



ORDINARY MEETING OF COUNCIL

Held on

Thursday, 28 April 2022

4pm

at

Armidale

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

IN ATTENDANCE: Mr James Roncon (General Manager), Mr Darren Schaefer (Acting Chief Officer Corporate and Strategy), Mr Daniel Boyce (Chief Officer Sustainable Development), Mr Alex Manners (Chief Officer Assets and Services), Mr John Goodall (Coordinator Development), Ms Jessica Bower (Executive Officer) and Ms Melissa Hault (Executive Officer).

MINUTES

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15. CLOSED SESSION

- 15.1 Provision of Professional services for Survey and Design Work Panel for Road Rehabilitation and Construction Projects on Waterfall Way MR7629
(General Manager's Note: The report considers a request of tender evaluation and recommendations and is deemed confidential under Section 10A(2)(c) of the Local Government Act 1993, as it deals with commercial information of a confidential nature which, if disclosed, confers a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business).
- 15.2 Engagement of Contractor for ARC Kerb & Gutter Program29
(General Manager's Note: The report considers a tender and is deemed confidential under Section 10A(2)(c) of the Local Government Act 1993, as it deals with commercial information of a confidential nature which, if disclosed, confers a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business).

1. CIVIC AFFIRMATION AND ACKNOWLEDGEMENT OF COUNTRY

Cr Gaddes delivered the Civic Affirmation and the Cr McMichael delivered the Acknowledgement to Country.

2. STATEMENT IN RELATION TO LIVE STREAMING OF COUNCIL MEETINGS

The General Manager delivered the statement.

3. APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE BY COUNCILLORS - Nil

4. DISCLOSURES OF INTEREST - Nil

5. CONFIRMATION OF MINUTES

5.1 Minutes of Previous Meeting held 23 March 2022 *Ref: AINT/2022/09070 (ARC16/0001-7)*

76/22

RESOLVED

That the Minutes of the Ordinary Council meeting held on 23 March 2022 be taken as read and accepted as a true record of the Meeting.

Moved Cr Redwood

Seconded Cr Widders

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

6. MAYORAL MINUTE

6.1 Mayoral Minute - VALE Thelma McCarthy AM *Ref: AINT/2022/12258 (ARC16/0025-6)*

77/22

RESOLVED

That Council note the minute.

Moved Cr Coupland

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

7. NOTICES OF MOTION - NIL

8. LEADERSHIP FOR THE REGION

8.1 Annual Report of the Audit, Risk and Improvement Committee

Ref: AINT/2022/12709 (ARC21/4508)

78/22

RESOLVED

That Council note the content of the ARIC Annual Report.

Moved Cr Robinson Seconded Cr McMichael

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

8.2 Tabling of Updated Disclosure of Pecuniary Interest - Councillor Mephram

Ref: AINT/2022/12158 (ARC22/4999)

79/22

RESOLVED

That Council note the tabling of updated Disclosure of Pecuniary Interest and Other Matters provided by Councillor Mephram as required by the *Model Code of Conduct*.

Moved Cr O'Connor Seconded Cr Widders

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

8.3 Review of Risk Management Policy

Ref: AINT/2022/13261 (ARC22/5007)

80/22

RESOLVED

That the matter be considered in seriatim.

Moved Cr O'Connor Seconded Cr O'Brien

DIVISION The result being:-

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

AGAINST: Crs S Coupland, S McMichael and P Packham

The Motion on being put to the vote was CARRIED.

That Council:

- a. Consider the content of the revised policy.

Moved Cr Robinson Seconded Cr Gaddes

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

- b. Adopt the risk appetite statements contained in this report.

Moved Cr O'Connor **Seconded Cr Gaddes**

DIVISION *The result being:-*

FOR: *Crs P Gaddes and J Galletly,*

AGAINST: *Crs S Coupland, S McMichael S Mepham, D O'Brien, M O'Connor, P Packham, T Redwood, D Robinson and B Widders*

The Motion on being put to the vote was LOST.

- c. Endorse the revised Risk Management Policy for public exhibition for a period of no less than 28 days; and

Moved Cr O'Connor **Seconded Cr Robinson**

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

- d. Commits to making decisions in line with the articulated risk appetite statements.

Moved Cr O'Connor **Seconded Cr Gaddes**

DIVISION *The result being:-*

FOR: *Cr J Galletly*

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

The Motion on being put to the vote was LOST.

8.4 ALGA National General Assembly 2022

Ref: AINT/2022/13796 (ARC16/0294)

81/22

RESOLVED

That Council:

- a. In addition to the Mayor and General Manager, two Councillors be appointed as delegate attendees for the ALGA National General Assembly to be held in Canberra. In addition to the Mayor and General Manager, Crs P Gaddes and T Redwood be registered as Councils delegates to the 2022 ALGA National General Assembly.
- b. That it be noted that the ALGA National General Assembly is being held from Sunday 19 June through to Wednesday 22 June 2022.

Moved Cr Gaddes **Seconded Cr Redwood**

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

8.5 Civic and Ceremonial Function and Representation Policy - For Adoption (Post Public Exhibition) *Ref: AINT/2022/12904 (ARC21/4718)*

82/22

RESOLVED

That Council:

- a. note there were no submissions received during the exhibition period for the draft Civic and Ceremonial Function Representation Policy
- b. Adopt the Civic and Ceremonial Function and Representation Policy.

Moved Cr Gaddes

Seconded Cr McMichael

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

8.6 Ordinary Council Meeting Cycle for 2022 *Ref: AINT/2022/12018 (ARC16/0001-7)*

83/22

RESOLVED

- a. That the Ordinary Council Meeting cycle for the remainder of the 2022 calendar year be scheduled for the fourth Wednesday of each month as follows:
 - Wednesday 27 July 2022, in Armidale
 - Wednesday 24 August 2022, in Armidale
 - Wednesday 28 September 2022 in Armidale
 - Wednesday 26 October 2022 in Armidale
 - Wednesday 23 November 2022 in Armidale
 - Wednesday 14 December 2022 in Armidale.
- b. That the time for the Ordinary Council meetings to commence is 4pm.
- c. That the Council shutdown period for the Administration Centres and Depots be from Monday 26 December 2022 and reopening Monday 9 January 2023.
- d. That Council advertise the shutdown period for the Administration Centres and Depots and that this advertisement also includes the operating hours for all other Council facilities during this period.
- e. That a public live streaming of the meeting is provided in the Guyra offices for any residents who wish to view it, and facilities are made available on request for 'Have your Say' participants to address the council meeting from the Guyra office.

