



BUSINESS PAPER

ORDINARY MEETING OF COUNCIL

To be held on

Wednesday, 26 May 2021
4pm

at

Armidale Council Chambers

Members

Councillor Ian Tiley (Mayor)
Councillor Debra O'Brien (Deputy Mayor)
Councillor Peter Bailey
Councillor Jon Galletly
Councillor Andrew Murat
Councillor Margaret O'Connor
Councillor Dorothy Robinson

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***(General Manager's Note:** The report considers a legal matter 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).*

16 Close of Ordinary Meeting

Item:	7.1	Ref: AINT/2021/15500
Title:	Borrowing Strategy	Container: ARC16/0025
Author:	Dorothy Robinson, Councillor	
Attachments:	Nil	

I hereby give notice of my intention to move the following motion at the Ordinary Council to be held on 26 May 2021.

That Council note the Reserve Bank Governor's statement that no interest rate rise is on the RBA's horizon and that the cash rate will stay at the record low 0.1% until 2025. Consequently, Council's future borrowings should be designed to minimize total interest costs over the short and medium term to assist with our current financial difficulties.

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17 May 2021

Background

The Reserve Bank Governor's statement that there's no interest rate rise is on the RBA's horizon and that the cash rate will stay at the record low 0.1% until 2025 is available at: [There's no interest rate rise on the RBA's horizon \(afrc.com\)-https://www.afrc.com/policy/economy/there-s-no-interest-rate-rise-on-the-rba-s-horizon-20210309-p5797h](https://www.afrc.com/policy/economy/there-s-no-interest-rate-rise-on-the-rba-s-horizon-20210309-p5797h)

See also: [RBA holds interest rates at 0.1 per cent \(smh.com.au\)](https://www.smh.com.au/politics/federal/rba-holds-interest-rates-at-0-1-per-cent-20210406-p57gsz.html) - <https://www.smh.com.au/politics/federal/rba-holds-interest-rates-at-0-1-per-cent-20210406-p57gsz.html>

Known Legal Implications

No.

Budget Implications

Designing future borrowings to minimize total interest costs over the short and medium term will save money to put towards important community benefits.

Strategic Implications

No. The motion fits in with the wise financial management and achieving value for money for ratepayers to which all councils should aspire.

Policy Implications

No

General Manager's Comment:

Respectfully it goes without saying that Council should always be seeking to make the most financially sustainable decisions it can whether that be borrowing funds from third party entities or setting fees and charges across its operations to ensure current and future operating costs are covered. A focus on core business or back to basics over the next few years will ensure the current dire financial position of Council is salvageable and sustainable into the longer term.
#restoreandthrive

Item:	7.2	Ref: AINT/2021/15501
Title:	Cities Power Partnership	Container: ARC16/0025
Author:	Dorothy Robinson, Councillor	
Attachments:	Nil	

I hereby give notice of my intention to move the following motion at the Ordinary Council to be held on 26 May 2021.

That ARC joins the 54 other NSW Councils in becoming a partner council of the Cities Power Partnership - <https://citiespowerpartnership.org.au/become-a-partner/>

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17 May 2021

Background

Membership is free and could help ARC learn from other councils including those who have enjoyed significant savings from negotiating power purchases agreements. Pledges to reduce emissions could include some that are already in the pipeline because of our Climate Emergency Declaration and membership of Project Zero30.

Known Legal Implications

None. Nearly half of the councils in NSW have already joined the CPP and are enjoying the benefits of the Cities Power Partnership.

Budget Implications

None. Membership is free and we are more likely to gain benefits rather than incur costs.

Strategic Implications

The strategic direction fits in well with our Climate Emergency Declaration, EcoARC policy and collaboration with UNE on Project Zero30.

Policy Implications

It fits in well with existing policies, including our Climate Emergency Declaration, EcoARC policy and collaboration with UNE on Project Zero30.

General Manager's Comment:

While the membership of CPP is free, the question is, who is going to run the program? Having initiated membership of CPP on behalf of my past employer, there is an ongoing and serious work and reporting commitment as part of the program with significant actions to be undertaken to achieve progress on the pledges Council makes.

Unfortunately given the current plight of ARC, it means it is simply not geared up to take on these type of initiatives that are not deemed core business or fit into the back to basics thinking that underpins the draft budget discussions Councillors and staff have had over the past five budget deliberation sessions. None of what is being said here should be coming as a surprise to any Councillor.

If this is to be assigned a priority for ARC, I need to know what other elements of the Sustainability Officer role currently undertaken, will be de-prioritised?

Item:	7.3	Ref: AINT/2021/15502
Title:	Making public submissions available to Councillors and the community	Container: ARC16/0025
Author:	Dorothy Robinson, Councillor	
Attachments:	Nil	

I hereby give notice of my intention to move the following motion at the Ordinary Council to be held on 26 May 2021.

That, unless it is expected to take more than 5 minutes per submission, all community submissions (except those requesting privacy) are uploaded (ideally within in a few days of receipt) onto a dedicated submissions page on Council's website that also contains the background material provided to submitters and which will be stored in a permanent archive at the end of the submission period.

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17 May 2021

Background

In normal circumstances, the expected time to upload submissions should be much less than 5 minutes per submission and much of the time required to upload submissions will be offset by simplifying the preparation of the business paper because the submissions will already be available to councillors and the public, so don't need to be reproduced in the business paper.

Known Legal Implications

None.

Budget Implications

In normal circumstances, the expected time to upload submissions should be much less than 5 minutes per submission and the setting up of a dedicated webs page linked to the 'Your Say' page should also take no more than a few minutes. At the end of the submission period, the entry on the 'Your Say' page could then copied to the top of an archive page (maybe one archive page per year?), with the bottom of the YourSay page providing links to the archive page(s). This is one possible suggestion about how it might be implemented, keeping everything is simple, open and transparent, but requiring minimal staff time.

