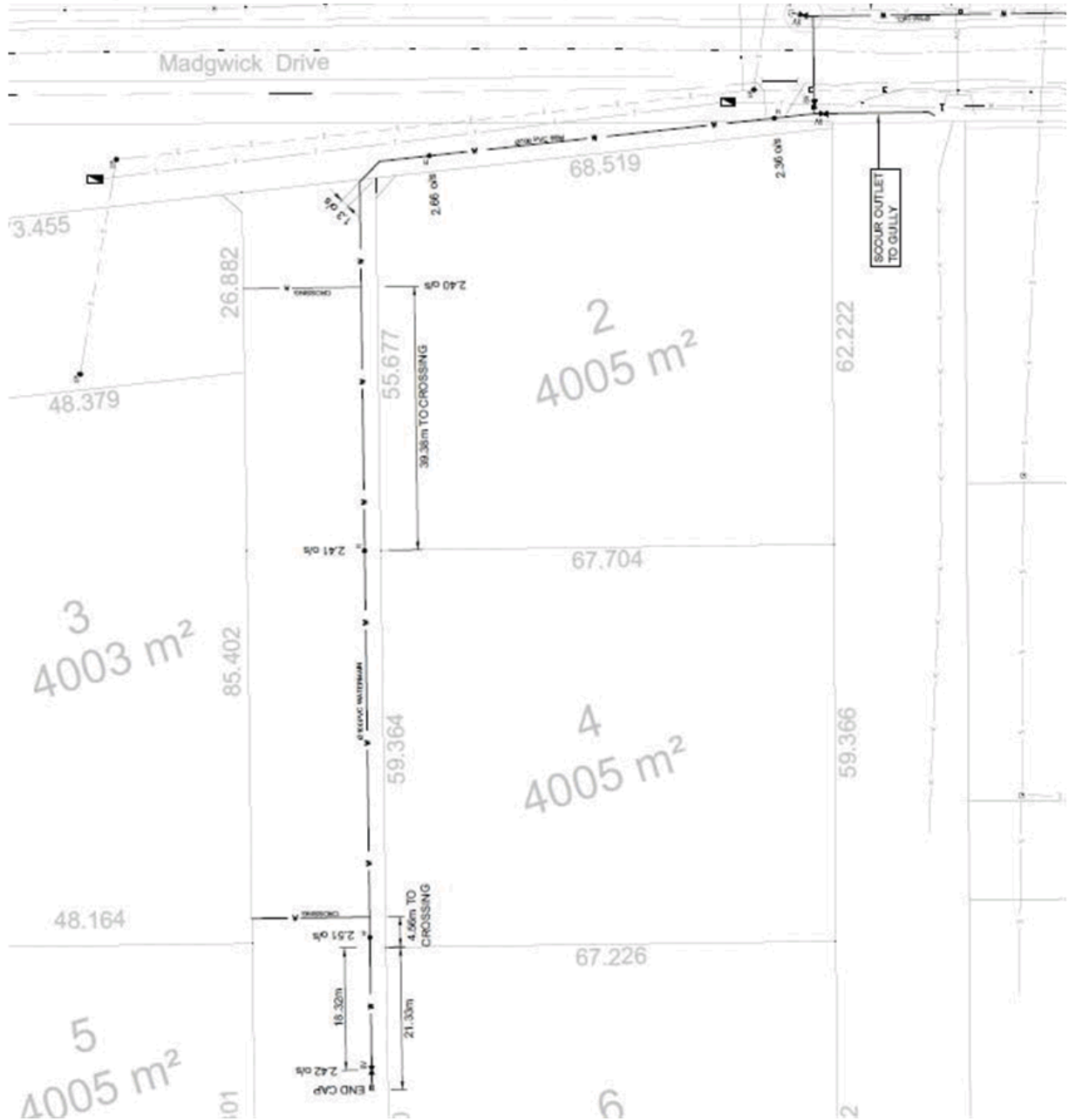
9a. Existing infrastructure and services (reticulated sewer).



Planning Proposal No. 11 – Rezoning and minimum lot size amendment affecting land at 16, part 20, and 22 Madgwick Drive Armidale, NSW



9b. Existing infrastructure and services (water & Telstra).

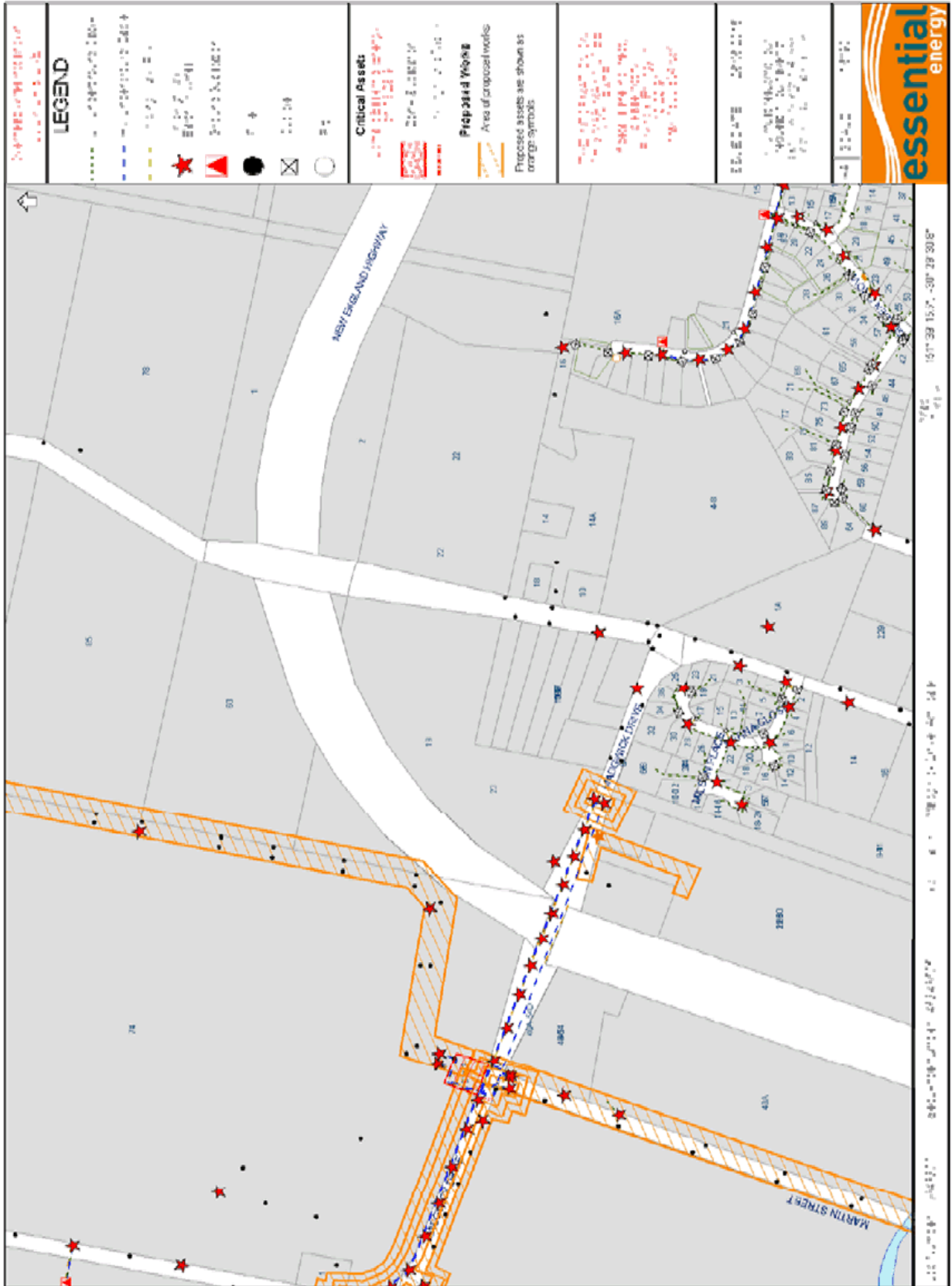


- Legend**
 -- W -- Water
 -- T -- Telstra

Planning Proposal No. 11 – Rezoning and minimum lot size amendment affecting land at 16, part 20, and 22 Madgwick Drive Armidale, NSW



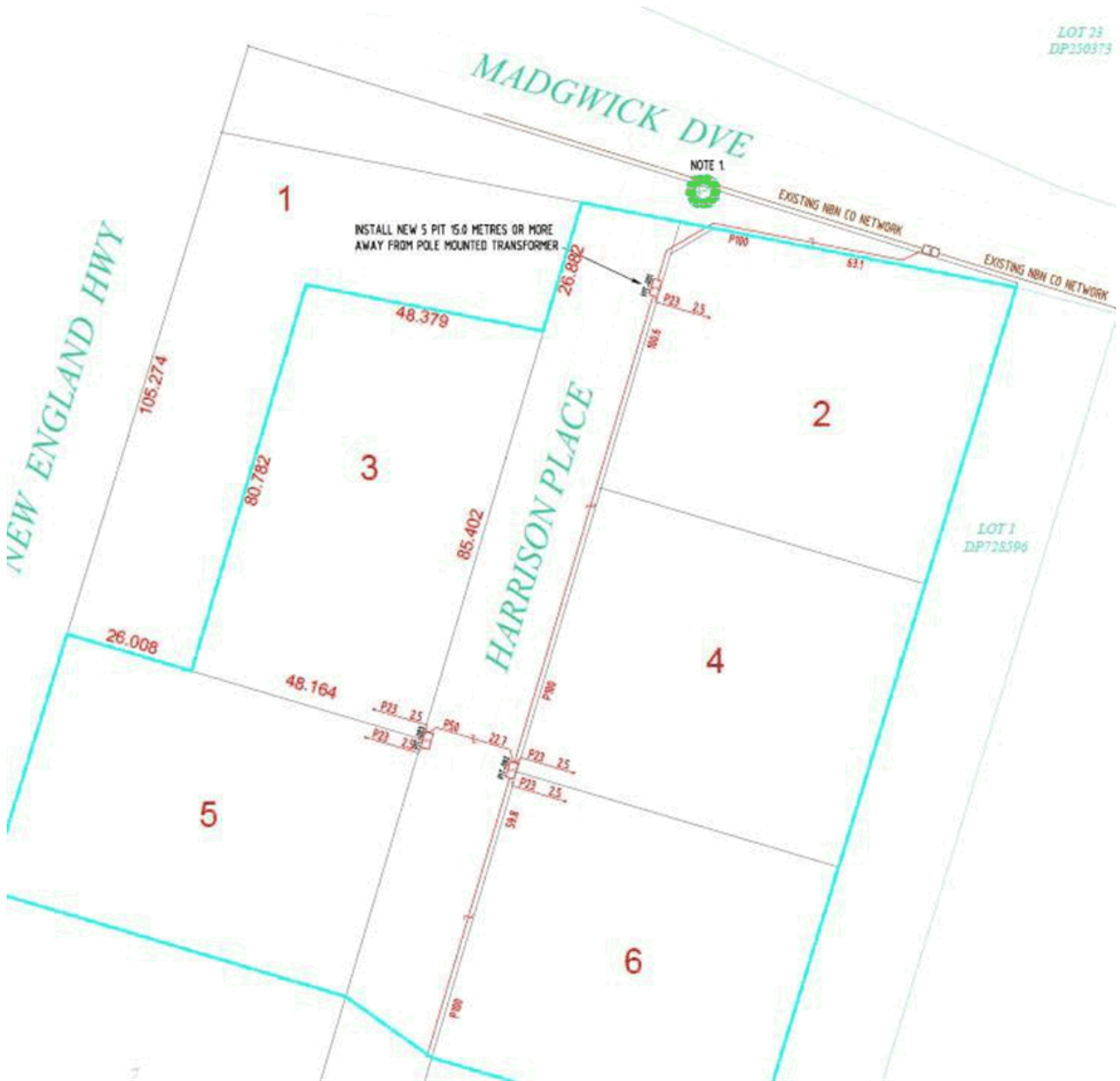
9c. Existing infrastructure and services (Essential Energy).



Planning Proposal No. 11 – Rezoning and minimum lot size amendment affecting land at 16, part 20, and 22 Madgwick Drive Armidale, NSW



9e. Existing infrastructure and services (NBN – as built for subdivision).