Moved Cr Robinson

Seconded Cr O'Brien

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

8.7 Council Actions Report January - March 2022 Ref: AINT/2022/12016 (ARC16/0001-7)

84/22

RESOLVED

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

Moved Cr Widders

Seconded Cr McMichael

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

9. GROWTH, PROSPERITY AND ECONOMIC DEVELOPMENT

9.1 Standard Instrument LEP Natural Disasters Clause Ref: AINT/2022/12027 (ARC16/0030-3)

85/22

RESOLVED

- a. That Council advise the Department of Planning and Environment to incorporate the Dwelling house or secondary dwelling affected by natural disaster clause (Clauses 5.9), into the *Armidale Dumaresq Local Environmental Plan 2012* and *Guyra Local Environmental Plan 2012* or *Armidale Regional Local Environmental Plan* (as applicable), applying in the zones that currently permit dwelling house or secondary dwelling.
- b. That Council develop a policy that assists building owners to recover from disasters including but not limited to:
 - i. the use of the Orders provisions in the Environmental Planning and Assessment Act 1979 and Local Government Act 1993 to the maximum extent possible to permit the repair and rebuild of buildings without the need for the DA,
 - ii. an appropriate reduction in DA fees for replacement buildings that require a DA,
 - iii. provide a concierge advisory and fast-track approval service for disaster affected building owners.

Moved Cr Packham

Seconded Cr Galletly

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

AMENDMENT

- iii. provide a concierge advisory and fast-track approval service for disaster affected building owners that also provides advice on information on building back better to meet desirable energy-efficiency standards and passive solar design.

Moved Cr Robinson

Seconded Cr O'Brien

FOR: Cr D O'Brien, M O'Connor and D Robinson

AGAINST: Crs S Coupland, P Gaddes, J Galletly, S McMichael, S Mephram, P Packham, T Redwood, and B Widders

The Motion on being put to the vote was LOST.

Cr Bradley Widders left the meeting, the time being 4:56 PM
Cr Bradley Widders returned to the meeting, the time being 4:58 PM

9.2 Additional Special Variation 2022-2023

Ref: AINT/2022/12396 (ARC21/4910)

86/22

RESOLVED

That Council make application to the NSW Independent Pricing and Regulatory Tribunal for an Additional Special Variation on the following basis:

- a. The Special Variation is 1.8% plus 0.7% rate peg (total 2.5%) commencing in 2022-23;
- b. The Special Variation is permanent under section 508(2) of the *Local Government Act 1993*;
- c. Council will receive additional income of \$356,319 if the Special Variation is approved;
- d. The Special Variation is required because:
 - Council included the assumption of a 2.5% rate peg in the 2021-22 long term financial plan included in the adopted 2021-22 Operational Plan;
 - The assumed 2.5% rate peg is required for the continued delivery of services to the community; and
 - In the absence of the Special Variation, Council will not have sufficient capacity to meet all its obligations as and when they fall due in 2022-23 and in future years.
- e. Council has considered the impact of the Special Variation on ratepayers and the community in 2022-23 and in future years and considers that it is reasonable noting that assistance is available by way of Council's Hardship Policy for ratepayers experiencing financial hardship.

Moved Cr Gaddes

Seconded Cr Redwood

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

10. ENVIRONMENT AND INFRASTRUCTURE

10.1 Request for Variation to Waterfall Way Heavy Patching Contract A2021/35

Ref: AINT/2022/10288 (ARC21/4870)

87/22

RESOLVED

That Council;

- a) Note the additional funding provided by Transport for NSW;
- b) Endorse the variation of contract A2021/35 for the contractor Stabilcorp Ltd Pty to the value of \$421,500 excl. GST in addition to the original value of \$300,000 excl. GST on behalf of Council for Heavy Patching works on Waterfall Way;
- c) Delegate authority to the General Manager to approve expenditure for the project and contractor up to \$751,500 excl. GST available for the project as provided by TfNSW.

Moved Cr Galletly

Seconded Cr McMichael

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

10.2 Removal of Heritage Listed Street Trees

Ref: AINT/2022/03426 (ARC18/3044)

88/22

RESOLVED

That Council endorse the staged removal and replacement of Heritage listed street trees in Rusden Street between Dangar and Faulkner Streets.

Moved Cr Galletly

Seconded Cr Redwood

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

10.3 DA-16-2019 - Proposed 40 Large Lot Residential Subdivision of 5 & 15 Karina Close and 11 Springhill Lane, Armidale

Ref: AINT/2022/03485 (DA-16-2019)

89/22

RESOLVED

That Council

- a. Grant consent to the development subject to the following conditions;

PRESCRIBED CONDITIONS

For the purposes of section 4.17 (11) of the Act, the following conditions are prescribed condition of development consent:

CI 98A EP&A Regs 2000: Erection of signs

- (1) For the purposes of section 4.17 (11) of the Act, the requirements of subclauses (2) and (3) are prescribed as conditions of a development consent for development that involves any building work, subdivision work or demolition work.
- (2) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

- (a) showing the name, address and telephone number of the principal certifying authority for the work, and
 - (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (c) stating that unauthorised entry to the work site is prohibited.
- (3) Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

Note. Principal certifying authorities and principal contractors must also ensure that signs required by this clause are erected and maintained (see clause 227A which currently imposes a maximum penalty of \$1,100).

GENERAL CONDITIONS

1. Approved plans and supporting documentation

To ensure all parties are aware of the approved plans and supporting documentation that applies to the development, the development must be carried out in accordance with the following approved plans and supporting documentation (stamped by Council), except where the conditions of this consent expressly require otherwise.

Reference No.	Sheet No.	Plan Title	Drawn By	Dated
14791-i4	2	Proposed Lot Layout -Aerial	Croft Surveying & Mapping	25/07/19
14791-i4	2a	Proposed Lot Layout-Building Envelopes	Croft Surveying & Mapping	25/07/19
14791-i4	2a of 9	Proposed Lot Layout- <i>as amended by indicative location of footpaths between Lots 12, 13, 16 & 17 and also between Lots 30 & 31.</i>	Croft Surveying & Mapping	8/02/19
T186320	10 of 11 Issue: P	Proposed Lot layout changes for Stormwater Detention – <i>as amended by modified plan showing detention basin wholly located within proposed Lot 16 and amending Lot size of proposed Lot 23.</i>	Kelley Covey	27/05/21

In the event of any inconsistency between the approved plans and the supporting documentation, the approved plans prevail. In the event of any inconsistency between the approved plans and a condition of this consent, the condition prevails.