Much of the time required to upload submissions will be offset by simplifying the preparation of the business paper because the submissions are already available to councillors and the public so don't need to be reproduced in the business paper.

Strategic Implications

This motion will improve transparency and accountability and improve our standing with the community for almost zero cost.

Policy Implications

No.

General Manager's Comment:

Discussions between Councillors and senior staff over the past few months have revealed a number of shortcomings in the ARC business, not the least of which is a significant number of staff shortages across the organisation that sees many staff performing not only their own roles but significant portions of other vacant roles that remain unfilled.

As discussed throughout the past five draft budget sessions, these roles remain unfilled and be sustainably recruited to because Council's financial position is so precarious that to seek to simply advertise and fill vacant roles en masse would devastate ARC financially and simply be unsustainable. It is only by the good grace of a dedicated staff group that this workload is subsumed by many. This was made clear through the results of the recent 'culture audit'.

Councillors will appreciate that the ARC is the sum of many moving parts and as mentioned, staff across the organisation are often undertaking additional duties. When Council place items on public exhibition with a closing date, staff are not sitting there waiting for submissions to come in so they can put them up when received. The submissions go into a global receipt point and are extracted at the closing date. While it would be great to have that type of resource in place that afforded this type of luxury, given ARCs current plight, to seek to do anything else would be a drain on resources and unsustainable.

Item:	7.4	Ref: AINT/2021/15504
Title:	Request Help - Minister's Performance Order Container: ARC16/0025	
Author:	Dorothy Robinson, Councillor	
Attachments:	Nil	

I hereby give notice of my intention to move the following motion at the Ordinary Council to be held on 26 May 2021.

In view of the estimated \$1.4 million cost of the Performance Improvement Order, council's current financial problems, and the stresses and strains such constraints are having on councillors, council staff and the community, that Council writes to the Minister requesting additional help and time to meet the Performance Improvement Order, especially costly administrative changes that might not have an immediate benefit to the community but are taking money away from important goals in the adopted Delivery Program.

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17 May 2021

Background

Not required. All the relevant information is in the motion.

Known Legal Implications

None.

Budget Implications

If we get any of the requested help, our financial circumstances and organisational health should improve.

Strategic Implications

No. The current lack of resources is creating considerable problems. Tremendous community benefits could accrue from addressing the resource problem.

Policy Implications

No.

General Manager's Comment:

As has been discussed many times with Councillors over the past few months, the direction from the Minister and the money being expended to implement the Performance Improvement Order (PIO) is not about providing a gold (or even a silver or bronze) plated governance model into ARC.

It is simply an expenditure sum that must be spent to put in place a foundation system that has either not existed or been properly embedded since merger. Once a foundation system is in place ARC will then be able to develop from those foundations and grow it into something more befitting of modern day entity underpinned by solid governance frameworks.

ARC do not have the luxury of deferring this by a year or two; the significant issues beleaguering ARC and undermining its ability to deliver for its community and re-establish trust, must occur now.

Item:	7.5	Ref: AINT/2021/15505
Title:	Waiving Fees & Charges - Exceptional Circumstances	Container:
	ARC16/0025	
Author:	Dorothy Robinson, Councillor	
Attachments:	Nil	

I hereby give notice of my intention to move the following motion at the Ordinary Council to be held on 26 May 2021.

That the fees and charges document includes a statement that charges may be waived, subject to the agreement of a formal council meeting:

- a) to offer free mulch or free green waste disposal under exceptional circumstances
- b) reduced charges for waste disposal by charities that accept donations of clothes or other household items
- c) in circumstances outlined in our hardship or other adopted policies.

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17 May 2021

Background

The motion sets out some specific circumstances in which council might wish to waive fees to enable the 28 day public notice to be given simultaneously with the proposed fees and charges, as part of the budget process. This will create a streamlined, transparent process if the specified circumstances ever arise.

Known Legal Implications

NSW Local Government Act: 610E states:

Council may waive or reduce fees

(1) A council may waive payment of, or reduce, a fee (whether expressed as an actual or a maximum amount) in a particular case if the council is satisfied that the case falls within a category of hardship or any other category in respect of which the council has determined payment should be so waived or reduced.

(2) However, a council must not determine a category of cases under this section until it has given public notice of the proposed category in the same way as it is required to give public notice of the amount of a proposed fee under section 610F(2) or (3).

The motion sets out some specific circumstances in which council might wish to waive fees so that the 28 day public notice can be given simultaneously with the proposed fees and charges as part of the budget process.

Budget Implications

There are no budget implications unless a future council meeting decides to waive those charges.

Strategic Implications

None

Policy Implications

None. It is not uncommon for councils to waive fees under exceptional circumstances.

General Manager's Comment:

The financial plight of Council is dire and Council must adopt a financially sustainable 2021/22 budget that is underpinned by a return to core business or back to basics to ensure ARC can recover from its perilous financial position and deliver for its community in the medium to long term.

Council cannot afford to be giving anything away at this point in its cycle. A strong discipline is required if council is to be able to salvage itself.

Item:	7.6	Ref: AINT/2021/15506
Title:	Water Charges and Policy	Container: ARC16/0025
Author:	Dorothy Robinson, Councillor	
Attachments:	Nil	

I hereby give notice of my intention to move the following motion at the Ordinary Council to be held on 26 May 2021.

- a) that the first 12 kL of water per household per quarter are offered at a \$2 discount to the standard price
- b) that the bulk water discount is limited to 15% of the price paid by residential users
- c) that any application for funding to secure our water supply includes a request for funding for subsidies for residential water savings devices.

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17 May 2021

Background

This represents a fairer water charging system that was strongly supported at a recent meeting with community representatives.

Known Legal Implications

None.

Budget Implications

When combined with a borrowing strategy aiming to minimise interest costs over the short and medium term, and the money owed for bore water supplied to Costas (but not yet invoiced), no extra budget allocation should be required.