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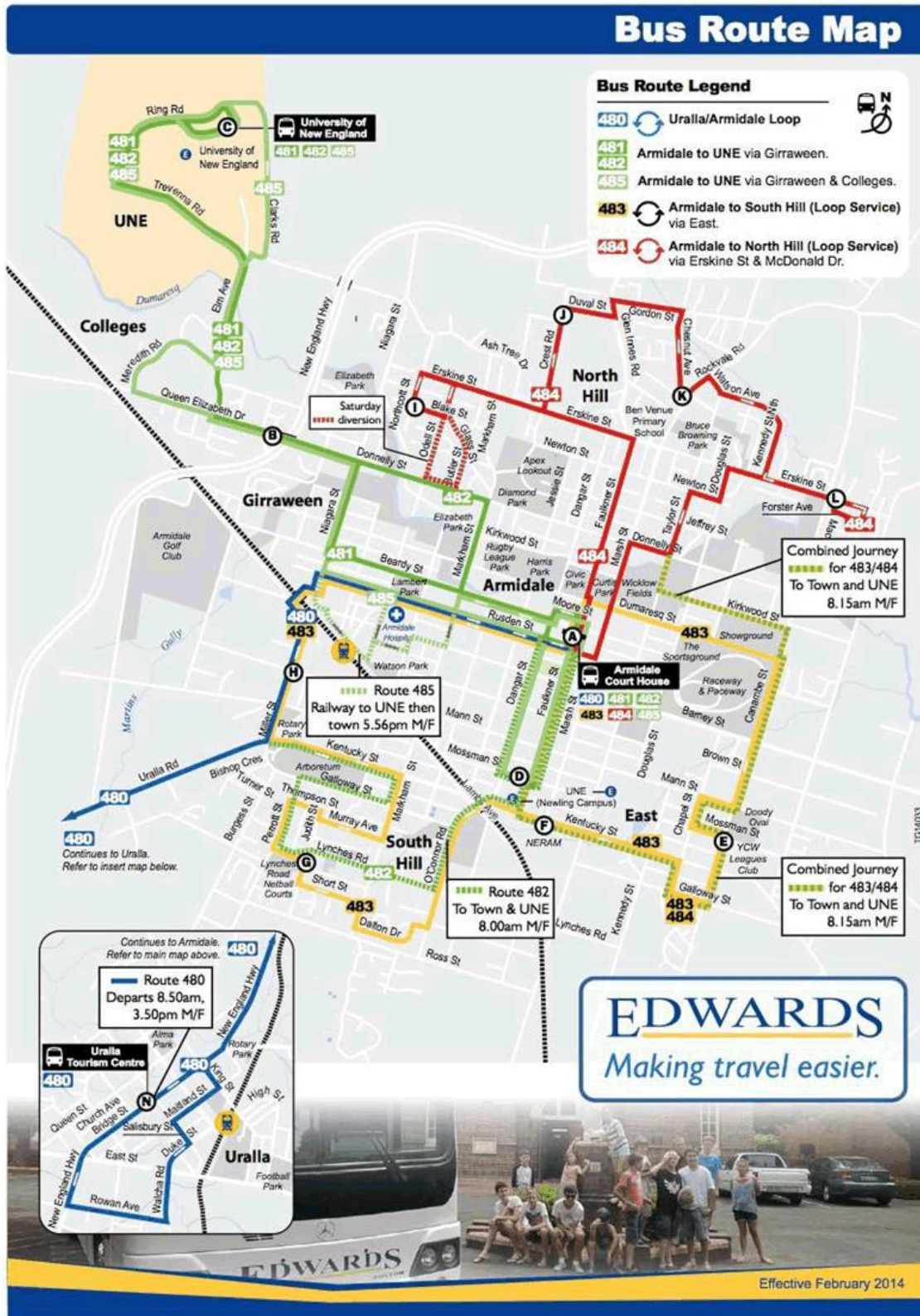
9f. Existing infrastructure and services (Kleenheat natural gas).



Planning Proposal No. 11 – Rezoning and minimum lot size amendment affecting land at 16, part 20, and 22 Madgwick Drive Armidale, NSW



9g. Existing infrastructure and services (Armidale Bus Route Map – Edwards Coaches). NB: Site is outlined in black.



TAS – Girls Boarding Project - DSP Charges Review Application – 28 January 2018



The Armidale School - Girls Boarding Project

Development Application No: DA-198-2016

**Application to Armidale Regional Council
to remove Condition 26 relating to
water and sewer infrastructure contributions**

Planning Report Overview

This planning report supports an application to Armidale Regional Council (ARC) seeking removal of the condition requiring payment of a water and sewer infrastructure contribution in respect of the new student boarding facility recently approved and now completed at The Armidale School (TAS); it should be read in conjunction with legal advice prepared by Solicitor David Brigden.

This report acknowledges a recent decision in relation to DA-98-2015, whereby Council approved that the Development Servicing Plan (DSP) / infrastructure contribution for the TAS White House Extension Project be based on the “hostel” category rather than the “boarding house” category as per Policy POL181 – Utilities: Development Servicing Plan for Water & Sewerage.

However, this report goes beyond that to identify that the proposed use of the new student boarding facility is not only ancillary to the operation of the School but also that the total student boarding population remains less than that previously accommodated at the School.

The new student boarding facility provides an alternative method of accommodating students based on separation by gender, as required in response to the School’s recent move to a fully co-educational environment.

In addition and more importantly, the total number of persons at the school (both students and staff) remains less than at previous times in the School’s history including at the date that the current DSP Policy took effect.

Consequently, the amount of the applicable DSP contributions (i.e. \$302,833.30) as identified in the advisory note to Condition 26 of the approval has been incorrectly calculated by Council.

Despite the description applied to the approved development (i.e. “alterations and additions – existing educational establishment (new boarding house)”), Council has incorrectly defined the approved student boarding facility as a “boarding house” for the purposes of calculating the applicable DSP contributions.

This error may have simply resulted from confusion associated with the use of the term “boarding house” to describe student boarding facilities at schools, which is why the application sought approval for an “Extension to an existing Educational Establishment (being for the purposes of additional student boarding accommodation and associated facilities at The Armidale School)” and why this report has utilised the term “student boarding facility”.

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The approved student boarding facility is not a “boarding house” as defined in the Armidale Dumaresq Local Environmental Plan or in the NSW Boarding Houses Act 2012; in fact the Boarding Houses Act expressly excludes a school or any other premises used by an educational body to provide accommodation for students.

Rather, the approved student boarding facility is part of an “educational establishment” or more precisely part of a “school” as confirmed by relevant definitions in the Armidale Dumaresq Local Environmental Plan, and in the NSW Education Act 1990; The Armidale School is a registered non-government school.

Further the Building Code of Australia classifies the approved student boarding facility as a residential part of a school and the design of the facility as approved under the relevant construction certificate issued by Council would not permit use of the facility for purposes other than school dormitory accommodation.

All of the above referenced documents clearly distinguish between a “boarding house” and a student boarding facility within a “school”.

The DSP contribution payable by TAS should therefore be calculated based on the proposed use of the approved student boarding facility as a component of the school.

Relevant considerations include:

- The School has operated continuously on the current site for more than 100 years;
- The new facility, as with the School as a whole, will effectively only be used at peak capacity for periods during School terms;
- The students occupying the facility will utilise dining and laundry and of course teaching and other facilities available elsewhere on the School campus;
- The total number of students able to be accommodated at the School following construction of the facility remains well below the total previously accommodated at the School;
- The requirement for the new facility has resulted from the School’s recent move to a fully co-educational environment;
- The majority of the female students that will occupy the facility are already attending the School;
- The facility is sited across four lots for which rates have been paid for more than 10 years;
- The School provides considerable social and economic benefits to the Armidale community; and
- The total number of persons at the school (both boarding and day students and staff) remains less than at previous times in the School’s history.

In these circumstances, no DSP contribution should be payable by TAS for water and sewer infrastructure in association with the Girls Boarding Project and Condition 26 of the Development Approval should be removed.

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The School's Past, Present and Future

The Armidale School first opened its doors to students in February 1894, having been established by private investors who were keen for northern NSW to have its own English-style public school.

Evolving standards in school student boarding accommodation over the years since opening have seen considerable increases in the floor space required to accommodate the same number of students (refer images below); the move to a co-educational environment has exacerbated this situation given the need to provide separate accommodation for boys and girls.



TAS Dormitory 1898



Individual Student Space within
TAS Dormitory 2018

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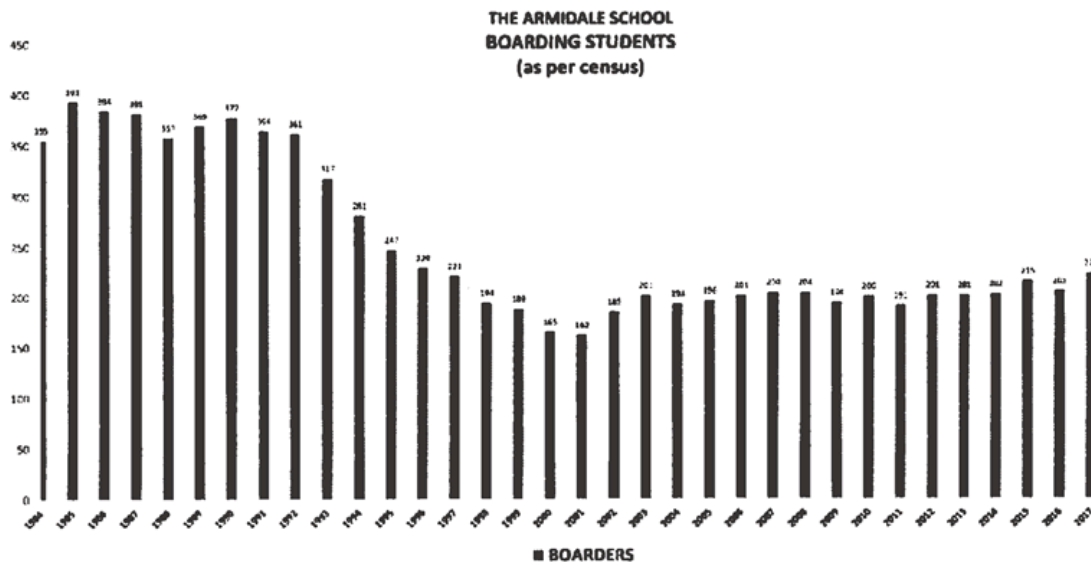


While recent campus master planning processes are founded on the School’s desire to increase the student population, existing enrolments particularly of boarding students are lower than previously accommodated at the School.

As an example, while the School currently accommodates just over 200 students in a number of boarding houses, for the period from the mid-1980s to the early 1990s the School accommodated in excess of 350 students annually with numbers peaking at 384 in 1986 (refer image below).

Even with the provision of the approved student boarding facility, the total number of students able to be accommodated at the School will remain less than that previously accommodated.

The provision of a new student boarding facility does not therefore directly equate to an increase in the demand for water and sewer infrastructure, particularly given that the total number of persons at the school (both students and staff) also remains less than at previous times in the School’s history.



TAS – Girls Boarding Project - DSP Charges Review Application – 28 January 2018



Original Application lodged for Girls Boarding Project

The relevant development application (DA-198-2016) was lodged with Armidale Regional Council in November 2016.

The application sought approval for an “Extension to an existing Educational Establishment (being for the purposes of additional student boarding accommodation and associated facilities at The Armidale School)”.

For the purposes of this report and to avoid confusion with other like terms, the term “student boarding facility” (SBF) will be used to describe the approved development.

Relevant School / Educational Establishment Definitions

The Dictionary within the Armidale Dumaresq Local Environmental Plan 2012 (LEP) includes definitions for the land use term “school” and for the group term “educational establishment” as follows:

School means a government school or non-government school within the meaning of the Education Act 1990.

(Note: Schools are a type of educational establishment)

Educational establishment means a building or place used for education (including teaching), being:

(a) a school, or

(b) a tertiary institution, including a university or a TAFE establishment, that provides formal education and is constituted by or under an Act.