Note: an inconsistency occurs between an approved plan and supporting documentation or between an approved plan and a condition when it is not possible to comply with both at the relevant time.

2. All Engineering works to be designed by a competent person and carried out in accordance with Council’s Engineering Code suite, unless otherwise indicated in this consent, to ensure that these works are of a sustainable and safe standard.
3. In accordance with the provisions of Section 6.12 and 6.13 of the Environmental Planning

and Assessment Act 1979, works approved by this consent must not commence until:

- a) a Subdivision Works Certificate has been issued by Council or an Accredited Certifier. Either Council or an Accredited Certifier can act as the "Principal Certifying Authority";
- b) a Principal Certifying Authority has been appointed and Council has been notified; and
- c) at least two days' notice has been given to Council of the intention to commence work.

The documentation required under this condition must show that the proposal complies with all development consent conditions and is not inconsistent with the approved plans.

BEFORE RELEASE OF SUBDIVISION WORKS CERTIFICATE

4. Road design to be in accordance with Council's Engineering Code D1 Geometric Road Design, to meet the following additional requirements:
 - All internal roads servicing lots 1-34 are to be designed and constructed to an Access Street road classification as per Table D1.4 of Council's Engineering Code D1 – Road Design;
 - The internal road servicing lots 35-39 is to be designed and constructed to a Local Street road classification as per Table D1.4 of Council's Engineering Code D1 – Road Design;
 - Springhill Lane is to be constructed to an Access Street road as per Table D1.4 of Council's Engineering Code D1 – Road Design;
 - Sutherland Avenue is to be upgraded and sealed to an Access Street road as per Table D1.4 of Council's Engineering Code D1 – Road Design. Upgrade works include realignment of the road to within the centre of the road reserve, full pavement upgrades to meet standards for the predicted ETAs, sealing and drainage infrastructure;
 - Karina Close is to have its existing cul-de-sac removed and the road extended into the subdivision with a seamless transition into an Access Street road. Additional widening of Karina Close may be required to facilitate this. Detailed road design plans are to show how table drains will transition into kerb and gutter. The watermain currently running around the cul-de-sac is to be removed and the reticulation network reconnected to ensure no dead ends are created.
 - Construction, alterations and upgrades to existing formed and unformed roads are to ensure all existing driveway crossovers are bitumen sealed from the newly formed road edge to the property boundary and that any crossovers that are affected due to road works are reinstated to meet current standards as per Council's engineering code and standard drawings;
 - All road drainage infrastructure is to be designed so as to meet Council's suite of Engineering Codes. Detailed drainage modelling is to be submitted with all design plans to ensure concurrence with Council's codes.

Plans demonstrating compliance with the above matters to be provided to the relevant Certifying Authority for approval before the issue of a Subdivision Works Certificate for the development.

Advising: Councils Engineering Codes suite can be accessed at www.armidaleregional.nsw.gov.au

5. Prior to release of any Subdivision Works Certificate for the development, a traffic safety signage plan is to be submitted to Council for approval from the Local Traffic Advisory Committee to ensure traffic safety and efficiency is maintained and regulatory standards are met at the following intersections:
- Karina Close/The Avenue;
 - All intersections within the development lots;
 - Sutherland Avenue/Old Gostwyck Road; and
 - Speed/advisory signage within and adjoining the development.

The Plan is to include all signage, line marking, and any other traffic calming arrangements applicable to the development. Signage type and placement is to meet relevant standards and are to be installed prior to the release of a subdivision certificate for the relevant stage of the development.

Details to be provided to the Council for approval by the Local Traffic Advisory Committee before the issue of any Subdivision Works Certificate for the development.

Advising: Council's Engineering Code suite is at www.armidaleregional.nsw.gov.au

6. This Consent does not authorise the removal of any existing trees/vegetation on and adjacent to the site, so as to maintain the visual amenity of the locality and provide advanced landscaping for the subdivision. Civil design works for stormwater pipes, water and sewer alignments, utilities, road design and construction must ensure the preservation of as many existing trees as possible.

The location of all trees required to be removed to facilitate the civil works for the development, must be identified by final survey and shown on detailed Engineering Plans to the satisfaction of Council's Development Engineer before the issue of a Subdivision Works Certificate for each relevant stage of the development. No trees are to be removed until authorised in connection with the approval of the required engineering plans.

All trees shown on the approved Engineering Plans as being retained must be appropriately marked and protected during construction works and no buildings constructed or utility service mains installed within 3 metres of the trunks of these trees, so as not to prejudice their future retention.

All trees to be retained are to be appropriately marked and protected during construction works in accordance with AS 4970 (current edition) Protection of trees on development sites.

7. Parts of the site have been identified as potentially being subject to spring activity and slope instability. As such, a suitably competent (eg geotechnical) engineer is therefore required to confirm that the site has been assessed for actual spring activity and slope instability and where this is the case, the subdivision design is to include suitable engineering measures to stabilise the site and implement procedures to ensure that subsequent development can be carried out with minimum risk during the construction phase.

All details to be submitted and approved by the Principal Certifying Authority before the issue of a Subdivision Works Certificate for the development.

8. Separate approval must be obtained from the Council as the Local Water Supply and Sewer Authority pursuant to Chapter 7 of the Local Government Act 1993 and a related Subdivision Works Certificate obtained for all sewerage works serving the development.

Extension of sewer reticulation mains from existing MH3233 in Taylor Street is required to serve each lot within the proposed development. Details to be submitted for the approval of Council's Development Engineer or nominee before the issue of a Subdivision Works Certificate. All sewer mains located in private property are to be contained within a suitably located easement (minimum width 3m).

ADVISING: Where the finished surface level of a building envelope is less than 1.2 metres above the top of the sewer main adjacent to that lot, the lowest surface level within the envelope and the minimum permissible floor height (which is to be at least 1.2m above the top of the sewer main level) shall be recorded on the sewer design plan and the title plan submission.

9. Separate approval must be obtained from the Council as the local water supply and sewer authority pursuant to Chapter 7 of the Local Government Act 1993 and a related Subdivision Works Certificate obtained for all water supply works serving the development.

Provision of an adequate water supply by connecting to Council's reticulated potable water supply system is required to serve each lot within the proposed subdivision. Details to be submitted for the approval of Council's Development Engineer or nominee before the issue of a Subdivision Works Certificate and related Section 68 approval for each Stage of the development.