Strategic Implications

No. The motion fits in with the Council's Strategic aims of fairness and providing value for money.

Policy Implications

No

General Manager's Comment:

As has been stated previously, the appropriate place to raise this matter is as part of the budget process. Council is not currently in a position where it can afford to be relinquishing revenue.

Water and sewer infrastructure in Guyra and Armidale is significantly compromised and will require substantial investment over the coming three to five years. For Council to be sustainable longer term it must start applying a strong sense of discipline to its budgeting process and think long term.

Item:	7.7	Ref: AINT/2021/15508
Title:	Live Streaming	Container: ARC16/0025
Author:	Dorothy Robinson, Councillor	
Attachments:	Nil	

I hereby give notice of my intention to move the following motion at the Ordinary Council to be held on 26 May 2021.

That, at the request of participants, presentations and 'Have your Say' sessions prior to council meetings are live streamed for the benefit of community members who cannot attend in person.

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17 May 2021

Background

Many members of our community cannot attend meetings in person, especially during Covid restrictions. Moreover, the Community's 'Have your Say' segments are a useful contribution to the debates on items in the business paper. Given that staff have to set up the chambers for live streaming, there does not seem to be any major difficulty in live streaming the presentations and 'Have Your Say' sessions.

Known Legal Implications

None. This is a simple issue of assuring our community that Council wants to keep them informed about important community issues and community input on items in the business paper.

Budget Implications

No obvious budget implications because these sessions happen immediately before ordinary council meetings that which have to be streamed. It should take no more work than when presentations were part of the official meeting and so had to be live streamed.

Strategic Implications

None

Policy Implications

No conflict and no new direction required. It happening until the Code of Meeting Practice Changed and the 'Have your Say' segment was no longer part of the formal meetings.

General Manager's Comment:

The Code of Meeting Practice (CoMP) was adopted by Council at the March 2021 meeting after a period of public exhibition. Comments received, where able, were reflected in the final document adopted by Council.

The Act requires that Council webcast its monthly council meetings; the model code also advocates strongly that the public forum be 'de-coupled' from the ordinary meeting as Council meetings are debating and decision making forums rather than 'chat' forums.

The community do not and were not necessarily tuning into Council meetings to listen to public forum; participants in public forum attend to engage with Councillors first and foremost and not necessarily to be webcast while doing so.

Council should seek to continue with the current model and when the CoMP is reviewed in the life of the new council, it can be revisited then.

Item:	7.8	Ref: AINT/2021/15509
Title:	GM's Performance Criteria	Container: ARC16/0025
Author:	Dorothy Robinson, Councillor	
Attachments:	Nil	

I hereby give notice of my intention to move the following motion at the Ordinary Council to be held on 26 May 2021.

That, except for clause 3.7 (Local government elections) the specific goals set out in section 3 of the GM's performance agreement are replaced with a general requirement (assessed objectively or subjectively by the performance review panel) of achieving the goals and strategies set out in the adopted Delivery Program, taking into account their importance and benefits.

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17 May 2021

Background

Concerns have been expressed about the goals set out in the agreement are limited and highly specific and that they do not represent the range of wishes and desires of the general community. Rather than lock in a small number of specific goals, a better option would be for the performance review panel to assess achievements (subjectively or objectively) against the broader aims set out in the adopted Strategic Plan and Delivery Program.

Known Legal Implications

None.

Budget Implications

Changing the assessment criteria should not entail any additional funding requirements.

Strategic Implications

This motion will improve accountability and improve our standing with the community because the aims and goals in the adopted Strategic Plan and Delivery Program are publicly available.

Policy Implications

No.

General Manager's Comment:

It is difficult for me to comment on this other than to say that the performance agreement must be mutually agreed between the parties.

I will not however agree to subjective measures where the goal posts can be arbitrarily moved.

In setting performance measures for the General Manager, Council must provide the appropriate human and financial resources to allow for success. ARC is not currently in a financial position that permits its GM to achieve even the most basic and fundamental measures of success.

Should Council be committed to the long term sustainability of ARC, it would be wise to start with adopting a financially responsible budget for 2021/22 and with that, embed a sound discipline in adhering to the adopted position, and not waiver.

Item:	7.9	Ref: AINT/2021/15510
Title:	National Air Quality Standards	Container: ARC16/0025
Author:	Dorothy Robinson, Councillor	
Attachments:	Nil	

I hereby give notice of my intention to move the following motion at the Ordinary Council to be held on 26 May 2021.

That council explores all possible funding opportunities to clean up our air, including writing to the NSW Government noting that it was unable to provide a formal submission on the draft NSW Clean Air Strategy, and that:

- 1) In 2018, council's 32 exceedances of the national daily PM2.5 standard at the NSW Government monitoring was 4 times greater than the next worst location (Liverpool, with 8 exceedances)
- 2) Any program developed in Armidale could serve as a model for the rest of NSW, given the information in the Clean Air Strategy that wood heating, used as main heating by 4.4% of Sydneysiders was considered responsible for 46% of population-weighted exposure to PM2.5 in Sydney.

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17 May 2021

Background

In times of limited resources, exploring funding opportunities is one of the best ways of achieving results for our community and will help achieve E1.2 in our adopted Delivery Program, for which the Measure of success factors/outcomes was to Achieve National Air pollution targets by 2020.

Known Legal Implications

The legal implications of Council's obligation to try to meet National Air Quality Standards would need further investigation. However, this motion represents a step in the right direction.

Budget Implications

In times of limited resources for councils, exploring funding opportunities is one of the best ways of achieving results for our community. Council staff (and some members of advisory committees) already have expertise in these areas, so it would be a shame and a waste of resources not to make use of their expertise.

Strategic Implications

No. The motion fits in with the Council's Strategic Directions and recommendations in Council's adopted Delivery Program and EcoARC policy.

Policy Implications

No. The motion fits in with the Council's Strategic Directions and recommendations in Council's adopted Delivery Program and EcoARC policy.