The operation of land use terms and group terms is described in LEP Practice Note PN 11-003 (dated 10 March 2011); the Practice Note explains that some defined land uses need to be read in the context of the group term to understand their full meaning.

Further to the call-up within the “school” definition above, the NSW Education Act 1990 includes the following relevant definitions:

Non-government school means a registered non-government school.

Registered non-government school means a school, other than a government school, for the time being registered under Part 7.

TAS satisfies the definitions in the LEP and in the relevant Act, as a registered non-government school; access to the relevant list of registered schools is available via the following link:

<https://educationstandards.nsw.edu.au/wps/portal/nesa/regulation/school-registration/registered-non-government-nsw-schools/non-government-registered-schools-list-t>

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Section 3 of the Registered and Accredited Individual Non-government Schools (NSW) Manual (dated March 2017) identifies the “Requirements for Registered Non-government Schools”, including additional requirements that apply to schools with boarding facilities.

Section 3.11 of the Manual states that a “school that provides boarding facilities is one that regularly provides overnight accommodation for students enrolled at the school, either itself or by contractual arrangement”.

Section 10 (Glossary) of the Manual provides the following definition of **boarding facilities**:

Facilities, including overnight accommodation, provided by the school itself or under contractual arrangement for students enrolled at the school. This excludes accommodation provided for day pupils away from the school premises during a brief school trip and ‘home stay’ accommodation.

The inclusion of student boarding facilities does not therefore change the definition of The Armidale School under the LEP i.e. TAS is / should be defined as a “school” (being a type of “educational establishment”) for the purposes of the LEP.

Defining Ancillary Uses

The relevant development application was advanced on the basis that the proposed student boarding facility is ancillary to the operation of the existing School.

LEP Practice Note PN 11-003 (dated 10 March 2011) states:

A use is ancillary to another use if it is incidental or subservient. If a use is ancillary, then it is to be characterised as being for the dominant purpose.

Importantly, in the context of the accompanying application and previous similar deliberations, this means that the new student boarding facility cannot be separately defined under the relevant Local Environmental Plan as either a “boarding house” or for that matter as a “hostel”; it is part of an “educational establishment” or more precisely part of a “school”.

The definition of these other terms (i.e. “boarding house” and “hostel”) is addressed below given that they have been utilised previously (albeit incorrectly) to describe parts of the School.

TAS – Girls Boarding Project - DSP Charges Review Application – 28 January 2018



Original Application Approved for Girls Boarding Project

Armidale Regional Council approved the relevant development application (i.e. DA-198-2016) with conditions in December 2016.

In determining the application Council described the development as “Alterations and Additions – Existing Educational Establishment (New Boarding House)”.

The approval correctly identifies the dominant purpose as “educational establishment”, with the use of the term “boarding house” to be read in that context, as described above.

The NSW Interpretation Act 1987 confirms that definitions should be read in context, stating that:

Definitions that occur in an Act or instrument apply to the construction of the Act or instrument except in so far as the context or subject-matter otherwise indicates or requires.

This means that the use of the term “boarding house” in the approval description should not be read as the LEP defined term but rather as the application intended i.e. a new student boarding facility within an existing educational establishment being The Armidale School.

Student Boarding Facilities (or “Boarding Houses”) at TAS

Content extracted from the recently updated “Boarding” and “Boarding Houses” pages of the TAS website reinforces the importance of context and the impact of the move to co-education as follows:

Boarding –

Residential life at TAS is based on the understanding that a boarding house is a home rather than just a residence, and the presence of ‘motherly’ care and more senior adult presence provides greater consistency of supervision.

Boarding Houses –

With a move to full co-education from 2016, there has been some changes to residential life at TAS. Girls and boys board in separate accommodation, under the care of specialist staff who understand their needs.

From the beginning of 2016, the newly extended White House has been home to all boy Middle School boarders, who are under the care of the Head of Middle School Boarding and a Housemother, both being assisted by teaching and duty staff. ...

Senior boarders – Years 9-12 – are accommodated in Abbott, Croft or Tyrrell house. ...

Girl boarders are accommodated in the newly built Girls Boarding House, providing all the comforts of home in a safe, modern environment. ...

The School’s Boarding Handbook, as also available on the website, provides the following tabulation of the existing boarding house structure; the tabulation identifies that Girls have been accommodated in Dangar House.

The term “boarding house” is clearly used in this context solely to describe student boarding facilities at the School.

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Boarding House Structure

	Year Groups	Type of Boarding	Houses	Staffing
Middle School Boarding	Years 6-8	Horizontal	White	Head of House Deputy Head of House (2) Residential Staff (9)
Senior School Boarding	Years 9-12	Vertical	Abbott Croft Tyrrell	Head of House Deputy Head of House (2) Residential Staff (4)
Girls Boarding	Years 6-12	Vertical	Dangar	Head of House Residential Staff (4)

New Student Boarding Facility Occupancy Profile

While the approved student boarding facility is designed to accommodate a total of 64 students (plus three duty staff members), those students will only occupy the facility for a proportion of each year they are at the School.

An analysis of the way in which the new facility will be utilised is contained in Attachment A; utilisation is the same across each of the student boarding facilities / boarding houses at the School.

Highlights from the analysis include:

- Student boarders are in residence during term periods only (i.e. they are absent during School holidays and other School closure periods).
- The academic year represents about 75% of the calendar year, comprising 40 weeks broken into four terms (c.10 weeks/term).
- A maximum occupancy rate of 95% has been applied to reflect normal operation during School terms however a number of factors influence actual occupancy throughout the year.
- Other personal and compulsory School-based activities reduce the normal occupancy rate to as low as 20% for several weeks during the year; occupancy is also reduced as Year 12 students progressively depart School following completion of their HSC exams.
- A minimum occupancy rate of 5% has been applied to reflect closure periods when duty staff members are likely to be the only persons in residence.

In addition to the above, it is important to note that students are not ordinarily permitted to access the boarding facility during normal school hours i.e. 8:30am – 3:30pm Monday – Friday.



Prescribed Conditions of Development Approval for Girls Boarding Project

Prescribed Conditions attaching to the development approval include those relating to “Compliance with Building Code of Australia”; the relevant condition states in part that:

For the purposes of section 80A (11) of the Act, the following conditions are prescribed in relation to a development consent for development that involves any building work:

(a) that the work must be carried out in accordance with the requirements of the Building Code of Australia.

In determining the development application the Council also identified the building classification as “Class 3”.

Part A3 of the NCC 2016 Building Code of Australia – Volume One describes the classification of buildings and structures, including Class 3 as follows:

Class 3: a residential building, other than a building of Class 1 or 2, which is a common place of long term or transient living for a number of unrelated persons, including –

- (a) a boarding house, guest house, hostel, lodging house or backpackers accommodation; or*
- ...*
- (c) a residential part of a school; or ...*

This description draws a clear distinction between a “boarding house”, a “hostel” and the “residential part of a school”.

Section A1.1 also provides a definition of a “school” as follows:

School includes a primary or secondary school, college, university or similar educational establishment.

The NCC 2016 Guide to the BCA Volume One states that “Class 3 buildings provide accommodation for unrelated people. The length of stay is unimportant”.

The Guide also identifies that examples of Class 3 buildings include:

- *dormitory accommodation, in schools or elsewhere, noting that a dormitory is generally (but not always) considered to be a sole-occupancy unit;*
- *bed and breakfast accommodation, a boarding house, guest house, hostel, or lodging house;*

Importantly in the context of the accompanying application, the Building Code of Australia also distinguishes between dormitory accommodation as part of a school and a “boarding house” or a “hostel”.

In fact the design of the new student boarding facility as approved under the relevant Construction Certificate issued by Council (acting as the Principal Certifying Authority) would not permit use of the facility for purposes other than school dormitory accommodation i.e. the design responds to the unique operational requirements of the School, particularly relating to student supervision.

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In addition, students do not have the right to a particular room or bed; the School determines each student's space generally on a term by term basis unless behavioural issues dictate otherwise.

General Conditions of Approval for Girls Boarding Project

General Condition 26 attaching to the development approval is the focus of this application; it states that:

The owner is required to pay a contribution towards water and sewer infrastructure provided by Council for the benefit of this site in accordance with Council's Development Servicing Plan for Water and Sewerage. Upon payment of the required contribution or completion or appropriate arrangements for payment, which must be made before the issue of the Occupation Certificate, Council will issue a Certificate of Compliance, pursuant to 64 of the Local Government Act 1993, and Division 5 of Part 2 of Chapter 6 of the Water Management Act 2000.

An advisory note associated with Condition 26 states that:

At the date of determination the applicable contributions are \$302,833.30 if paid by 30 June 2017. Please be advised that contributions are indexed annually at the end of each financial year. Contributions applicable at the date of payment can be reviewed on the 'On-line Services' on Council's website.

A Council representative has confirmed that the amount of the applicable contributions included in the above advisory note is based on treating the new student boarding facility as a "boarding house"; note that the amount shown on the Council's website is now \$308,737.32 due to an indexing increase at 30/06/17.

The calculation methodology utilised by Council to determine the contribution amount is incorrect; a different / lower amount is applicable as per calculations undertaken below, given that the student boarding facility is not a "boarding house", nor is it a "hostel" as defined in the LEP, but rather it forms part of a "school".

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Other Relevant Residential Definitions

The following additional definitions from the relevant Local Environmental Plan of the group term “residential accommodation” and the land use terms “boarding house” and “hostel” are referenced below for information including in the context of Council’s previous deliberations on the TAS White House Extension Project; they assist in differentiating the approved school-based development from other forms of urban development.

Residential accommodation means a building or place used predominantly as a place of residence, and includes any of the following: ...

(b) Boarding houses, ...

(f) Hostels, ...

But does not include tourist and visitor accommodation or caravan parks.

Boarding house means a building that:

(a) is wholly or partly let in lodgings, and

(b) provides lodgers with a principal place of residence for 3 months or more, and

(c) may have shared facilities, such as a communal living room, bathroom, kitchen or laundry and,

(d) has rooms, some or all of which may have private kitchen and bathroom facilities, that accommodate one or more lodgers,

but does not include backpackers’ accommodation, a group home, hotel or motel accommodation, seniors housing or a serviced apartment.

(Note: Boarding houses are a type of residential accommodation).

The approved student boarding facility does not meet these parameters, nor those within the NSW Boarding Houses Act 2012 as discussed below.

For example, the new student boarding facility:

- will not be wholly or partly let in lodgings;
- will not provide students with a principal place of residence for three months or more; and
- does not have any rooms which have private kitchen and bathroom facilities; duty staff rooms have ensuite facilities only.

Section 4 (Definitions) of the NSW Boarding Houses Act 2012 states:

Boarding premises means premises (or a complex of premises) that:

(a) are wholly or partly a boarding house, rooming or common lodgings house, hostel or let in lodgings, and

(b) provide boarders or lodgers with a principal place of residence, and



- (c) *may have shared facilities (such as a communal living room, bathroom, kitchen or laundry) or services that are provided to boarders or lodgers by or on behalf of the proprietor, or both, and*
- (d) *have rooms (some or all of which may have private kitchen and bathroom facilities) that accommodate one or more boarders or lodgers.*

Section 5 (Meaning of “registrable boarding house”) of the Boarding Houses Act also states:

- (1) *For the purposes of this Act, a registrable boarding house means any of the following:*
 - (a) *a general boarding house,*
 - (b) *an assisted boarding house*
- (2) *Boarding premises are a general boarding house if the premises provide beds, for a fee or reward, for use by 5 or more residents (not counting any residents who are proprietors or managers of the premises or relatives of the proprietor or manager).*
- (3) *However, a general boarding house does not include any of the following:*
 - ...
 - (f) *a government school or registered non-government school within the meaning of the Education Act 1990 or any other premises that are used by an educational body to provide accommodation for its students, ...*

The exclusion at Section 5(3)(f) above further reinforces the distinction between a “boarding house” and boarding facilities at a “school” such as TAS which provides accommodation for its students.