Water supply design is to meet the recommendations and requirements outlined in the submitted report: Karina CI – Spring Hill Ln Subdivision, Armidale Water Supply Feasibility Report, dated 27th November 2019.

The internal water mains are to form a looped system with no dead ends and each new lot shall have the main in its frontage. Water supply design is to comply with Council's Engineering Code Water Supply (D11) and provide for sustainable cost effective operation by Council in the future.

Fire flows required are 11L/sec at a pressure of not less than 275 kPa (28m). These flows are to be supplied at the most disadvantaged hydrant in addition to peak instantaneous demands. Any such design should refer to Council's Engineering Code Bushfire Protection (D10).

Advising: Council's suite of Engineering Codes are at www.armidaleregional.nsw.gov.au

10. Protection of the development by provision of appropriate drainage (within easements or roadways) to cater for a stormwater flood frequency of 20% Annual Exceedence Probability (AEP) and fail-safe aboveground floodways to cater as a minimum for a flooding frequency of 1% AEP. Trimming, filling or reshaping of the site is to be undertaken so that no ponding or other stormwater nuisance occurs, or concentration of flow is produced onto other property.

Inter-allotment drainage is to be provided for all lots within the R2 zoning which do not drain naturally to a public road, to protect those lots and adjoining property. All inter-allotment drainage is to be contained within a suitably located easement (minimum width 2m).

Title Plan submissions are to confirm easement details including the function, form and levels of essential earth or other surface works including flood ways, to help ensure the permanency and designed operation of such facilities.

Details to be provided to the relevant Certifying Authority for approval before the issue of a Subdivision Works Certificate for the development.

11. All proposed stormwater detention systems are to be designed to ensure the post-development flow from the detention basin is to be no greater than the pre-development flow from the catchment. Storm events to be provided for are the 1% Annual Exceedence Probability (AEP), 5% AEP and 20% AEP.

All basins are to be grass lined and are to be designed to ensure access by mower for easy maintenance.

The detention basin proposed within lots 23 and 16 is to be wholly contained within lot 16 (as per that approved amended plans) and a positive covenant is to be placed over the basin to ensure continued maintenance by the lot owner for the life of the development.

Details to be provided to the relevant Certifying Authority for approval before the issue of the relevant Subdivision Works Certificate for the development.

12. A detailed site fencing plan for the subdivision, is to be submitted providing details of type, height and finish of the proposed fencing, which is to be in accordance with Chapter 3.1 & 3.2 of DCP 2012.

In this regard, all fencing of the subdivision is to be compatible with the locality, provide a consistent appearance when viewed from adjacent land and be of an open form (wire, post and rail, or similar). Where land is identified to be habitat for native fauna, (subject to the VMP), fencing is to be of a style that does not inhibit movement within the site or the areas of habitat on adjoining properties.

In particular fencing arrangements are to:

- (a) Avoid multiple fence styles adjoining existing adjacent occupied residential allotments.
- (b) Include the provision of suitable fencing on boundaries of the estate (including staged releases) to ensure in particular that domestic dogs are effectively prevented from accessing adjoining lands and causing nuisance to stock or wildlife, together with a suitable fencing requirement for individual/final lots. This need not include a fence at the site frontage of each lot if the developer wishes to preclude this, but should ensure that all domestic dogs can be adequately retained on their owners' properties.
- (c) Be constructed of koala traversable materials with a minimum ground clearance of 300mm, to ensure koala movement across the site is not impeded.
- (d) Be in consultation with affected adjoining properties.

Details to be clearly shown on plans for submission for the approval of the Certifying Authority, before the issue of a Subdivision Works Certificate for the first stage of the development.

Fencing of each stage of the subdivision is to be completed in accordance with the approved plan prior to the release of the Subdivision Certificate for each relevant stage of the development.

Furthermore, a caveat/restriction is to be placed over all lots, advising prospective purchasers of the lots that any future replacement of fencing along of the boundaries, is to be consistent in terms of colour, material and style with the original approved fencing plan required as part of this Consent.

13. Approval is to be obtained from Council as the roads authority pursuant to s138 of the Roads Act 1993 for all construction work required on Council road reserves, specifically

road upgrade works within Karina Close, Springhill Land and Sutherland Avenue.

The approval is to be obtained through a s138 application prior to any such works being undertaken within the road reserve.

Advising: the activity is to be protected by public liability insurance with a minimum cover of \$20 million.

14. Construction and dedication of a reinforced concrete footpath, connecting the internal road network, to be located as shown on the annotated amended approved plans between proposed lots 12 & 13 and 16 & 17, and also between proposed lots 30 & 31 to connect onto Springhill Lane, to provide an effective all-weather pedestrian route throughout the subdivision and provide connectivity to adjoining land, in connection with the proposed development.

The pedestrian links are to have a minimum width of 5 metres (minimum 2.5m wide concrete path and constructed in accordance with Council's ARC standard drawings). Additionally, the pedestrian link between proposed lots 12, 13, 16 & 17 is also to provide for emergency access within the subdivision itself and both footpath linkages are to deny access to any other vehicle. As such, removal/lockable bollards are to be positioned at each end of the footpaths to only provide access for emergency vehicles only.

Details to be provided for the approval of the Certifying Authority before the issue of the Subdivision Works Certificate for the relevant stage of the development. Completed works are to be inspected and approved by the relevant Certifying Authority before the issue of a Subdivision Certificate or release of any bond for incomplete works at each relevant stage of the development.

15. A tree clearing plan (pre-clearing survey) is to be developed and implemented for the development. Such plan is to specify a tree clearing protocol which is to be enforced for the felling of any mature trees on the site.

The plan should include provision in the first instance of an inspection of all trees that are required to be removed, by a qualified ecologist for evidence of residing fauna in hollows or in the tree canopy.

The plan is to also include recommendations of a satisfactory action plan in the event that it is identified that fauna are residing in any of the trees to prevent injury during their removal, and that advice from a qualified ecologist is to be sought prior to their removal so as to determine the appropriate course of action to be taken. Once approved all contractors involved with tree removal on the site are to be made fully aware of the requirements of the Plan which is to be adhered to at all times.

Details to be included with documentation submitted to the satisfaction of the relevant Certifying Authority for approval prior to the release of the Subdivision Works Certificate for each stage of the development.

16. Provision of bus stops within/adjoining the site (and turning facilities if necessary - buses are not to be required to perform any three-point turns) with the written concurrence of the local public transport operator, (currently Edwards Coaches) are to be provided for the development. Location of the bus stops are to be identified on the Subdivision Works Certificate at stage 1 of the development.