General Manager's Comment:

This is an admirable NoM however I do not know how ARC can seek to progress it given the current plight of the council. If this is to be a priority I need to understand what other priorities can slip.

I do not currently have the resources, human or financial, to deploy to this task.

Item:	8.1	Ref: AINT/2021/14160
Title:	Rescinding of Council Policies	Container: ARC17/1770
Responsible Officer	Acting Director Organisational and Corporate Services	
Author:	Stacey Drew, Executive Policy Advisor	
Attachments:	Nil	

1. Purpose

This report proposes the rescinding of 13 Policies from Council's Policy Register

2. OFFICER'S RECOMMENDATION:

That Council rescind the following policies:

- a) POL030 – Safe Driving Policy
- b) POL047 - Financing of Water Supply and Sewerage Infrastructure
- c) POL136 – Backflow and Cross Connection Prevention Guidelines
- d) POL153 – Water Supply Demand Management Plan
- e) POL199 - Alliance Safety Management System
- f) POL199 - Alliance Safety Management System
- g) POL196 – Sole Trader OH&S Pack
- h) POL008 – Appointment of a Delegated committee under Section 355 of the Local Government Act
- i) POL164 - Gifts and Benefits for Councillors and Staff
- j) POL110 – Rural Fire Service
- k) POL083 – Roadside Tributes Policy
- l) POL088 – Gates on Public Roads
- m) POL088 – Gates on Public Roads
- n) POL117 – Disaster Recovery Plan
- o) Related Party Disclosures Policy
- p) POL167 - Enforcement and Prosecutions Policy
- q) POL235 – Environmental Noise Guidelines Policy

3. Background

Following recommendations contained in the 2020 Governance Review and its recommendations being included as part of the Performance Improvement Order issued by the Minister for Local Government a thorough review of Council's policies is being undertaken.

Thirteen Council policies have been identified as no longer relevant, previously superseded or have been re-drafted as management policies. This report recommends that these policies rescinded.

4. Discussion

Rationale for rescinding policies:

Policy	Rationale
<ul style="list-style-type: none"> POL030 – Safe Driving Policy 	Superseded in July 2013. Contents of policy now addressed in Management Policy – Motor Vehicle Policy.
<ul style="list-style-type: none"> POL047 - Financing of Water Supply and Sewerage Infrastructure 	Guidelines under the Water Supply Policy and Sewer Services Policy.
<ul style="list-style-type: none"> POL136 – Backflow and Cross Connection Prevention Guidelines 	Guidelines under the Water Supply Policy.
<ul style="list-style-type: none"> POL153 – Water Supply Demand Management Plan 	Converted to a Management Plan under the Water Supply Policy.
<ul style="list-style-type: none"> POL199 - Alliance Safety Management System 	Policy is no longer applicable as a functional corporate WHS management system is in place.
<ul style="list-style-type: none"> POL196 – Sole Trader OH&S Pack 	Policy is no longer applicable as a functional contractor WHS management system is in place.
<ul style="list-style-type: none"> POL008 – Appointment of a Delegated committee under Section 355 of the Local Government Act 	Council no longer provides committees with delegations under section 355 of the Local Government Act 1993.
<ul style="list-style-type: none"> POL164 - Gifts and Benefits for Councillors and Staff 	Policy not required as Gifts and Benefits are outlined in the Model Code Of Conduct and monitored under an internal procedure.
<ul style="list-style-type: none"> POL110 – Rural Fire Service 	Council is no longer responsible for the issuing of Fire Permits and as such the policy is obsolete.
<ul style="list-style-type: none"> POL083 – Roadside Tributes Policy 	Content is covered by the Memorials Policy.
<ul style="list-style-type: none"> POL088 – Gates on Public Roads 	Content is covered by Gates and Stock Grids on Public Roads.
<ul style="list-style-type: none"> POL117 – Disaster Recovery Plan 	Converted to Guidelines that sit under the Risk Management Policy.
<ul style="list-style-type: none"> Related Party Disclosures Policy 	The Local Government Act states Council has an external requirement to comply with Australian Accounting Standards.
<ul style="list-style-type: none"> POL167 - Enforcement and Prosecutions Policy 	Superseded by existing NSW legislation therefore obsolete.
<ul style="list-style-type: none"> POL235 – Environmental Noise Guidelines Policy 	Superseded by existing NSW legislation therefore obsolete.

5. Implications

The policy review seeks to streamline and simplify Council's current Policy framework making it simpler for staff to implement, easier to understand and more customer focussed.

5.1. Strategic and Policy Implications

Rationalisation of Council's policy framework is consistent with the directions contained in the Community Strategic Plan 2017-2027:

Leadership for the Region Community Outcome 3 – Council demonstrates sound organisational health and has a culture which promotes action, accountability and transparency.

The review also demonstrates action in relation items contained in Schedule 2 of the Performance Improvement Order relating to governance standards.

5.2. Risk

The purpose of Council policies is to provide clear consistent directions and expectations to Council staff and the broader community. A simple consistent and coherent policy framework is the foundation stone that enables risk to be effectively managed or even eliminated.

5.3. Sustainability

The simplified approach to the new policy framework and the reduction in the number of policies will ensure a more sustainable approach is taken to their regular, scheduled review and updating. This will in turn enhance not only the sustainability of Council, but also provide greater confidence in each policies being current, relevant and able to effectively and efficiently address the emerging challenges in each policy area.

5.4. Financial

A key goal of the policy review is to simplify the current policy framework. Streamlining and reducing the number of existing policies will be beneficial to staff and the community. The maintenance of policies and the number of policy reviews required will be drastically reduced whilst at the same time providing greater simplicity and enhancing the direction provided to the community. This will reduce the number of questions and enquiries that are likely to be generated reducing costs overall across Council's operations.