That distinction also applies to the alternate LEP definition of “hostel” as follows:

Hostel means premises that are generally staffed by social workers or support providers and at which:

- (a) *residential accommodation is provided in dormitories, or on a single or shared basis, or by a combination of them, and*
 - (b) *cooking, dining, laundering, cleaning and other facilities are provided on a shared basis.*
- (Note: Hostels are a type of residential accommodation).*

Despite the reference to staffing by “social workers or support providers” a school student boarding facility operates in a manner more like that described for a “hostel” than that for a “boarding house”, particularly given the reference to dormitories.

However, the new student boarding facility will not be a stand-alone entity and will be fully integrated with School operations as with other existing student boarding facilities; integration includes use of the School dining hall and laundry facilities and of course teaching and other facilities located elsewhere within the School grounds.

As explained above, the approved student boarding facility should not be separately defined under the relevant Local Environmental Plan as a “boarding house” or for that matter as a “hostel”; it is part of an “educational establishment” or more precisely part of a “school”.

This distinction should be acknowledged in determining DSP contributions for the approved development.

TAS – Girls Boarding Project - DSP Charges Review Application – 28 January 2018



Council's Development Servicing Plan for Water and Sewerage

Section 5.2 of the Council's Policy POL181 – Utilities: Development Servicing Plan for Water & Sewerage (DSP) identifies that it is to be read in conjunction with the Armidale Dumaresq Local Environmental Plan; among other things this inter-relationship would apply to the definition of the uses referenced in the DSP.

Further to General Condition 26 as discussed above, Section 3 of the relevant Development Servicing Plan for the City of Armidale and Adjoining Areas identifies the aims and objectives, which include to:

Enable Council to require a contribution towards the provision of water supply and sewerage facilities before development which will create a demand for those facilities can occur.

Section 4 (Administration) states in relation to "Payment of Developer Charges" that:

Developer charges can be associated with development proposals such as subdivision or change of use that increases demand on the system

As noted above, in the context of the history of the School, the approved student boarding facility will not increase demand on the Council's water supply or sewerage system; the total number of boarding students remains well below the peak numbers previously accommodated at the School.

In addition, a large proportion of the likely occupants of the building are already enrolled at the School and accommodated in other existing student boarding facilities.

Also the total number of persons at the School (both boarding and days students and staff) remains less than at previous times in the School's history.

Therefore, the School should not be required to pay any contribution towards water and sewer infrastructure, as the demand on the system remains below that previously placed on the system.

This finding can be further embellished in the context of the significant positive economic and social impact that TAS has, with measurable benefits provided to both the local and wider community; consequently increasing student enrolments, particularly when originating from beyond Armidale, not only benefit the School but also the Armidale community.

It is noted that section 4.6 of the DSP states that:

Council may agree with the applicant or developer to the waiver of all or part of Developer Charges covered by this Plan in accordance with Council's Economic Development and Incentives Policy POL001- Corporate.*

However, while the reference remains in the DSP, it appears that the "Incentives" Policy no longer exists in the form specified.

TAS – Girls Boarding Project - DSP Charges Review Application – 28 January 2018



Assessment of Equivalent Tenements

In addition to the LEP, Council's DSP Policy is also to be read in conjunction with documentation produced by the NSW Water Directorate.

The relevant Water Directorate Guideline states that:

An 'equivalent tenement' or ET is considered to be the demand or loading a development will have on infrastructure in terms of the water consumption or sewerage discharge for an average residential dwelling or house.

For the purposes of this report, consideration has been given to the equivalent tenements applicable to a "boarding house", to a "hostel" and to a "school" under Council's DSP Policy POL181.

DSP Policy section 4.1 relates to "Assessment of Equivalent Tenements (ET's)", calling up information contained in Appendix B of the Policy which includes Table 6 as discussed below; ETs are based upon:

... Standard ET's as defined using the Suggested Values in "Section 64 Determinations of Equivalent Tenements Guidelines" prepared by NSW Water Directorate in January 2005 on behalf of member councils and periodically updated.

Matters relating to the relevant Water Directorate Guideline and updates thereto are addressed below.

Section 4.2 of Council's DSP Policy relates to development "where the required distribution infrastructure has already been constructed"; it states that:

In this case the Developer will be required to pay the full Developer Charge for each ET as assessed under "Section 64 Determinations of Equivalent Tenements Guidelines" as issued by NSW Water Directorate in January 2005 (see Appendix B at page 42).

Importantly, Appendix B within the Policy states that the "Water Directorate 'suggested values' are considered by Council to be appropriate factors for development in Armidale".

The table following provides an extract of relevant information from DSP Table 6 for the purposes of this report; again information is provided for a "boarding house", a "hostel", and for a "school" which are shown to fall within different "commercial user" categories .

The Council adopted "suggested values" for each category / sub-category vary in recognition of the different characteristics of each land use; a description of each commercial user category from the current version of the Water Directorate Guidelines follows the table.

TAS – Girls Boarding Project - DSP Charges Review Application – 28 January 2018

**Extract from DSP Table 6:****Standard ET figures – Commercial User Categories including Assumed Discharge Factor**

(from Water Directorate Section 64 Determinations of Equivalent Tenements Guidelines January 2005 as amended)

Category and Subcategory	Standard Unit	Suggested Values		Comments	Assumed Discharge Factor	Basis
		Water ET	Sewer ET			
Accommodation (Permanent) Category						
Boarding House Subcategory	Bed	0.33	0.50	Communal kitchen / laundry	90%	Sewer = House/2
Accommodation (Short Term) Category				Peak week loading – use peak occupancy		
Backpackers / Hostel Subcategory	Bed	0.15	0.23	Communal kitchen, small laundry, not serviced	90%	½ boarding house / motel
Community Facilities Category:						
Education – School (primary & secondary) Subcategory	Person*	0.03*	0.05	-	95%	HWC water ET
Revised *	No. of Students	0.04	-	-	-	-

Note: * from Addendum to Water Directorate Section 64 Determination of Equivalent Tenements Guidelines, May 2009 – revised values to be used in place of the corresponding values in Table 6 (i.e. 0.04 / student to be used in lieu of 0.03 / person).

Despite the findings contained in the May 2009 Addendum to the Guidelines, the current / April 2017 Water Directorate Guidelines identify the standard unit for a school as a “person” (not a “student”) with the suggested values for water ET and sewer ET remaining as 0.03 and 0.05 respectively.

In relation to the comments included in the table above, it is noted that:

- unlike a “boarding house” or a “hostel”, students accommodated within the boarding facility must utilise the School dining hall located elsewhere on the main campus, with meals prepared in the School kitchen; and
- students must also utilise the School laundry facilities located elsewhere on the main campus with a small laundry provided in the boarding facility to allow washing of personal items only i.e. excluding school uniform items.

In addition, unlike other commercial uses and as referenced previously, the student boarding facility is only occupied at peak capacity for periods within each School term equating to about 75% of a calendar year and use is also restricted during each School day.



Water Directorate Guidelines Revision

As mentioned above, the Water Directorate has recently released a revised / April 2017 version of their Section 64 Determinations of Equivalent Tenements Guidelines.

These Guidelines are to be used only for input into the process of proportioning developer charges under s64 of the Local Government Act 1993 to ensure full and equitable cost recovery between different land use categories.

The Guidelines are designed to provide a consistent framework for determining water and sewer equivalent tenements (ET) figures. The calculation of the developer contributions for individual development is the responsibility of the local water authority.

Content within the Guidelines is organised based on three user categories / broad development types: residential, commercial and industrial.

As indicated in relation to the table above, relevant land uses (i.e. “boarding house”, “backpackers / hostel” and “school”) fall within the commercial user categories, as follows:

Accommodation (Permanent)

This category includes accommodation dwellings or rooms that are occupied permanently or semi-permanently, but are generally developed on land zoned for commercial purposes. Subcategories include Caravan / Mobile Home Park (with permanent occupation), Boarding House, Nursing Home and Self Care Retirement Village.

Accommodation (Short Term)

This category includes accommodation dwellings or rooms that are occupied temporarily, and are generally developed on land zoned for commercial purposes. Subcategories include Caravan Park, Motel, Backpackers, B&B and Serviced Tourist Apartment. ... Permanent accommodation should also be considered separately.

Community Facilities

This category covers commercial / business development associated with community facilities. Subcategories include Child Care, Education, Correctional Centre, Church, Community Centre and Public Amenities Block.

This categorisation further reinforces the distinction between a “boarding house”, a “hostel” and a “school”.

Available Equivalent Tenement Credits

In terms of the assessment of equivalent tenements, Section 4.1 of Council’s DSP Policy also states that:

One ET credit will be given to an existing block of land that has been paying into the Water Fund and/or Sewer Fund via water supply and/or sewerage charges for at least ten years.

Unfortunately neither the DSP Policy nor the LEP defines the term “existing block of land”.

TAS – Girls Boarding Project - DSP Charges Review Application – 28 January 2018



However, in the case of the TAS White House Extension Project calculation referenced below, Council appears to have applied credits as if the School's main campus was one block of land, whereas the main campus actually comprises 55 lots on 10 different titles.

The relevant development approval documentation for the new student boarding facility calls up four lots as the applicable legal description i.e. Lots 10, 11, 12 and 13, Sec 154 in DP 758032.

The School has been paying rates on each of the lots comprising the main campus, including those the subject of the recent / relevant development approval, for at least ten years and it appears should therefore be eligible to receive ET credits.

However, Council has not applied any credits in calculating the contributions applicable to the approved student boarding facility as demonstrated below.

Appendix B within the DSP Policy also states that:

A credit of 1.0 ET per assessment shall apply for any vacant land where prior to 30 June 2005 a payment of a water or sewer charge was required due to proximity of the water supply or sewerage service.

A credit shall apply for any existing approved development on the site. The credit shall be the greater of:

- 1.0 ET, or
- The previously-existing number of ETs on the development site ...

This indicates that consideration should also be given to the historical / existing use of the relevant land in determining the applicable DSP contributions; Council appears not to have taken these factors into consideration as described previously.

Theoretical Calculation of Applicable DSP Contribution

Despite the arguments mentioned above in relation to TAS, for the purposes of this report, consideration has been given to the DSP charges applicable to a "boarding house", to a "hostel" and to a "school".

This is a theoretical determination, taking account of other related calculations, which effectively assumes that approval has been granted to a new standalone development on a single vacant rateable lot within Armidale; clearly this is not the case in reality.

The table following uses the information above and shows 2016/17 financial year calculations for:

- a "boarding house", as in the advisory note to Condition 26 of the relevant development approval;
- a "hostel", using the TAS White House Extension Project methodology as per the relevant Council File Note (an amount of \$37,459.84 was finally paid by TAS, refer Attachment B); and
- a "school", which has been shown to be the relevant definition of the approved student boarding facility.

TAS – Girls Boarding Project - DSP Charges Review Application – 28 January 2018



Theoretical DSP Water and Sewer Charge Calculations

Item	Boarding House	Backpackers / Hostel	Education – School (primary & secondary)
Source	As per Condition 26 advisory note.	As per TAS White House methodology.	As per DSP Policy (as amended).
Standard Units	Beds = 67 (64 students plus 3 duty staff)	Beds = 67 (64 students plus 3 duty staff)	Persons = 67 (64 students plus 3 duty staff)
Water			
ET / Unit	0.33	0.15	0.03
ET Sub-Total	22.11	10.05	2.01
Less ET Credit	0.0*	1.2	1.0
ET Total	22.11	8.85	1.01
DSP charge / ET	\$5,830.00 (2016/2017 figure)		
Charge Sub-total	\$128,901.30	\$51,595.50	\$5,888.30
Sewer			
ET / Unit	0.50	0.23	0.05
ET Sub-Total	33.50	15.41	3.35
Less ET Credit	0.0*	1.0	1.0
ET Total	33.50	14.41	2.35
DSP charge / ET	\$5,192.00 (2016/2017 figure)		
Charge Sub-total	\$173,932.00	\$74,816.72	\$12,201.20
Total			
Charge Total	\$302,833.30 (before indexing)	\$126,412.22	\$18,089.50

In relation to calculations contained within the table:

- While the “boarding house” calculation should not apply to the new student boarding facility as detailed above, it appears that Council should have applied ET credits in determining the amount to be included in the advisory note to Condition 26.
- Council’s decision to apply the “boarding house” rate to the recent development approval is contrary to their previous decision to apply the “hostel” rate to the TAS White House Extension Project, following review of the TAS circumstances as presented at that time.
- Application of either the “boarding house” rate or the “hostel” rate does not acknowledge that the approved student boarding facility is actually part of an existing school which has been operating in the current location for over 100 years.