Location of bus stops and written concurrence from the local public transport operator is to be provided to the Principle Certifying Authority prior to the release of any Subdivision Works Certificate for the development.

The bus stop bays are to be designed to meet relevant AUSTRROADS Guidelines, and to include a shelter for users.

Completed works are to be inspected and approved by the relevant Certifying Authority or works secured for an amount approved by Council's Development Engineer or nominee, before the issue of the applicable Subdivision Certificate.

17. The submission of a detailed Construction Management Plan for the approval of the Council, prior to the issue of any Subdivision Works Certificate for the development, to ensure that work is undertaken safely and to minimise nuisance to the surrounding area during all construction/work on site. This Plan shall include, as a minimum, provision for:
- Off-street parking for employees, contractors, sub-contractors and visitors to the site.
 - Public parking during construction.
 - Site access for construction vehicles and equipment.
 - Storage and removal strategies for construction wastes.
 - Construction Traffic Management Plan including routes taken to and from development site by construction traffic.
 - Provision of sanitary amenities and ablution facilities for employees.
 - Fire precautions during construction.
 - Dust suppression.
 - Control of noise arising from the works in accordance with the requirements of the Protection of the Environment Operations Act 1997 and guidelines contained in the New South Wales Environment Protection Authority Environmental Noise Control Manual.
 - Fencing and security details, including site hoardings to be provided, safeguarding both contractors and the public while works are being carried out on any public footpath areas. Contractor should endeavour to minimise disturbance to pedestrian / vehicle traffic in the vicinity of the site.
 - Details of all construction-related signs.
 - Careful management of construction activities to prevent any contaminant discharge from the site (including oils, fuels, paints or chemicals), particularly with respect to excess concrete or concrete truck washings.
 - Location of all public utility facilities and methods of protecting them
 - Method of support to any excavation adjacent to adjoining properties, or the road reserve.
18. Erosion and sediment control plan:
- Before the issue of a Subdivision Works Certificate, the applicant is to ensure that an erosion and sediment control plan is prepared in accordance with the following documents before it is provided to and approved by the certifier:
- the guidelines set out in the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate' (the Blue Book), and
 - the 'Do it Right On-Site, Soil and Water Management for the Construction Industry' (the Natural Heritage Trust).
- The applicant must ensure the erosion and sediment control plan is kept on-site at all

times during site works and construction.

Reason: To ensure no substance other than rainwater enters the stormwater system and waterways

19. The submission of an induction plan for the approval of the Council, prior to the issue of a Subdivision Works Certificate for each stage of the development, to ensure that work is undertaken safely and minimise any adverse impacts on significant areas of vegetation during construction works on the site, such as the 'Retained Woodland Area'. Such Plan is to clearly advise all on-site construction workers and machinery operators of the requirement to limit disturbance of the site to the immediate construction areas only.

20. Following an assessment of the proposed development by Council and relevant External Authorities, the subdivision layout is to be amended to reflect the terms of this consent.

In this regard, the subdivision is to be amended as follows:

- All areas within proposed Lots 19, 20, 21 & 22, shown in the submitted Vegetation Management Plan as being located within the 'Retained Woodland Area' (RWA) in the Biodiversity Development Assessment Report (BDAR), dated 6 July 2020, prepared by SIA Ecological & Environmental Planning Pty Ltd, is to be reconfigured so as to be wholly contained within one lot, being Lot 22.

Such requirement is to accord with the Biodiversity Conservation Divisions assessment of the BDAR and the requirements of the BAM for demonstrating that biodiversity impacts have been avoided to the greatest extent possible. The subdivision layout is to be reconfigured so that the land within the VMP area on proposed lots 19, 20, 21 and 22 is associated with only one lot.

- In amending the lot layout of the subdivision to satisfy the above, each new lot located on land within the C4 zone, must be provided with a minimum lot size of not less than 1ha. To satisfy this requirement, the remaining area located within proposed Lots 19, 20 and 21 outside the RWA, may preclude the creation of three lots.
- The subdivision plan is to be amended to provide for a public footpath reserve, minimum width 5m, between proposed lots 12, 13, 16 & 17 and also between proposed lots 30 & 31, generally in accordance with the amended plan under condition 1 above, from Croft Surveying and Mapping. In amending the plan to satisfy this requirement each of the modified lots must be provided with a lot size that satisfies the minimum lot size for the relevant land, being 1ha for lots 12, 13, 16 & 17 and 4,000m² for lots 30 & 31.
- Following Council's assessment of the proposed detention basin for the development, the subdivision plan is to be amended to ensure that the basin is wholly contained within proposed Lot 16. To enable this, proposed lots 16 & 23 are to be reconfigured, generally in accordance with the amended plan under Condition 1 above, from Kelley Covey. In amending the plan to satisfy this requirement, proposed lots 16 & 23 must be provided with a lot size that satisfies the minimum lot size relevant to the land, being 1ha for land located within the C4 zone and 4,000m² for that part of the land located within the R2 zone.

Amended plans reflecting the above requirements, are to be provided to the satisfaction of the Consent Authority prior to the release of a Subdivision Works Certificate for the development.

21. To ensure the effectiveness of the Vegetation Management Plan (VMP) in perpetuity, the area subject to the VMP is to be protected through either a Conservation Agreement or Stewardship Site agreement and administered through the Biodiversity Conservation Trust.

Details to be provided to the satisfaction of the Consent Authority prior to the release of a Subdivision Works Certificate for the development, with any Conservation Agreement or Stewardship agreement being entered into through the Biodiversity Conservation Trust, prior to the release of any subdivision certificate for the creation of any lots adjoining this area, currently shown as Lots 19-22 inclusive.

22. Prior to the release of a Subdivision Works Certificate for the development, a revised Vegetation Management Plan consistent with the recommendations of the Biodiversity Conservation Division, that all areas subject to the VMP be contained wholly within Lot 22, is to be submitted to the satisfaction of the Consent Authority.

23. In accordance with the Biodiversity Development Assessment Report, dated 6 July 2020, prepared by SIA Ecological & Environmental Planning Pty Ltd for the development, the class and number of Ecosystem credits as detailed in the table below, must be retired to offset the residual biodiversity impacts of the development.

The requirement to retire credits may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of Ecosystem credits, as calculated by the BAM Credit Calculator (BAM-C).

Evidence of the retirement of credits or payment to the Biodiversity Conservation Fund in satisfaction of this condition, must be provided to the consent authority prior to the release of the Subdivision Works Certificate for the development.