Budget Area:	N/A						
Funding Source:	N/A						
Budget Ref: (PN)	Description	Approved Budget	Actual	Committed	Proposed	Total Forecast Expenditure	Remaining Budget
	-	-	-	-	-	-	-

6. Consultation and Communication

All Council policies are reviewed by relevant subject matter experts.

Where significant changes are made, the policies are subject to stakeholder consultation prior to presentation to Council which is then followed by a public exhibition process.

7. Conclusion

The policy review process is ongoing. The policies reviewed in this report have been identified as no longer relevant, previously superseded or have been re-drafted as management policies. Rescinding these policies will reduce their resource impacts on Council and provide a simpler more outward looking set of policies that are clearer and easier for the community to navigate.

Item:	8.2	Ref: AINT/2021/14436
Title:	Minor Policy Updates	Container: ARC17/1770
Responsible Officer	Acting Director Organisational and Corporate Services	
Author:	Stacey Drew, Executive Policy Advisor	
Attachments:	<ol style="list-style-type: none">1. Mayoral Robe and Chain Policy2. Media Policy3. Floodplain Management Policy4. Museum Collection Management Policy5. Road Maintenance Liability Policy6. Tree Clearing on Rural Road Reserves Policy7. Dedication and/or Maintenance of Public Roads Policy8. Rural Bus Stops Policy9. Bus Shelters within the Urban Areas Policy10. Vehicular Driveway Construction, Maintenance and Location Policy11. Road Intersection (sight Distance) Policy12. Kerb, Guttering and Footpaths Policy	

1. Purpose

To receive and note the updated Policies that have been reviewed as part of the ongoing policy review process.

2. OFFICER'S RECOMMENDATION:

That Council note that the:

- a) Mayoral Robe and Chain Policy
- b) Media Policy
- c) Floodplain Management Policy
- d) Museum Collection Management Policy
- e) Councils Road Maintenance Liability
- f) Tree Clearing on Rural Road Reserves Policy
- g) Dedication and/or Maintenance of Public Roads
- h) Rural Bus Stops Policy
- i) Bus Shelters within the Urban Areas Policy
- j) Vehicular Driveway Construction, Maintenance and Location Policy
- k) Road Intersection (Sight Distance) Policy
- l) Kerb, Guttering and Footpaths Policy

Have been reviewed and are subject to administrative amendments only.

3. Background

All Council policies are being reviewed to ensure they are current and fit for purpose. In addition all policies are being moved into a consistent, updated policy template. Many policies have been substantially updated and, as a result, undergo community consultation and a formal public exhibition processes prior to their presentation to Council for adoption.

A small number of policies have only required small administrative amendments and therefore do not require re-adoption by Council. These policies are presented to Council for noting of administrative changes only.

4. Discussion

Policy	Rationale
<ul style="list-style-type: none">Mayoral Robe and Chain Policy	Minor administrative amendments and new template
<ul style="list-style-type: none">Media Policy	Minor administrative amendments and new template
<ul style="list-style-type: none">Floodplain Management Policy	Minor administrative amendments and new template
<ul style="list-style-type: none">Museum Collection Management Policy	Minor administrative amendments and new template
<ul style="list-style-type: none">Councils Road Maintenance Liability	Minor administrative amendments and new template
<ul style="list-style-type: none">Tree Clearing on Rural Road Reserves Policy	Minor administrative amendments and new template
<ul style="list-style-type: none">Dedication and/or Maintenance of Public Roads	Minor administrative amendments and new template
<ul style="list-style-type: none">Rural Bus Stops Policy	Minor administrative amendments and new template
<ul style="list-style-type: none">Bus Shelters within the Urban Areas Policy	Minor administrative amendments and new template
<ul style="list-style-type: none">Vehicular Driveway Construction, Maintenance and Location Policy	Minor administrative amendments and new template
<ul style="list-style-type: none">Road Intersection (Sight Distance) Policy	Minor administrative amendments and new template
<ul style="list-style-type: none">Kerb, Guttering and Footpaths Policy	Minor administrative amendments and new template

5. Implications

Each of these policies have been amended to comply with the refreshed policy format, however, none have required significant adjustment to their content and they remain relevant and fit for purpose.

5.1. Strategic and Policy Implications

This report contributes to the delivery of the Community Strategic Plan 2017-2027 : Leadership for the Region, Community Outcome 3 – That Council demonstrates sound organisational health and has a culture which promotes action, accountability and transparency.

5.2. Risk

Each of these policies provide clear consistent direction giving due consideration to risk management and mitigation strategies.

5.3. Sustainability

The Flood Plain Management policy is directly linked to environmental sustainability initiatives and the development of a framework for coordinating flood works on a whole of valley basis. The remaining three policies provide for an administrative framework that is critical to the effective and efficient management of a sustainable organisation.

5.4. Financial

Policy review is a resource intensive process that involves consideration of long term financial and strategic plans, review of changes to government policy, legislation or procedure and often consultation with internal and external stakeholders. The financial impacts of the results of any policy changes are highlighted in the reports to Council for each policy review.

Budget Area:	Not Applicable						
Funding Source:	-						
Budget Ref: (PN)	Description	Approved Budget	Actual	Committed	Proposed	Total Forecast Expenditure	Remaining Budget
	-	-	-	-	-	-	-

6. Consultation and Communication

All Council policies are reviewed by relevant subject matter experts. In this case only minor administrative adjustments have been made to these policies and no additional community engagement has been undertaken.

7. Conclusion

These twelve policies have been reviewed and found to be fit for purpose. Only minor administrative changes have been made to previously adopted documents and they are re-submitted to note as part of the overall policy review process.

Item:	8.3	Ref: AINT/2021/10168
Title:	Feedback and Complaints Management Policy and Unreasonable Customer Conduct Policy	Container: ARC16/0089-4
Responsible Officer	Acting Director Organisational and Corporate Services	
Author:	Stacey Drew, Executive Policy Advisor	
Attachments:	1. Feedback & Complaints Management Policy 2. Unreasonable customer Conduct Policy	

1. Purpose

The purpose of this report is to present the draft Complaints Management Policy and the Unreasonable Customer Conduct Policy to Council and recommend they be placed on public exhibition.