TAS – Girls Boarding Project - DSP Charges Review Application – 28 January 2018



- Application of the “school” rate effectively assumes the development of a new primary / secondary school for 67 persons (on one 10yr rateable lot) or an increase in the school population of 67 over and above the previous School maximum population, neither of which are actually the case.

The actual circumstances applying to TAS in general and to the approved student boarding facility in particular need to be assessed in order to determine the actual applicable DSP contribution.

The matters addressed herein and highlighted below result in a determination that the School should not be required to make any contribution for water and sewer infrastructure and therefore that Condition 26 should be removed from the development approval.

Calculation of Actual Applicable DSP Contribution

Further detailed analysis of total School person (staff and student) numbers has been undertaken following a meeting with Council representatives on 1 December 2017 and in response to the current Water Directorate Guidelines standard unit for school based DSP contribution calculations.

The analysis focuses on the ten year period since the 2008 School Census (refer image below) rather than considering the School’s complete 100 plus year history.

The School Census is regulated by the Commonwealth Government and occurs in August each year; it represents an objective measure of the size of every School in Australia, including TAS.

The August 2009 census has been set as the baseline date for calculations in consultation with Council staff as that coincides with the current DSP policy taking effect.

The total number of boarding and day students (head count) and staff (full time equivalents) i.e. persons at the School as at the census in August 2009 was 761.4; numbers declined through to 2015 after reaching this peak.

The total number of persons at the School in August 2016 (i.e. the relevant available number at the date of the development approval) was 685.5, or 75.9 below the 2009 figure.

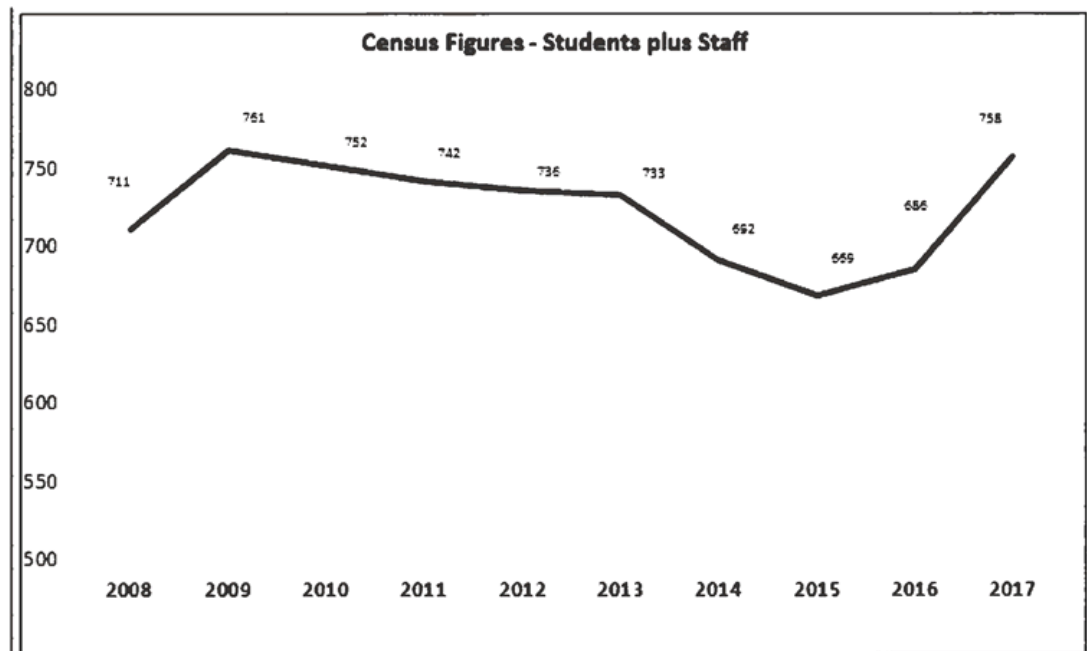
For the record, the total number of persons at the School in August 2017 was 757.8 which also remains below the 2009 figure.

These numbers confirm that the proposed removal of Condition 26 from the development approval is warranted / appropriate.

If the proposal had been correctly assessed as part of a “school” (not as a “boarding house”) in November / December 2016 then the August 2016 School Census figure would have been used as the basis of the DSP calculations with a finding that there was no increase in person numbers at the School beyond the 2009 baseline figure and therefore that no contribution was required.

The legal advice sought by TAS from Solicitor David Brigden (refer Attachment C) concurs with this position; as “there is no net increase of demand, no charges should be payable”.

TAS – Girls Boarding Project - DSP Charges Review Application – 28 January 2018



A similar finding should also have applied to the recent White House Extension Project i.e. the School should not have had to make a DSP contribution in association with that development approval.

Conclusion / Recommendation

The above analysis identifies that TAS should not have to make a contribution to Council towards water and sewer infrastructure associated with the Girls Boarding Project and therefore that Condition 26 should be removed from the development approval.

The above analysis also identifies that TAS was overcharged by Council by an amount of \$37,459.84 in association with the White House Extension Project; it is suggested that a credit to that value should be applied to future School based development approvals (i.e. rather than Council providing a refund).

Attachments

- A – Occupancy Profile for new student accommodation building
- B – Previous White House Extension Documentation
- C – Legal Advice

TAS – Girls Boarding Project - DSP Charges Review Application – 28 January 2018



ATTACHMENT A – Occupancy Profile for New Student Boarding Facility

Overview

The proposed student boarding facility is designed to accommodate a total of 64 students / boarders from years 9-12 (nominally 16/year) plus 3 duty staff giving a total of 67 occupants.

The School assumes that the boarding facility will be operating close to capacity within two years of opening in January 2018.

A 95% maximum occupancy has been applied to reflect normal operation during School terms (i.e. a minimum of 60 students plus 3 duty staff or $63/67 \times 100 = 94.03$ rounded up to 95); however a number of factors influence actual occupancy over a calendar year as described below.

Occupancy rates are summarised in the Table below.

Academic Year

The Academic Year comprises 40 weeks broken into 4 terms (c.10 weeks/term); relevant Term dates for 2017 are as follows:

- Term 1: 30 January – 6 April
- Term 2: 25 April – 22 June
- Term 3: 17 July – 21 September
- Term 4: 9 October – 7 December.

The Academic Year therefore only represents 76.92% (i.e. $40/52 \times 100$) of the calendar year.

Duty Staff

Duty staff are typically in residence from the start of Term 1 until the end of Term 4; however duty staff who are continuing at the School may remain in residence over the Christmas School Holidays.

A 5% minimum occupancy has been applied to reflect potential Duty Staff residency year round (i.e. $3/67 \times 100 = 4.48$ rounded up to 5).

Student Boarders Overview – Reduced Use Characteristics

Student boarders are in residence during Term periods only (i.e. they are absent during School holidays) with the following qualifications.

- The School is closed for 3 days over the Queen's Birthday Long Weekend.
- 10-20% of student boarders leave the School each weekend, typically departing on Friday afternoon and returning on Sunday afternoon.
- Student boarders attend organised off-campus sporting activities or social activities most weekends.
- All years 9-11 student boarders are typically absent from the School for one week ('Excursion Week') in Term 2; however more School based activities are envisaged in future as part of a move towards 'Ideals Week'.
- 70-80% of all year 9-11 student boarders are absent from the School for 10 days/year for 'Activities', including 'Activities Week', in Term 4.

TAS – Girls Boarding Project - DSP Charges Review Application – 28 January 2018



- Year 12 student boarders leave the School on a staggered basis during Term 4 following completion of their HSC exams.

The impact of the above is reflected in entries in the Occupancy Table below in terms of reduced use characteristics.

Student Boarders Detail – Typical School Term Arrangements

Students are not permitted to access the boarding facility during normal School hours i.e. 8:30am – 3:30pm Monday – Friday.

The following arrangements apply before school:

- All student boarders typically rise and prepare for school from c.6:30am.
- All student boarders leave the boarding facility for breakfast in the School Dining Room from c.7:20 – 8:20am.

The following arrangements apply after school:

- All student boarders leave the boarding facility for dinner in the School Dining Room from c.6:00 – 6:45pm.
- All student boarders are required to attend 'Prep' in nominated School classrooms after dinner i.e. from c.7:00pm to 9:00pm
- All student boarders have 'free-time' in the boarding facility after Prep i.e. from c.9:00pm to 9:30/10:00pm (depending on age) before 'lights-out' at 10:30pm.
- 30-40% of student boarders attend compulsory sport training on Tuesday, Wednesday and Thursday after school i.e. from c.3:45 – 5:00pm at venues on- and off-campus.
- 30-40% of student boarders also attend sport competitions on Tuesday, Wednesday or Thursday afternoon / evening at venues on- and off-campus.

The following more relaxed arrangements apply during weekends and on public holidays during School term periods:

- Rise from c.8:00am.
- Breakfast in School Dining Room from c.8:00am.
- Lunch in School Dining Room from c.11:30am.
- Dinner in School Dining Room from c.5:45pm.
- Lights out 10:30pm.

Sporting competitions and/or other social activities occur throughout the weekend as referenced previously.

The impact of the above is reflected in entries in the Occupancy Table below in terms of typical school term arrangements i.e. outside reduced use periods.

Occupancy Table

An occupancy table follows based on the above described parameters.

TAS – Girls Boarding Project - DSP Charges Review Application – 28 January 2018



Time period	Occupancy	
	Monday to Friday	Saturday and Sunday

Reduced Use Characteristics – Reflects Proportion of Full Occupancy for Relevant Periods		
Christmas School Holidays	5% (Duty Staff Only)	5%
Other Holidays / Closure Periods	5% (Duty Staff Only)	5%
Activities Week	20% (Duty Staff + some Yr 9-11)	20%
Excursion Week*	40% (Duty Staff + Yr 12 +some Yr 9-11)	40%
Activity Days (ex. Activities Week)	40% (Duty Staff + Yr 12 + some Yr 9-11)	40%
Post HSC (ex. Activities Week)	75% (Duty Staff + Years 9-11)	65%

Typical School Term Arrangements (outside reduced use periods outlined above)		
12:00am to 1:00am	95% Assumed Maximum incl. Yr 12	85% Assumed Max. incl. Yr 12
1:00am to 2:00am	95%	85%
2:00am to 3:00am	95%	85%
3:00am to 4:00am	95%	85%
4:00am to 5:00am	95%	85%
5:00am to 6:00am	95%	85%
6:00am to 7:00am	95%	85%
7:00am to 8:00am	5% Breakfast	85%
8:00am to 9:00am	5% School Day Starts	5% Breakfast
9:00am to 10:00am	5%	50% Sport / Social Activities
10:00am to 11:00am	5%	50%
11:00am to 12:00pm	5%	50%
12:00pm to 1:00pm	5%	5% Lunch
1:00pm to 2:00pm	5%	50% Sport / Social Activities
2:00pm to 3:00pm	5%	50%
3:00pm to 4:00pm	5% School Day Ends	85%
4:00pm to 5:00pm	65% Sport (Tue-Thu) otherwise 85% Social Activities (Mon+Fri)	85%
5:00pm to 6:00pm	95%	85%
6:00pm to 7:00pm	5% Dinner	5% Dinner
7:00pm to 8:00pm	5% Prep	85%
8:00pm to 9:00pm	5% Prep	85%
9:00pm to 10:00pm	95%	85%
10:00pm to 11:00pm	95%	85%
11:00pm to 12:00pm	95%	85%

TAS – Girls Boarding Project - DSP Charges Review Application – 28 January 2018



**ATTACHMENT B –
Previous White House Extension Documentation**

- Armidale Regional Council File Note dated 9 September 2016.