Ecosystem credits for plant communities types (PCT), ecological communities & threatened species habitat

Zone	Vegetation zone name	Vegetation integrity loss / gain	Area (ha)	Constant	Species sensitivity to gain class (for BRW)	Biodiversity risk weighting	Potential SAIL	Ecosystem credits
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Ribbon Gum - Rough-barked Apple - Yellow Box grassy woodland/open forest of the New England Tableland Bioregion and NSW North Coast Bioregion								
1	1099_OpenWoodland	26.3	19.4	0.25	High Sensitivity to Potential Gain	2.00	TRUE	255
Subtotal								255
Total								255

24. Suggestions (and reasons) for the names of all new roads are to be submitted with any application for a Subdivision Works Certificate for the development.

Proposed new road name(s) should not be included on Title Plans submitted to Council with an application for a Subdivision Certificate, until such time as the name of any new road(s) has been approved by Council and other relevant authorities.

Street name signs and posts are to be erected in accordance with Council's Engineering Code, at the developer's expense.

ADVISING: Council's Policy on Local Place Naming, Policy POL071, favours names with historical, zoological, botanical or geographic association with the locality. Council can provide advice on appropriate names on request.

25. New public lighting, in accordance with Council's Engineering Code is to be provided to all approved public roads/footpaths/cycleways, to maintain visibility and safety for users. The developer is to liaise with the local electricity supply authority (currently Essential Energy) with regard to luminaire design and location.

Detailed plans demonstrating compliance with the above matters to be provided to the Certifying Authority for approval before the issue of a Subdivision Works Certificate(s) for each stage of the development.

Completed works are to be inspected and approved by the Certifying Authority before the issue of any Subdivision Certificate(s)/release of any bond for incomplete works.

26. A safe all-weather driveway crossover for each proposed lot is to be constructed to connect the lot with the access road. The junction is to be constructed to gravel road standard or equivalent with bitumen seal at least between the road carriageway and the property boundary, to prevent deterioration / erosion of the road and to minimise Council's future maintenance liability. A concrete pipe culvert with not less than 375mm diameter with standard concrete headwalls is to be constructed at a suitable location relative to the shoulder drain and clear of the edge of the road carriageway.

Lots zoned C3 and C4 need to be accessible by a driveway that:

1. does not have a grade exceeding 15% (unless it is proposed to be constructed and sealed by the applicant, in which case the grade must not exceed 20%); and
2. avoid crossing waterways.

Details are to be provided to the relevant Certifying Authority for approval before the issue of a Subdivision Works Certificate for each stage of the development.

Crossovers are to be installed in accordance with approval plans, prior to the issue of the relevant subdivision certificate for each of the lots.

27. Separate approval may be required from the Office of Water/NRAR for any work located within waterfront land. If required, work is not to commence until a Controlled Activity Approval (CAA) has been obtained. Evidence of consultant, or if required a copy of the CAA, is to be provided to the satisfaction of the Certifying Authority prior to the issue of the relevant Subdivision Works Certificate for the development.

BEFORE RELEASE OF SUBDIVISION CERTIFICATE

28. An Application for a Subdivision Certificate is to be submitted via the NSW Planning Portal, with all relevant documentation and plans, including a statement of how each of the conditions has been satisfied.

Details of any staging, compliance with relevant consent conditions, and all required easements, positive covenants and restrictions as to user are to be included on the documentation submitted for a Subdivision Certificate for the subject lots, to ensure that the relevant consent requirements are addressed.

Advising for new urban allotments: Council's Policy 134 - Sustainable Domestic Energy Use and Local Air Quality - seeks to minimise the impacts of smoke emissions from solid fuel heaters on community health. Accordingly, the developer is invited to consider imposing "smoke free" covenants on new allotments, which would preclude future owners from installing solid fuel heaters on these properties. For further advice please contact

Council's Planning or Environmental Health staff.

29. Prior to the issue of the relevant Subdivision Certificate for the development, the applicant shall arrange for the relocation of any internal drainage lines, water lines and any other utility services that may be currently serving the existing dwelling on proposed lot 40, so that these service lines are situated wholly within the allotment to which they will eventually serve.

The existing Onsite Wastewater Management System is to be removed and a new sewer junction is required to be installed to service the existing house in Proposed Lot 40. The internal drainage currently servicing the existing dwelling will be required to be reconnected to the new sewer junction once the Onsite Wastewater Management System is decommissioned.

Relevant Plumbing and Drainage Permit approvals are to be sought where required with all work to be completed before the issue of the relevant Subdivision Certificate creating Lot 40.

30. Appropriate title restrictions shall be created in relation to the following matters prior to the issue of the relevant Subdivision Certificate:
- Provision of building envelopes on each of the proposed lots, in accordance and as indicated in the approved plan drawn by Croft Surveying & Mapping, Ref. 14791-i4, sheet 2a and dated 25/7/19. No new building and/or ancillary structures may be installed outside approved building envelopes on each of the proposed lots, so as to minimise the removal of native vegetation and eliminate the removal of hollow bearing trees. Furthermore, the building envelopes should be located a sufficient distance from any tree where possible, in order to prevent their removal following the construction of a future dwelling.
 - Each building envelope is to be located to minimise the removal of vegetation for any future dwelling and Asset Protection Zones (APZ). In this regard, unless otherwise indicated on the approved plan, the minimum distance between the building envelopes and any tree on the proposed lots is not to be less than 6 metres. Approved building envelopes and distances to trees on the site are to be clearly surveyed and shown on the Title plan. Suitably worded Title restrictions to be submitted to the satisfaction of Council.
 - Clearing of vegetation on each of the proposed lots will only occur, subject to separate approval, and only within the designated building envelopes. No trees alive or dead are to be removed from outside the approved building envelope in order to provide habitat/hollows for native species. Compensatory plantings are to be undertaken at the ratio of 5 saplings for every tree removed.
 - A covenant is to be placed on proposed Lot 22 to clearly advise future owners of this lot of the ongoing maintenance and protection requirements under the 'Vegetation Management Plan', of all native vegetation on the site to ensure its ongoing preservation and to prevent any grazing on the lot.
 - Restriction on the ownership and/or accommodation of dogs by the residents of all lots, given the nature of the locality, which includes potential habitat for Koalas and other native fauna species. As such, dogs kept on the proposed lots are to be housed within a suitable enclosure to prevent the dogs from escaping from the property, consistent with s.12A of the NSW Companion Animals Act 1998.
 - Dogs are to be contained at all times within the fenced yard around the dwelling and are only permitted outside of this area under strict supervision.
 - A 'restriction to user' shall be created on each of the proposed lots, requiring all boundary fencing to be constructed of koala traversable materials (including but not

limited to post and plain wire fencing and timber rail fencing) with a minimum ground clearance of 300mm, to ensure koala movement across the site is not impeded. Where existing boundary fencing does not meet this standard, it shall be replaced prior to the issue of any Subdivision Certificate. All boundary fencing to be installed must be to the satisfaction of Armidale Regional Council prior to the issue of a Subdivision Certificate for each stage.