2. OFFICER'S RECOMMENDATION:

That Council:

- a. Endorse the Draft Feedback and Complaints Management Policy and the Unreasonable Customer Conduct Policy for public exhibition of 21 days.
- b. Following public exhibition a further report be presented to Council on the feedback received.

3. Background

- The current Complaints Management Policy was reformatted in 2013 due to Council branding guideline requirements and the availability of an additional channel of submitting complaints via Online Services (through Facebook or ARC website.)
- Since policy adoption in 2013 there has been a significant turnover of staff at ARC and a lack of clarity and understanding of what the correct procedures and processes are for complaints handling.
- Changes to the ways in which feedback can be received and expected standards of response have resulted in a need to substantially amend internal processes.

4. Discussion

In the current 2021 operating climate there is a need for a 'complete' Complaints Management System that provides staff with the tools and information needed to receive and respond to complaints from the public in a more effective and efficient way.

The complaints management system will empower staff to manage complaints with a clear process to follow, and the provision of tools and templates required to investigate and resolve complaints and a register to record and report on complaints to the Office of Local Government and the ARC Executive Leadership Team.

The Complaints Management Policy adopted on 28 February 2013 requires a revision to capture the wider lens of feedback (including compliments, suggestions and feedback) and to clearly define our complaint management system and procedures in accordance with the NSW Ombudsman's Office three tier approach to complaint handling.

The complaints management system will allow Council to provide accurate reports to the Office of Local Government, Council management and the governing body.

Additionally, since 2013 there is the need to include Social Media as a channel for receiving feedback about Council's operations.

5. Implications

The review of the Feedback and Complaints policy and the addition of the Customer Conduct Policy involves identifying policy gaps and developing new policies and processes where none have existed.

5.1. Strategic and Policy Implications

This report contributes to the delivery of the Community Strategic Plan 2017-2027: Leadership for the Region Community Outcome 3 – being that Council demonstrates sound organisational health and has a culture which promotes action, accountability and transparency.

5.2. Risk

The Feedback and Complaints Management Policy has been designed to focus on early resolution of complaints at the frontline or, if this is not possible, an appointed officer from the relevant Business Unit will be responsible for addressing, investigating and providing correspondence to the complainant, all within a documented time frame as set out by the NSW Ombudsman Three Tier model.

Implementing a clear and transparent process assists with the reputation Council seeks to develop to with the residents and rate payers of Armidale Regional Council's Local Government Area.

It ensures the complaints are dealt with in a timely manner, acknowledging the complaint and informing the complainant of responses and updates keeping the complainant informed at every step of the journey. Additionally, it is imperative to respond to compliments and suggestions to ensure feedback is provided to the department for actioning as appropriate.

5.3. Sustainability

- Provide a more efficient and improved quality framework of complaints management to our community.
- Better communication with the community to manage their expectations and prevent the complaint escalating to an external agency which may cause delays in rectifying the matter.

There is a focus on continuous improvement to review systems, processes, procedures and outputs to identify opportunities for improvement.

Sustainability outcomes include:

- Promoting more efficient and improved service delivery through understanding of complaints, insights and trends that lead to business process improvement at Council;
- Efficiency gains in how Council communicates what it does as well as how it goes about what it does.

5.4. Financial

Without a clear process for the Council Business Units and staff to follow, complaints will take additional time to investigate and resolve, in turn causing unnecessary financial impact to Council.

Budget Area:	Nil						
Funding Source:	NIL						
Budget Ref: (PN)	Description	Approved Budget	Actual	Committed	Proposed	Total Forecast Expenditure	Remaining Budget

6. Consultation and Communication

The policy is recommended to be placed on public exhibition for a period for 21 days commencing 27 May 2021, concluding on 18 June 2021. Resulting submissions will be provided to the governing body.

7. Conclusion

An updated policy, process and procedure will allow council staff to handle complaints confidently and correctly and aligned with the NSW Ombudsman's three tier model of complaints handling.

Item:	8.4	Ref: AINT/2021/15296
Title:	Constitutional Referendum Question	Container: ARC21/4520
Responsible Officer	Manager Financial Services	
Author:	Stacey Drew, Executive Policy Advisor	
Attachments:	Nil	

1. Purpose

Council has resolved to add a Constitutional Referendum question to the 4 September 2021 local government election regarding reducing the number of Council Elected representatives from 11 to 9 from 2024 onwards. This report details the proposed question and recommends Council endorsement.

2. OFFICERS' RECOMMENDATION:

That Council endorse the following proposed referendum question that is to be submitted to the NSW Electoral Commission prior to the end of June 2021:

"Do you support a reduction in the number of councillors for Armidale Regional Council from eleven to nine?"

3. Background

Council resolved via Mayoral Minute on 22 December 2020 (resolution number 410/20); *"That Council notify the NSW Electoral Commission that it wants to undertake a Constitutional Referendum in conjunction with the 4 September 2021 Council election to reduce the number of Council elected representatives from eleven to nine councillors."*

It is of critical importance that the referendum question is carefully framed to ensure that workable decisions are achieved. All questions put at a referendum should be clear, concise, and capable of being responded to with a 'yes' or 'no' answer.

4. Discussion

The NSWEC (NSW Electoral Commission) has been notified that Council wishes to enter into an arrangement for the administration of the referendum. The Electoral Commission requires that the proposed question be finalised and submitted to them by June 2021. Council must comply with the notification requirements contained in Schedule 10 of the Local Government (General) Regulation 2005.

The proposed question is as follows:

"Do you support the reduction of the number of Councillors for Armidale Regional Council from eleven to nine?"