TAS – Girls Boarding Project - DSP Charges Review Application – 28 January 2018



Armidale
Regional Council

135 Rusden Street
PO Box 75A Armidale NSW 2350
P. 1300 136833
council@armidale.nsw.gov.au
ABN 39 642 954 203

File Note

File Number: DA-98-2015
Date: 9/09/2016
Title: Recalculation of DSP charges for DA-98-2015 – TAS White House Development
Copy:

DSP charges were reviewed by Councilor's at the ordinary council meeting on 22/02/2016 (see INT/2016/01475). Council approved that the DSP charges be based on "hostel" category rather than "Boarding House" category as per POL 181 – Utilities: Development Servicing Plan for Water & Sewerage. Calculations are as follows:

Original DSP Calculations based on Boarding House (within the 2016-17 financial year):

The following ET's were calculated using the categories "Boarding House":

ET's Generated:

Water ET's = 0.33ET's/bed x 24 beds

Water ET's = 7.92ET's

Sewer ET's = 0.50ET's/bed x 24 beds

Sewer ET's = 12.00ET's

ET's Credited:

Water ET's = 1.20ET's (payment of water rates for over 10 years. Credit applied to whole site)

Water ET's = 1.20ET's

Sewer ET's = 1.00ET's (payment of sewer rates for over 10 years. Credit applied to whole site)

Sewer ET's = 1.00ET's

TOTAL ET's (Generated – Credited):

Water ET's = 7.92ET's – 1.20ET's

Water ET's = 6.72ET's

Sewer ET's = 12.00ET's – 1.00ET's

Sewer ET's = 11.00ET's

TOTAL DSP CHARGES:

Water DSP's = 6.72ET's x \$5,830.00

Water DSP's = \$39,177.60

Sewer ET's = 11.00ET's x \$5,192.00

Sewer ET's = \$57,112.00

TOTAL = \$96,289.60

TAS – Girls Boarding Project - DSP Charges Review Application – 28 January 2018



Armidale

Regional Council

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 ABN 39 642 954 203

Amended DSP Calculations based on Backpackers/Hostel (within the 2016-17 financial year):

The following ET's were calculated using the categories "Backpackers/hostel":

ET's Generated:

Water ET's = 0.15ET's/bed x 24 beds

Water ET's = 3.60ET's

Sewer ET's = 0.23ET's/bed x 24 beds

Sewer ET's = 5.52ET's

ET's Credited:

Water ET's = 1.20ET's (payment of water rates for over 10 years. Credit applied to whole site)

Water ET's = 1.20ET's

Sewer ET's = 1.00ET's (payment of sewer rates for over 10 years. Credit applied to whole site)

Sewer ET's = 1.00ET's

TOTAL ET's (Generated – Credited):

Water ET's = 3.60ET's – 1.20ET's

Water ET's = 2.40ET's

Sewer ET's = 5.52ET's – 1.00ET's

Sewer ET's = 4.52ET's

TOTAL DSP CHARGES:

Water DSP's = 2.40ET's x \$5,830.00

Water DSP's = \$13,992.00

Sewer ET's = 4.52ET's x \$5,192.00

Sewer ET's = \$23,467.84

TOTAL = \$37,459.84

TAS – Girls Boarding Project - DSP Charges Review Application – 28 January 2018



**ATTACHMENT C –
Legal Advice**



TAS THE ARMIDALE
SCHOOL

EXPLORE
EXPERIENCE
EXCEL

28 January 2018

Chief Executive Officer
Armidale Regional Council
PO Box 75A
Armidale NSW 2350

Attention: Linda Graham, Town Planner

**The Armidale School – Girls Boarding Project (DA-198-2016)
Application to remove Condition 26 relating to water and sewer
infrastructure contributions**

Dear Linda

I refer to your meeting with School representatives Sebastian Hempel (Chairman) and Stewart McRae (Planning + Design Consultant) on 1 December 2017 in relation to the School's request that Council reconsider advice regarding water and sewer infrastructure contributions applicable to our Girls Boarding Project.

As a consequence of discussions at that meeting, the School has prepared a further Development Application (attached herewith) seeking Council approval to modify the original Development Consent 14 December 2016, by the removal of Condition 26.

As you are aware, the amount of the applicable Development Servicing Plan (DSP) infrastructure contributions, as identified in the advisory note to Condition 26 of the original Development Consent, has been found on review to have been incorrectly calculated by Council.

This error resulted from the then proposed student boarding facility being incorrectly defined as a "boarding house" for the purposes of the DSP contribution calculations; the facility should have been defined as part of an "educational establishment" or more precisely as part of a "school", as the original Development Application intended and as the Development Consent describes.

A review of the Council's DSP Policy and supporting documentation, along with analysis of applicable person numbers at the School as per Commonwealth Government census returns, has identified that no infrastructure contributions are payable in association with development of the approved student boarding facility.

This is because the total number of persons (both students and staff) at the School remains less than at previous times in the School's history including at the date that the Council's current DSP Policy took effect; legal advice sought by the School concurs with this position i.e. as "there is no net increase of demand, no charges should be payable".

The analysis contained in the attached Planning Report identifies that the School should not have to make a contribution towards water and sewer infrastructure associated with the Girls Boarding Project, and therefore that Condition 26 should be removed from the Development Consent. The School recognises and understands the long-term implications of future development applications falling within the 'educational establishment' category and thanks Council for its transparency in this regard.

Locked Bag 3003
Armidale NSW 2350

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CRICOS No 02285k
ACN 141 108 241

The analysis also identifies that the School was overcharged in association with the recent White House Extension Project and suggests that Council should apply a credit to that value to future development applications made by the School.

We look forward to your further feedback following Council's February meeting.

I can be contacted on 6776 5813 should you require any further information in the meantime.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Mr Pat Bradley', written over a diagonal line that extends from the top left towards the bottom right.

Mr Pat Bradley
Business Manager

Attachments:

- Development Application Form
- Planning Report (including Legal Advice)

Linda Graham

From: Stewart McRae <stewartdmcrae@gmail.com>
Sent: Monday, 29 January 2018 9:37 PM
To: Linda Graham
Cc: Council; Pat Bradley
Subject: The Armidale School - Girls Boarding Project - Modification of Development Consent - Application
Attachments: ARC-20180128-Application_to_remove_Condition_26.pdf; Legal Advice D. Brigden 281017.pdf; TAS - GB - DSP Application - Planning Report - Final 290118.pdf; TAS_GB_DA-2018Jan23-Final_Amended.PDF

Hello Linda,

Further to recent correspondence and our meeting with Mark and Ambrose on 1 December 2017 ...

The School's development application seeking modification of Development Consent DA-198-2016 to correct the calculation of DSP charges associated with the recent Girls Boarding Project is attached for your attention.

The attached documents comprise:

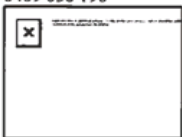
1. a cover letter from the School;
2. the completed Development Application form;
3. a revised planning report addressing items discussed at the above-mentioned meeting and covered in subsequent correspondence; and
4. a copy of relevant legal advice sought by the School.

Please advise if any issues arising.

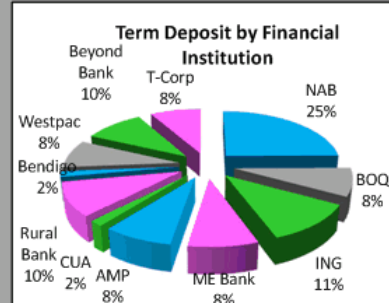
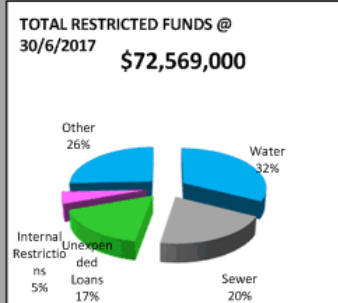
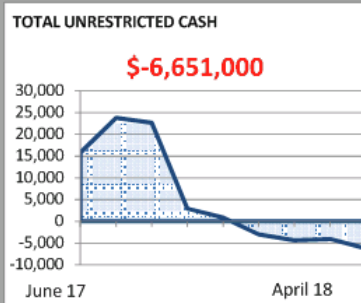
We look forward to advice regarding the outcome arising from Council's February meeting.

Thanks and Regards,

Stewart D McRae AFIML
Management + Planning + Design
0409 038 196



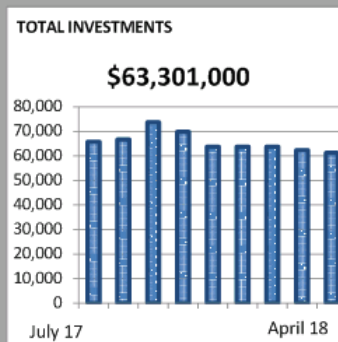
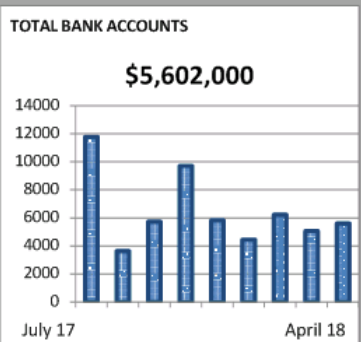
CASH & INVESTMENTS APRIL 2018



ARMIDALE Regional Council

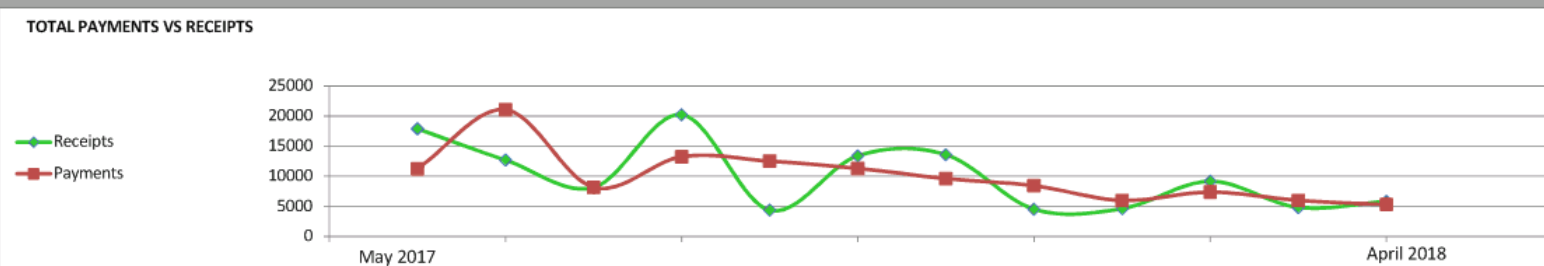
AVERAGE INTEREST RATE

2.58%



SIGNIFICANT PAYMENTS - April 2018

Creditor	Description	Amount
Armidale Recycling Services	Contract	\$ 131,506.92
Armidale Regional council	Water Rates	\$ 149,898.30
Telstra	Various Accounts	\$ 81,567.24
Roadwork Industries	Ashphalt various roads & Wollomombi Bridge	\$ 335,908.50
NSW Government Property	Valuations	\$ 68,343.20
ATO	Payroll Tax	\$ 218,136.64
ATO	Payroll Tax	\$ 192,423.34
QBE Insurance	Third Party Insurance on all Vehicles	\$ 61,566.42



AEC Group Pty Ltd (Brisbane)
Level 5, 131 Leichhardt Street
Spring Hill QLD 4000



16 May, 2018

Lindsay Woodland
Group Leader Organisational Services
Armidale Regional Council

Sent via email: LWoodland@armidale.nsw.gov.au

Dear Lindsay,

RE: FEASIBILITY OF RAIL LINE BETWEEN ARMIDALE AND TENTERFIELD: DISCUSSION PAPER – FINAL

PROJECT BACKGROUND

A proposal has been made to transform the disused Tenterfield to Armidale rail corridor into a rail trail, opening up the corridor to cyclists, walkers, runners and horse riders. The rail line has not been in operation since the mid 1970's.

Analysis is required to provide a starting evidence base and direction regarding the likely feasibility of the existing line to be reopened for commercial rail uses (passenger and/ or freight). This letter provides preliminary and *prima facie* analysis and discussion regarding the potential feasibility of reopening the rail line for commercial uses¹. Financial analysis has been undertaken using a discounted cashflow analysis, examining anticipated financial costs and benefits (i.e. revenues) of reopening the Armidale to Tenterfield rail line.