31. A Positive Covenant and/or restriction is to be placed on the Titles of those lots that adjoin/back onto Springhill Lane, being lots 15, 30, 31, 32 37, 38 & 39 inclusive, to prevent any direct vehicular access onto this road reserve from these allotments. Access to these lots will only be permitted via the new internal subdivision roads.

Details to be included with documentation submitted for approval with an application for a Subdivision Certificate for the subject Lots.

32. Written advice from telecommunications and electricity providers, confirming that satisfactory arrangements have been made for the provision of telecommunications and electricity services to each stage of the development, are to be submitted to the relevant certifying authority before the issue of a Subdivision Certificate.

The location of any new pole or ground mounted substation for the development is to be confirmed with and approved by Council, to ensure that this does not unreasonably interfere with the aesthetics or functionality of the development or adjoining public road/s.

ADVISING: Such infrastructure shall be located within the property where feasible and positioned such that it does not impede the movement of pedestrians with vision impairment.

33. In relation to the civil works required by this development which will become public assets, it is Council's usual requirement that these works be completed and accepted by Council before a Subdivision Certificate is issued.

Upon completion and subsequent acceptance, Council will require these works to be placed on a 12 months' defect liability period and secured by means of a cash deposit or bank guarantee for 10% of the total construction contract price.

Upon application by the developer, Council will consider issuing a Subdivision Certificate before the subdivision works have been completed. In these cases an 'Agreement to Meet Costs' form and monetary security for outstanding civil works that are to become public assets must be provided to Council before the issue of any Subdivision Certificate. Security shall be in the form of cash deposit or bank guarantee, for an amount to the satisfaction of Council's Director Public Infrastructure or nominee.

Application for a 90% refund of the security may be made on documented completion of the works, with full refund of the remaining 10% upon satisfactory completion of the 12 months' defects liability period.

34. To address the additional demand on Council's water and sewer infrastructure, a contribution is to be paid to Council before the issue of the Subdivision Works Certificate (as per ARC Development Servicing Plan for Water and Sewerage), for each stage of the development.

At the date of determination the applicable contributions are \$513,600.00.

Note 1: Contributions are indexed annually at the end of each financial year.

Note 2: Contributions may be deferred, normally for a maximum period of two years, provided satisfactory security is lodged (the contribution amount + 20%) in accordance with the abovementioned Servicing Plan.

Note 3: A deduction to the contributions may be available where all amplification works are considered to be 'works in kind' in accordance with Council's policy 181 – Utilities – Development Servicing Plan for Water & Sewerage.

Contribution fees can be paid online on Council's website or in person to the cashier at Council's offices. For online payments select the SELF SERVICE tab then 'Application Payments' under 'Pay for it' and enter your payment reference number (provided at the end of this consent).

35. Compliance with all relevant conditions relating to the bush fire safety authority issued by the NSW Rural Fire Service for the site dated 21 July 2020, prior to the issue of a Subdivision Certificate for each stage of the development.

36. All civil engineering and utility service works undertaken pursuant to this consent, including:

- Water supply work;
- Sewer drainage work;
- Stormwater drainage work/ detention basin;
- Roadwork, including drainage infrastructure and verge formation;
- Road signage; and
- Street lighting

are to be inspected and tested upon completion, and details of works which will become public assets provided to Council's Development Engineer or nominee, before the issue of a Subdivision Certificate for the development.

An electronic copy of "work as executed" plans are to be provided to Council for works affecting Council property or benefiting Council. Each plan is to have a scale adjacent to the title block showing the scale used on that plan.

The location of any fill introduced, by both plan limit and depth, together with relevant classifications shall be shown on the "work as executed" plans to be submitted to Council.

DURING CONSTRUCTION

37. No storage of building materials, soil or equipment is to occur on Council's property or roads without the written consent of Council's Civic and Recreational Services Manager or nominee. No unfenced, potentially dangerous activity or material to be located in close proximity to the street boundary or pedestrian walkway adjoining the site. No unsupervised transit of plant, equipment or vehicles across public areas or other obstruction of those areas is permitted.

38. Action being taken by the developer and contractors to ensure that public safety is maintained on roadways under construction at all times, by the provision of effective barriers to distinguish between adjacent public roadways and the roadways under construction.
39. At the end of any temporary cul-de-sac created in any stage of the development, a gravel turning area is to be provided with a radius of 11 metres (minimum).
40. Effective dust control measures to be maintained during construction to maintain public safety/amenity and construction activities are to be restricted solely to the subject site.
ADVISING: Failure to take effective action may render the developer liable to prosecution under the NSW Protection of the Environment Operations Act.
41. Any fill which is placed on the site shall be free of any contaminants and placed in accordance with the requirements of AS 3798 (current edition) Guidelines on Earthworks for Commercial and Residential Developments. The developer's structural engineering consultant shall:
- identify the source of the fill and certify that it is free from contamination; and
 - classify the area within any building envelope on any such filled lot in accordance with the requirements of "Residential Slabs and Footings" AS 2870.1 (current edition).
42. The uppermost layer of the soil profile (top soil) is to be retained on site, stockpiled and surrounded at its base with silt fencing to ensure that the topsoil is maintained in a satisfactory and reusable condition. Stockpiles are to be limited in height to 3 metres and located in a position not visually prominent from public places. Areas within the development not otherwise built on are to be left with not less than 100mm of topsoil with grass or other landscaping established, to provide an aesthetically pleasing development within the streetscape.
43. The hours of construction work are to be restricted to between 7.00am and 6.00pm on Monday to Friday and 8.00am to 1.00pm on Saturdays, to maintain the amenity of the locality.
Any proposed construction work to be undertaken outside these hours or on Public Holidays must be the subject of prior written agreement from Council - consideration may be given to special circumstances and non-audible work if applicable.
ADVISING: Breaches of this condition may result in the issuing of a Penalty Infringement Notice or prosecution.
44. Excavations and backfilling must be executed safely and in accordance with appropriate professional standards and be properly guarded and protected to prevent them from being dangerous to life or property.
ADVISING: Should excavation identify any Aboriginal objects or European relics you will be required to cease work and follow the relevant procedures in the National Parks and Wildlife Act 1974 or the Heritage Act 1977. Further details are provided under the heading 'ADVICE' in this consent.