Councils are responsible for the preparation and publicity of the required explanatory material. Councils must ensure this material presents a balanced case both for and against any proposition to be put to a constitutional referendum.

5. Implications

Any changes approved at a referendum will come into effect at the September 2024 local government elections.

5.1. Strategic and Policy Implications

This report contributes to the delivery of the Community Strategic Plan 2017-2027: Leadership for the Region Community Outcome 3 – being that Council demonstrates sound organisational health and has a culture which promotes action, accountability and transparency.

5.2. Risk

Some residents may feel that they are losing access to their local democratically elected representatives. A balanced case both for and against each proposition will be presented on the Council website and on social media by 24 July 2021. This will ensure a full six weeks of media and promotion of the referendum.

5.3. Sustainability

In 2001 an inquiry into the structure of local government in eight council areas was conducted. The Inquiry found no information which enabled a definitive conclusion about the ideal number of councillors or the ideal representation ratio. It therefore concluded that what appears to be important is how opportunities are created which enhance democracy and allow the community to participate in information sharing and decision making.

5.4. Financial

It is not possible to estimate cost of undertaking the constitutional referendum at this stage. A contract will be issued to council by NSWEC once the question is confirmed.

Budget Area:	Governance, Risk & Safety						
Funding Source:	2021/22 Untied Revenue						
Budget Ref: (PN)	Description	Approved Budget	Actual	Committed	Proposed	Total Forecast Expenditure	Remaining Budget
210602.1. 1860.333.2396	Election Expenses	\$300,000	\$0	\$0	\$300,000 (costs of referendum TBC)	\$300,000	\$0

6. Consultation and Communication

It is compulsory to vote at all elections and all eligible voters will be presented with a balanced case both for and against maintaining or reducing the number of elected councillors.

7. Conclusion

The number of elected representatives is a key aspect of democracy and governance. It is an important factor in ensuring resident's access to representation and for the effective planning and delivery of public services in general.

Item:	8.5	Ref: AINT/2021/13602
Title:	Public Exhibition of Private Works Policy	Container: ARC17/1877
Responsible Officer	Director Businesses and Services	
Author:	Ben Smith, Manager Roads and Parks	
Attachments:	1. Draft - POL116 Private Works Policy	

1. Purpose

The purpose of this report is to place the draft Private Works Policy (POL116) on public exhibition. This policy outlines the Council requirements for the completion of private works for a third party.

2. OFFICERS' RECOMMENDATION:

That Council:

- a. Endorse the draft Private Works Policy (POL116) for public exhibition until Monday 28 June 2021.
- b. Receive a further report at the end of the exhibition period.

3. Background

Council is approached to complete works for third party entities on a commercial basis. This policy serves to outline the legislative and procedural requirements staff must be guided and abide by, when considering private works.

The nature of this service is Council staff are approached to undertake Private Works when they are servicing a road or other infrastructure. The customer is usually a nearby resident who sees value in utilising Council's resources to maintain their private road or other works.

The Roads team are experienced in expeditiously preparing a quote and undertaking the work if approval is agreed. There is minimal marginal cost to Council to prepare the Private Works quotes and the Fees are calculated to realise a margin to Council.

4. Discussion

This policy has been updated to replace Armidale Dumaresq Council with Armidale Regional Council and to reformat the document to Councils current policy format.

5. Implications

5.1. Strategic and Policy Implications

Adoption of this draft policy will support adherence to legislative requirements for Council and provide continued guidance to its officers & members of the community.

5.2. Risk

This policy is considered to not present a significant risk to Council or the community. This policy should also assist Council in managing public risk.

5.3. Sustainability

Promotion and adherence to the Private Works Policy allows Council to explore additional revenue streams, particularly where the nature of the works is low-risk and of similar size and complexity to current business-as-usual work activities.

5.4. Financial

Budget Area:	Roads and Parks – Construction & Maintenance – Internal Customers						
Funding Source:	Private Works						
Budget Ref: (PN)	Description	Approved Budget	Actual	Committed	Proposed	Total Forecast Expenditure	Remaining Budget
210340	Private Works	Nil	Nil	Nil	\$144,182	Nil	Nil

Council may elect to undertake private work under the following situations;

- Additional revenue can be realised,
- make use of existing resources or spare organisational capacity,
- It seeks to increase staff potential and expertise,
- Address any service deficiencies in the market,
- Improve inter-governmental relations.

Where some or all of the objectives shown above are achieved, however, there is no obligation on Council to accept private work offered by any party. The General Manager, or an officer with delegated authority to approve private work, shall consider the following aspects in determining whether to bid for private work:

- The principles of Competitive Neutrality.
- Conflict of interest by staff involved in the bid process.
- Impact on core business, i.e. degree to which resources need to be reorganised to accommodate the private work.
- Financial return to Council.
- Community benefit derived from the work.

6. Consultation and Communication

The policy will be placed on Public Exhibition for a period not less than 28 days, seeking input from the community.

7. Conclusion

Council does undertake private works in appropriate circumstances. This revised policy provides guidance to the public on the issues Council will consider when private works are proposed.

The public exhibition of this policy will invite community input into the revision of the existing policy. Once the exhibition period is finished a further report will be submitted to Council.

Item:	8.6	Ref: AINT/2021/14290
Title:	Public Exhibition of Management of Road Reserves Policy Container: ARC17/1763	
Responsible Officer	Director Businesses and Services	
Author:	Ben Smith, Manager Roads and Parks	
Attachments:	1. Draft - POL097 Management of Road Reserves Policy	

1. Purpose

The purpose of this report is to place the draft Management of Road Reserves Policy (POL097) on public exhibition. This policy outlines Councils requirements for the management of native vegetation within its road reserves.

2. OFFICERS' RECOMMENDATION:

That Council:

- a. Endorse the draft Management of Road Reserves (POL097) Policy for public exhibition until Monday 28 June 2021.
- b. Receive a further report at the end of the exhibition period.