ANTICIPATED COSTS & BENEFITS OF REOPENING THE RAIL LINE

COSTS

Reopening the Armidale to Tenterfield rail line is anticipated to present three key financial costs:

- Capital costs for upgrading the infrastructure
- Annual maintenance costs
- Annual operating costs.

Capital costs and annual maintenance costs are examined below. Annual operating costs, however, have not been examined in this section. For the purposes of this assessment the ongoing operational costs have been examined in the benefits side below, with operational costs netted off projected revenues.

¹ This discussion paper provides a *prima facie* analysis of the feasibility of reopening the rail line between Armidale and Tenterfield, based on desktop research and examples from other jurisdictions. The paper is designed to provide a high level, order of magnitude assessment of the potential viability of reopening the rail line. Detailed and appropriate due diligence including engineering, project costings and demand analysis would be required prior to any decision to reopen the line.

Whilst all care and diligence has been exercised in the preparation of this discussion paper, AEC Group Pty Ltd does not warrant the accuracy of the information contained within and accepts no liability for any loss or damage that may be suffered as a result of reliance on this information, whether or not there has been any error, omission or negligence on the part of AEC Group Pty Ltd or their employees. Any forecasts or projections used in the analysis can be affected by a number of unforeseen variables, and as such no warranty is given that a particular set of results will in fact be achieved.

Construction Costs for Upgrading the Armidale-Tenterfield Railway

The northern railway tracks from Armidale to Tenterfield and beyond have been decommissioned since mid-1970's. In order to resume commercial rail uses along the Armidale-Tenterfield rail line, the rail infrastructure will likely require significant investment for fixing and upgrading the disused line to current operational standards. Key areas for upgrade include upgrading the condition of several timber structures, substitution of steel sleepers, installation of grade crossing signals and barriers at rail crossings, clearance of debris for container and carriage traffic and level crossing sight lines.

An estimate of the potential capital cost in upgrading and reviving rail infrastructure was developed based on the average railway infrastructure upgrade costs per kilometre for a number of benchmark projects of a similar nature (see Table 1). Based on a review of these projects, a cost per kilometre for rail infrastructure was assumed to be \$2.5 million.

Table 1. Case Studies of Rail Infrastructure Upgrades

Name	Type	Capital (\$M)	Distance (km)	Price per km (\$M)
Inland Rail Alignment	Construction and Upgrades	\$8,200.0	1,649	\$4.97
North East Rail	Upgrades	\$500.0	200	\$2.50
Murray Basin	Upgrades	\$440.0	275	\$1.60
Cowra Rail Line Revival	Construction and Upgrades	\$42.5	21	\$2.02

Source: IRAS (2010), PTV (2017), ROPD (2009), TVIC (2018).

The assumed cost for rail infrastructure upgrades is in line with those for the 'North East Rail' and 'Cowra Rail Line Revival' benchmarks. These projects were chosen as the closest match to this project as they included rail track upgrades to incorporate higher volumes of freight movements, revival of physical structures and parts; such as the replacement of wooden sleepers with steel sleepers and construction of new railway lines to accommodate existing obstacles and distances. Additionally, these case studies are rural based, and therefore do not include high cost overheads to account for metro disturbances.

With approximately 195km of rail line between Armidale and Tenterfield, the assumed capital cost for upgrading the rail line is estimated to be \$487.5 million. This likely represents a minimum estimate given the case studies examined were for upgrading infrastructure that is currently in use.

For the purposes of this assessment, construction works are assumed to be undertaken during the 2018/19 financial year and completed by 2020.

Costs for Ongoing Maintenance of the Armidale to Tenterfield Rail Line

For the purposes of this assessment it has been assumed that 1% of the capital cost for rail infrastructure is required each year for ongoing maintenance, at approximately \$4.88 million per annum. The required sum would be dedicated towards track maintenance and rail inspections, which would maintain the functioning stability of the railway between Armidale and Tenterfield. Of the aforementioned key areas for upgrading the rail line, physical structures and sleepers represent the major components for ongoing maintenance costs.

Annual maintenance costs are assumed to accrue in full once operational activities commence (assumed to commence in 2020).

BENEFITS

Once operational, the Armidale to Tenterfield rail line is anticipated to deliver two potential streams for financial benefits:

- Passenger revenues.
- Freight revenues.

In estimating the benefit of passenger and freight revenues, anticipated operating costs for delivering these services (excluding maintenance) have been netted from the revenue estimates, to provide a net operational revenue/ benefit.

Passenger Revenues

An average ticket fare for the Amridale to Tenterfield line was assumed to be \$30.38 (one way). This is based on comparison prices for using the existing coach service between Armidale and Tenterfield, as well as the cost for taking rail between Armidale and Willow Tree to the south.

Table 2. Passenger Ticket Prices for Similar Trips

From	To	Type	Distance (km)	Time	Ticket Price
Armidale	Tenterfield	Coach	203km	3:00 Hours	\$30.38
Armidale	Willow Tree	Train	195km	2:30 Hours	\$30.38

Source: TNSW (2018).

In estimating the potential passenger revenue generated by the Armidale to Tenterfield rail line, the above average fare was applied to:

- People using the rail line to get to/ from work. This was developed using 2016 Census of Population and Housing journey to work data (ABS, 2017a) to identify the proportion of residents that use rail to get to/ from work along the Hunter to Armidale rail line, which was then applied to current population of the Armidale to Tenterfield region (ABS, 2017f). It was assumed that every passenger using the rail line to get to work would also use it to return home, and that for every local within the Armidale to Tenterfield region using the rail line there would be someone from outside the region using the rail line to get to the region. Based on this approach, it is estimated there would be approximately 200 daily uses for work reasons initially, over approximately 250 work days each year, providing 50,000 trips a year. The number of trips per annum was grown using projected population growth for the Armidale to Tenterfield region (ABS, 2017b), which provides a starting number of trips per annum of around 51,100 in 2019/20, growing to around 56,000 by 2047/48.
- People using the rail line for leisure/ visitation purposes. This was developed using visitor data from Tourism Research Australia (TRA, 2017) to identify the proportion of visitors the Hunter to Amridale region that use rail, which was applied to the number of current visitors to the Armidale to Tenterfield region (TRA, 2017) (ABS, 2017a). As with work passengers, it is assumed each person both arrives and leaves using rail, and for every visitor to the Armidale to Tenterfield region using the rail line there would be a local using the rail line to visit areas outside the region. Based on this approach, it is estimated there would be approximately 550 daily uses for leisure/ visitation initially, over 365 days each year, providing around 200,000 trips a year. The number of trips per annum was grown using projections of visitation to the Armidale to Tenterfield region (TRA,2017), which provides a starting number of trips per annum of 211,000 in 2019/20, growing to 302,400 by 2047/48.

At 262,000 passenger trips in 2019/20 and an average fare of \$30.38, it is estimated the Armidale to Tenterfield rail line could generate passenger revenue of \$7.96 million initially. This is projected to grow to \$10.9 million by 2047/48.

To account for anticipated operating costs, the net revenue was estimated using standard Input-Output production functions for the rail transport industry, which indicates every \$1 million in revenue incurs approximately \$0.851 million in operating costs (i.e. net revenue of \$0.149 million). This provides a net revenue of \$1.19 million initially, increasing to \$1.62 million by 2047/48.

Freight Revenues

In understanding the potential for freight movements along the Armidale-Tenterfield rail line, an estimate of the current road freight task along the corridor was developed. This was developed using:

- 2018 NSW Roads and Maritime Services data (RMS, 2018) to identify the total number of trucks travelling along the New England Highway using the average daily traffic count of heavy vehicles. Based on this data, there are approximately 172,000 heavy vehicle movements per annum along the corridor.
- An average tonnage per truck of 24.1 tonnes, based on data from BITRE (2010). With 172,000 heavy vehicle movements per annum, this equates to approximately 4.1 million tonnes of freight transported along the corridor each year.
- The total tonnes of freight transported along the corridor was multiplied by the distance of road between Armidale and Tenterfield (203 km) to provide an estimated 838.6 million tonne kilometres travelled for freight along the corridor in 2017/18. This may overestimate the actual freight task as not every freight movement will travel the full distance of the corridor. The number of tonne kilometres per annum was then grown based on historic average annual growth in the regional NSW road freight task in the past decade (BITRE, 2017), which would provide a total of 872.4 million tonne kilometres by 2019/20, which for the purposes of this assessment has been assumed as the first year of operation of the rail line if upgraded.

The potential rail freight task was then estimated assuming the same split between rail and road in regional NSW is achieved along the Armidale to Tenterfield corridor, of 40% rail and 60% road (BITRE, 2017). It is anticipated this 40% figure for rail freight task will overestimate the share of freight the rail line between Armidale and Tenterfield could feasibly capture, as the majority of rail freight in NSW is for bulk commodities such as coal and iron ore, which will not be transported along the corridor. Assuming a 40% share, this equates to an estimate of 348.96 million tonne kilometres initially (2019/20), increasing to 607.06 million tonne kilometres by 2047/48.

The financial benefit of rail freight was estimated based on an average cost for large consignment short haul rail freight between Sydney and Brisbane, which is estimated to be between 8 and 12 cents per net tonne kilometre (c/ntk) in 2012 (average of 10 c/ntk used) (BITRE, 2013). However, as outlined by BITRE, smaller consignment freight can incur significantly higher rates.

"The freight rates presented here are designed to show the rates that would typically be paid by a substantial shipper of goods, spending around AUD \$60,000 - \$120,000 per month through transport contracts. Achieved freight rates are very sensitive to bargaining power, and small shippers often pay multiples of the rates paid by the largest consignors. Similarly, large shippers generally have more ability to arrange their affairs to minimise costs through more efficient load consolidation, greater potential for two way loadings and generally better understanding the costs in freighting, and acting to minimise those costs. "

BITRE (2013)

For the purposes of this assessment an average cost of 20 c/ntk has been used, indexed by CPI to provide an estimated present day cost of 22.04 c/ntk.

At 348.96 million tonne kilometers of rail freight initially and an average cost of 22.04 c/ntk, it is estimated that the Armidale and Tenterfield rail line could generate \$76.9 million in freight revenue initially (2019/20). This is projected to grow to \$133.8 million by 2047/48.

To account for anticipated operating costs, the net revenue was estimated using standard Input-Output production functions for rail and road transport industries, which indicates every \$1 million in revenue incurs approximately \$0.851 million in operating costs for rail (i.e. net revenue of \$0.149 million). This provides a net revenue of \$11.5 million initially (2019/20), increasing to \$20.0 million by 2047/48.

FEASIBILITY ASSESSMENT

A discounted cashflow analysis was undertaken over a 30 year period to assess the feasibility of reopening the Armidale the Tenterfield rail line, across real discount rates of 4%, 7% and 10%.

The table below outlines the present value (PV) of the identified costs and benefits associated with the project, between the financial year ended June 2018 and the financial year ended June 2047, at discount rates of 4%, 7% and 10%.

The modelling for the project shows that the proposal is not feasible. A discount rate of 7% (real) produces the following results:

- A Net Present Value (NPV) of -\$335.4 million over the 30-year assessment period with aggregated present value (PV) benefits of approximately \$176.1 million compared to an aggregated PV costs of approximately \$511.5 million.
- A BCR of 0.34, highlighting that the project is not economically feasible under the modelling assumptions, returning \$0.34 for every dollar spent.

The analysis identifies that the project is not viable at any of the discounted rates, with the costs highly outweighing the benefits. This highly negative return can be seen across all three discounted rates, with the BCR ranging between 0.47 (4% discount rate) and 0.26 (10% discount rate).

Table 3. Summary of Costs and Benefits, Total and Discounted Values, 2018 to 2047 (Financial Year Ended June)

Impact	Total Value (\$M)	PV (\$M) - 4% Discount Rate	PV (\$M) - 7% Discount Rate	PV (\$M) - 10% Discount Rate
Costs				
Capital Costs	\$487.5	\$468.8	\$455.6	\$443.2
Maintenance Costs	\$141.4	\$79.6	\$55.9	\$41.5
Total Costs	\$628.9	\$548.4	\$511.5	\$484.7
Benefits				
Passenger Revenue	\$40.4	\$22.1	\$15.2	\$11.1
Freight Revenue	\$444.8	\$237.4	\$160.8	\$115.7
Total Benefits	\$485.2	\$259.5	\$176.1	\$126.8
Summary				
Net Present Value (NPV)	-	-\$288.9	-\$335.5	-\$357.9
Benefit Cost Ratio (BCR)	-	0.47	0.34	0.26

Source: AEC.