ADVICE

Where archaeological relics are discovered during excavation, work must cease in the affected area pending investigation and assessment of its heritage value.

Aboriginal relics are to be referred to the National Parks and Wildlife Service (NPWS) and objects of non-Aboriginal settlement are to be brought to the attention of the Heritage Council.

For further information go to the NPWS Code of Practice for Archaeological Investigations of Aboriginal Objects in NSW (available online) and/or the Heritage Council.

3. OFFICERS' RECOMMENDATION – (Cont):

- b. Notify those that made a submission on the development, of Council's determination.
- c. Notify relevant agencies of Council's determination.

Moved Cr Galletly

Seconded Cr Widders

The Motion on being put to the vote was CARRIED

DIVISION The result being:-

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

AGAINST: Cr D Robinson

The Motion on being put to the vote was CARRIED.

11. OUR PEOPLE AND COMMUNITY

11.1 Public Exhibition of the Community Recognition Policy

Ref: AINT/2022/05824 (ARC17/1644)

90/22

RESOLVED

That Council:

- a. Endorse the draft Community Recognition Policy for public exhibition for a period not less than 28 days;
- b. Receive a further report at the conclusion of the exhibition period.

Moved Cr Robinson

Seconded Cr O'Brien

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

11.2 NSW Public Libraries Association Nominated Councillor Representative

Ref: AINT/2022/11720 (ARC20/4249)

91/22

RESOLVED

That Council endorse the General Managers nomination of Cr Debra O'Brien as the Representative to the NSW Public Libraries Association for the current Council term.

Moved Cr Robinson

Seconded Cr McMichael

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

12. COMMITTEE REPORTS

12.1 Audit Risk and Improvement Committee - Minutes of meeting held 17 March 2022

Ref: AINT/2022/14656 (ARC22/5007)

92/22

RESOLVED

That the Minutes of the Audit Risk and Improvement Committee meeting held on 17 March 2022 be noted.

Moved Cr Robinson

Seconded Cr O'Connor

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

12.2 Traffic Advisory Committee - Minutes of the Meeting held 5 April 2022

Ref: AINT/2022/13251 (ARC16/0168-7)

93/22

RESOLVED

That in relation to the report "Armidale Regional Council Traffic Advisory Committee Minutes – 5 April 2022", Council :

- a) Council remove the raised concrete roundabout at the intersection of Bradley Street and Mackenzie St in Guyra, and that the works be included in the FY22/23 Bitumen Resealing and Asphaltting Program and replaced with a "Giveaway" sign and appropriate intersection line marking.
- b) Council note the request made to TfNSW from The Armidale School concerning potential improvements to pedestrian safety in Douglas Street. No issues were observed by TfNSW, the area will be monitored.
- c) Council note the requested road closure for the 2022 Autumn Festival, of Beardy Street between Dangar and Jessie Street and Dangar Street between Rusden and Moore street, was endorsed by the Traffic Advisory Committee's at an out of session meeting.
- d) Council note the new route for Tour de Rocks was acknowledged and endorsed at an out of

session meeting of the Traffic Advisory Committee.

Moved Cr Widders

Seconded Cr Robinson

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

13. MATTERS OF AN URGENT NATURE - Nil

14. QUESTIONS ON NOTICE - Nil

PROCEDURAL MOTION

94/22

RESOLVED

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

- 15.1 Provision of Professional services for Survey and Design Work Panel for Road Rehabilitation and Construction Projects on Waterfall Way MR76. (AINT/2022/10423) - ***(General Manager's Note: The report considers a request of tender evaluation and recommendations and is deemed confidential under Section 10A(2)(c) of the Local Government Act 1993, as it deals with commercial information of a confidential nature which, if disclosed, confers a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business).***
- 15.2 Engagement of Contractor for ARC Kerb & Gutter Program. (AINT/2022/12317) - ***(General Manager's Note: The report considers a tender and is deemed confidential under Section 10A(2)(c) of the Local Government Act 1993, as it deals with commercial information of a confidential nature which, if disclosed, confers a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business).***
- b) That Council exclude the press and public from the proceedings of the Council in Confidential Session pursuant to Section 10A, subsections 2 & 3 and section 10B of the Local Government Act 1993, on the basis that the items to be considered are of a confidential nature.
- c) That Council make the resolutions made in Confidential Session public as soon as practicable.

Moved Cr Galletly

Seconded Cr Packham

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

Council entered Closed Session at 5:38pm.

Council returned to Open Session at 5:42pm.

RESUMPTION OF MEETING

95/22 **RESOLVED**

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

Moved Cr Mepham Seconded Cr Galletly

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

15. CLOSED SESSION

15.1 Provision of Professional services for Survey and Design Work Panel for Road Rehabilitation and Construction Projects on Waterfall Way MR76

Ref: AINT/2022/10423 (ARC22/5037)

96/22

RESOLVED

That Council

- b) Accept the tenders submitted by JM Surveys and Local Government Engineering Service Pty Ltd and appoint to a prequalified panel for two years term starting from April 2022.
- c) Delegate authority to the General Manager to execute all documents in relation to the contract.
- d) Delegate authority to the General Manager to approve expenditure for works completed by JM Surveys and Local Government Engineering Service Pty Ltd within the upper limit of available funding for works on Waterfall Way.

Moved Cr McMichael

Seconded Cr Widders

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

15.2 Engagement of Contractor for ARC Kerb & Gutter Program

Ref: AINT/2022/12317 (ARC21/4965)

97/22

RESOLVED

That Council:

- a) Accept the tender submitted by All Civil Works Group Pty Ltd for \$412,720.00 Incl. GST to complete the 2021/22 Kerb & Gutter Renewal program at various locations across the ARC LGA.
- b) Delegate authority to the General Manager to approve expenditure up to the contract value of \$412,720.00 Incl. GST
- c) Delegate authority to the General Manager to execute all documents in relation to the Contract.
- d) Delegate authority to the General Manager to approve all variations to the Contract up to the upper funding limit for any additional works completed by All Civil Works Group as directed by Council.

Moved Cr Gaddes

Seconded Cr Galletly

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

There being no further business the Mayor declared the meeting closed at 5:42pm.