REFERENCES

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- ABS (2017c). *Australian National Accounts: Input-Output Tables – Electronic Publication, 2013-14 tables*. Cat. No. 5209.0.55.001, Australian Bureau of Statistics, Canberra.
- ABS (2017d). *Australian National Accounts: Input-Output Tables – Electronic Publication, 2013-14 tables*. Cat. No. 5209.0.55.001, Australian Bureau of Statistics, Canberra.
- ABS (2017e). *Consumer Price Index, Australia*. Cat. No. 6401.0, Australian Bureau of Statistics, Canberra.
- ABS (2017f). *Population by Age and Sex, Regions of Australia, 2016*. Cat. No. 3235.0. Australian Bureau of Statistics, Canberra.
- BITRE (2017). *Trainline Statistics 2016*. Australian Government Department of Infrastructure and Transport, Bureau of Infrastructure, Transport and Regional Economics, Canberra.
- BITRE (2013). *Freight Rates Update 2012-2013: Bass Strait Shipping and Tasmanian Freight Equalisation Scheme*. Australian Government Department of Infrastructure and Transport, Bureau of Infrastructure, Transport and Regional Economics, Canberra.
- BITRE (2010). *Heavy Vehicle Productivity Trends and Road Freight Regulations in Australia*. Australian Government Department of Infrastructure and Transport, Bureau of Infrastructure, Transport and Regional Economics, Canberra.
- IRAS (2010). *Melbourne-Brisbane Inland Rail Alignment Study*. ARTC, Adelaide
- PTV (2017). *Murray Basin Rail Project*. Public Transport Victoria, Victoria State Government, Melbourne.
- RMS (2018). *Traffic Volume Viewer*. Roads and Maritime Services, New South Wales Government, Sydney.
- ROPD (2009). *Cowra Rail Line Network Revival Study*. SAMROM, Rail Operations, Planning and Management, Potts Point NSW.
- TNSW (2016). *Regional Tickets and Fares*. NSW Train Link, Transport NSW, New South Wales Government, Sydney.
- TRA (2017). *Domestic National Visitor Survey 2016*. TRA online: TableBuilder. Tourism Research Australia, Austrade, Canberra.
- TVIC (2018). *Regional Rail Revival*. Transport Victoria, Melbourne



TRAFFIC ADVISORY COMMITTEE

Held on

Tuesday, 1 May 2018
10am

at

Committee Room

In attendance

Committee Members:

Councillor Libby Martin (ARC Chair)
Mr Hans Hietbrink (Rep. Member for Northern Tablelands)
Snr Sgt Paul Caldwell (NSW Police)
Mr Stefan Wielebinski (RMS)

Council Staff:

Ms Leah Cook (Service Leader Asset Planning and Design)
Mr Graham Earl (ARC Technical Officer)
Ms Belinda Ackling (Minute Taker)

MINUTES

1. Apologies / Leave Of Absence
Mr Hans Hiethbrink (Rep Member for Northern Tablelands)
2. Confirmation of Previous Minutes -

CONFIRMATION OF THE MINUTES OF THE TRAFFIC ADVISORY COMMITTEE MEETING HELD ON 3 APRIL 2018

Moved Cr

Seconded Cr

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 UNANIMOUSLY.

3. Declarations of Interest
4. Business Arising

4.1 Business arising from the previous meeting

Ref: AINT/2018/07408 (ARC16/0168)

The Traffic Advisory Committee Recommends:

That the actions taken from the previous meeting are noted.

The roadworks concerned are located on Stringy Bark Hill 2km North of the Glen Innes Road intersection, the merge lane is not long enough and with no arrows and it could be quite dangerous.

The RMS confirmed that the arrows have been installed and signs have been pushed back

7.4 Tabled items RMS

Mr Stefan Wielebinski (RMS) advised that he was at the Peel Valley Cutting event held at the Armidale Showground over the weekend and noticed that a lot of vehicles were speeding along Kirkwood, Dumaresq and Canambe Streets. The RMS representative advised that as this is not a built up area and no advisory signs advising of the 50km speed zone, and has suggested that installing advisory speed sign in the area may rectify the speeding situation.

RMS will investigation and report back to the next meeting.

The RMS advised that have not completed the inspection to date.

7.5 Tabled Item Rep Member for Northern Tablelands

Mr Hans Hietbrink (Rep. Member for Northern Tablelands) advised concern for the length of the merge lane at the newly completed road works of the northern end of Armidale. The roadworks concerned are located on Stringy Bark Hill 2km North of the Glen Innes Road intersection, the merge lane is not long enough and with no arrows and it could be quite dangerous.

RMS will investigate and advise back to the Committee at the next meeting.

The RMS confirmed that the arrows have been painted and the signs have been placed further back forewarning drivers.

5. Special Events

5.1 Special Event Transport Management Plan - Armidale Athletic Club

Wednesday Winter Social Cross-Country 2018 *Ref: AINT/2018/06651 (ARC16/0168)*

The Traffic Advisory Committee Recommends:

That the application for the 2018 Armidale Athletic Club's Wednesday Winter Social Cross-Country be approved, as per the Special Event Transport Management Plan.

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

6. Correspondence

6.1 Sight Distance Concern for Mann St/Marsh St

Ref: AINT/2018/06471 (ARC16/0168)

The Traffic Advisory Committee Recommends:

- (a) That the "Giveaway" signs be changed to "Stop" signs and associated line marking on Marsh Street.**
- (b) That the Mann Street "No Stopping" zone on the north east corner be extended by 5 metres.**

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

6.2 Parking concerns-1A Drew Street

Ref: AINT/2018/06474 (ARC16/0168)

The Traffic Advisory Committee Recommends:

- (a) That 2 half hour parking bays be installed on the northern side of Drew Street in front of Armidale Pumps and irrigation.**

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

6.3 RMS Representative notification

Ref: AINT/2018/07045 (ARC16/0168)

Noted

The Committee noted the information regarding the new RMS representative for the Committee will be Mr Stefan Wielebinski.

6.4 Proposed use of Ollera St Railway crossing at festivals

Ref: AINT/2018/07348

(ARC16/0168)

The Traffic Advisory Committee have many concerns regarding the safe crossing of the Trike at the Ollera Street Crossing. The main points raised were:

- Infrequent use of Trike and local traffic not being on the look out for the Trike

- Minimum sight and visibility for approaching traffic
- Traffic control and awareness
- Pedestrians crossing the railway track
- The need for lights and bells to comply with the current standards
- Substandard stacking length between the railway line and the highway
- Ollera Street crossing is off the New England Highway and is the main access road to Inverell. This intersection carries B-Double's, Articulated Vehicles and large volumes of traffic.
- Congestion and confusion during the Lamb and Potato Festival

The Traffic Advisory Committee Recommends:

- (a) That Council denied the request until such time as the Guyra and District Historical Society Machinery Group 'Trike's' has meet with and addressed safety and legal requirements in accordance with the relevant Australian Standards and NSW Legislation requirements by the Governing Authorities.
- (i) That a full risk assessment is completed by the RMS Roads and Traffic Authority as the RMS has oversight for all road approaches to all level crossings, the RMS require that all standards are to be meet.
- (ii) That a full risk assessment on the condition and use ability of the lines be completed by the Rail Authority and an agreement for the use of the line be entered into with the Rail Authority and all requirements are satisfied as per the Rail Authority's legislation 107 Interface coordination—rail infrastructure and public roads.
- (b) That the Guyra and District Historical Society Machinery Group address the below Traffic Advisory's Concerns
- (iii) Infrequent use of Trike and local traffic not being on the look out for the Trike
Minimum sight and visibility for approaching traffic
- (iv) Traffic control and awareness
- (v) Pedestrians crossing the railway track
- (vi) The need for lights and bells to comply with the current standards
- (vii) Substandard stacking length between the railway line and the highway
- (viii) Ollera Street crossing is off the New England Highway and is the main access road to Inverell. This intersection carries B-Double's, Articulated Vehicles and large volumes of traffic.
- (ix) Congestion and confusion during the Lamb and Potato Festival
- (x) That Guyra and District Historical Society Machinery Group investigate an alternative route.

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

6.5 Glen Innes Road near Duval Street - Pedestrian Crossing Safety*Ref: AINT/2018/07443 (ARC*

The Traffic Advisory Committee Recommends:

That temporary kerbing be installed as a trial measure, in the south bound kerb side parking lane, north of the marked pedestrian crossing on Glen Innes Rd near Duval Street Armidale.

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

7. General Business

7.1 Ryanda Street concerns

Ref: ARC16/0168

Action

That Traffic Counters to be installed and a further report return to the Traffic Advisory Committee.

7.2 Rail trail signs

Ref: ARC16/0168

Police do deem the signs to be dangerous acting as a distraction due to their location and would like the RMS to install their power and remove the signs.

Action

That the RMS remove the rail trail signs.

7.3 RMS Update

Ref: ARC/0168

The Guyra 50km extension has been completed and the signs have been installed.

Complaints have been made concerning the speed on Elm Street Guyra, at the change of speed zone vehicles heading East on Elm Street the signage needs to be updated from a derestriction sign to a "End 50" and for vehicles entering the urban area "50 Ahead" signs be installed on the approach to the 50kmph zone.

Rob has had a number of enquiries concerning speed restrictions on gravel roads. Speed zoning guidelines generally do not have limits set for gravel roads. However, if a gravel road has a speed zone restriction or changes in some way it is recommended that any outdated speed restriction signs be replaced as required with End 50 and or End 80, this can be used in conjunction with a drive to conditions sign.

There being no further business the Chairman declared the meeting closed at 11.30am.



ENVIRONMENTAL SUSTAINABILITY ADVISORY
COMMITTEE

Held on

Wednesday, 18 April 2018
5:30pm

at

Function Room

Present:

Cr Robinson, Cr Gray, Ms Robyn Barte, Ms Jo Leoni, Ms Mahalath Halperin,
Mr Bruce Whan, Mr Enis Ruzdis, Ms Kathy Martin, Mr Christopher Bonning,
Mr Ambrose Hallman

MINUTES

1 APOLOGIES

Moved Cr Gray Seconded Cr Robinson

That the apologies for Mrs Maria Hitchcock, Ms Navjot Bhullar and Mr David Car be accepted.

CARRIED.

2 CONFIRMATION OF PREVIOUS MINUTES

CONFIRMATION OF THE MINUTES OF THE ENVIRONMENTAL SUSTAINABILITY ADVISORY COMMITTEE MEETING HELD ON 28 FEBRUARY 2018

Moved Cr Robinson Seconded Ms Leoni

That the minutes be taken as read and be accepted as a true record of the Meeting with the following amendment:

That there was overwhelming support for Cr O'Connor to be considered as a member of the Committee.

CARRIED.

ACTION: SL Environment and Sustainability to draft report to Council requesting a third Councillor to assist as the work of the Committee is varied.

3 DECLARATIONS OF INTEREST

Nil.

4 CORRESPONDENCE

Nil.

5 ADMINISTRATION REPORTS

Nil.

6 BUSINESS ARISING

6.1 NSW EPA Wood Smoke Awareness Workshop – New Resource Kit for Councils*Ref: AINT/20*

Moved Cr Gray Seconded Cr Robinson

:

That the report on the NSW EPA Wood Smoke Awareness Workshop held in Sydney on 27 March 2018 be noted.

CARRIED.

7 GENERAL BUSINESS

7.1 Status update on purple air monitor program *Ref: AINT/2018/06592 (ARC16/0864)*

Moved Cr Gray **Seconded Mr Ruzdis**

That the Committee note Council resolutions relating to

- (a) the purchase of purple air monitors and**
- (b) the minutes of the Environmental Sustainability Advisory Committee held 28 February 2018**

8 AGREEMENT ON ITEMS FOR AGENDA FOR NEXT MEETING

9 TIME AND DATE OF NEXT MEETING

Wednesday, 20 June 2018

There being no further business the Chairman declared the meeting closed at 6.01pm..