3. Background

In 1994, National Landcare Program (NLP) funding enabled the former Dumaresq Shire Council to develop a rapid roadside assessment method. A survey of all roads under Shire control was undertaken in order to identify their environmental attributes. Important plants and plant communities were identified and classified as Rare (R), Significant (S) or High Conservation Value (H) sites. The survey included all known locations of rare and or threatened Australian plants listed under the Threatened Species Conservation Act 1995 (now replaced by the Environment Protection and Biodiversity Act, 1999).

Basic management prescriptions were devised for each of these "special" sites. An Environmental Code of Practice for both construction and maintenance activities was adopted to apply across the whole of Council's area. Ongoing training is impressing on staff the environmental value of roadside vegetation.

The roadside management plan consists of the following outcomes:

- Maps that identify locations of rare or significant sites and areas of high conservation value.
- Specific management recommendations for each of the above sites.
- An operations handbook for use by road workers in the field Including a map of significant roadside areas.
- Adoption of standard procedures for road maintenance and construction works.
- Roadside signage identifying 'significant roadside environment areas'.
- Staff training for both managers and work staff which has led to changes in work practices.

4. Discussion

This policy has been updated to replace Armidale Dumaresq Council with Armidale Regional Council and to reformat the document to Councils current policy format.

5. Implications

5.1. Strategic and Policy Implications

Adoption of this draft policy will support adherence to legislative requirements for Council and provide continued guidance to its officers & members of the community.

5.2. Risk

This policy is considered to not present a significant risk to Council or the community. This policy should also assist Council in managing public, reputational, and procedural risk.

5.3. Sustainability

Promotion and adherence of this policy shall ensure that Council improves its Environmental Sustainability through improved awareness of the requirements of the Biodiversity Conservation Act and Environmental Protection and Biodiversity Conservation Act.

5.4. Financial

Budget Area:	Roads and Parks						
Funding Source:							
Budget Ref: (PN)	Description	Approved Budget	Actual	Committed	Proposed	Total Forecast Expenditure	Remaining Budget
	Nil	Nil	Nil	Nil	Nil	Nil	Nil

6. Consultation and Communication

The policy will be placed on Public Exhibition for a period not less than 28 days, seeking input from the community.

7. Conclusion

The public exhibition of this policy will invite community input into the revision of the existing Tree Clearing on Rural road Reserves policy. Once the exhibition period is finished a further report will be submitted to Council.

Item:	8.7	Ref: AINT/2021/13542
Title:	Property Addressing and Naming our Roads and Places Policy - For Adoption (Post Public Exhibition)	Container: ARC16/1216
Responsible Officer	Director Businesses and Services	
Author:	Ambrose Hallman, Manager Development and Regulatory Services	
Attachments:	1. Property Addressing and Naming our Roads and Places Policy 2. Register of Pre-Endorsed Road/Place Names (attachment to Property Addressing and Naming our Roads and Places Policy)	

1. Purpose

The purpose of this report is to formally adopt the Property Addressing and Naming our Roads and Places Policy. This policy governs property addressing, local place and road naming in the Local Government Area.

2. OFFICERS' RECOMMENDATION:

That Council:

- a) Adopt the Property Addressing and Naming our Roads and Places Policy; and
- b) Endorse the register of pre-endorsed road/place names attached to the Property Addressing and Naming our Roads and Places Policy.

3. Background

At its Ordinary Council meeting held 24 March 2021 Council resolved the following (Minute No. 130/21):

"That Council:

- a. Endorse the draft Property Addressing and Naming our Roads and Places Policy (POL071) for public exhibition until Monday 27 April 2021.*
- b. Receive a further report at the conclusion of the exhibition period."*

4. Discussion

The draft Policy was placed on public exhibition inviting submissions from the community between 25 March 2021 until 27 April 2021, during this time no submissions were received.

5. Implications

5.1. Strategic and Policy Implications

The exhibition and now adoption of this policy is aligned with the following elements Integrated Planning Reporting framework.

- **Operational Plan - L3 Organisational Health**
 - L3.3 Council utilises appropriate data management systems to support service delivery and effective decision making; and maintenance of region-wide property, postal address and valuation data.
- **Community Strategic Plan 2017-2027**
 - Environment and Infrastructure - Community Outcome 1

- Leadership for the Region - Community Outcomes 1 & 2
- Growth, prosperity and economic development - Community Outcome 1
- **Delivery Program 2018-2022**
 - Growth, Prosperity & Economic Development - G1.1 - G1.4
 - Environment & Infrastructure - E1.3, E3.1, E4.1
 - Leadership for the Region - L3.3, L4.2

5.2. Risk

Legislative Risk:

Adoption of this policy will provide clear guidelines to support the legislative requirements for addressing properties, naming roads and place which council is the addressing authority under the Roads Act.

5.3. Sustainability

The policy should improve the knowledge of the community and Council staff in who is the responsible authority for addressing and roads naming.

5.4. Financial

Budget Area:	Information Technology						
Funding Source:	Operational Budget						
Budget Ref: (PN)	Description	Approved Budget	Actual	Committed	Proposed	Total Forecast Expenditure	Remaining Budget
210910	Information Technology	\$642,989	\$383,820	\$0.00	\$?	\$?	(\$?)

The adoption of the policy has minimal financial implications as the implementation will be part of the Information Technology operational budget.

6. Consultation and Communication

No submissions were received during the public exhibition of this policy.

7. Conclusion

The Property Addressing and Naming our Roads and Places Policy can now be formally adopted by Council as the exhibition period has concluded and no submissions were received.

Item:	9.1	Ref: AINT/2021/10184
Title:	Update on Alterations to Parking Time Limits within the Armidale CBD	Container: ARC18/2956
Responsible Officer	Director Businesses and Services	
Author:	Belinda Ackling, Personal Assistant	
Attachments:	Nil	

1. Purpose

This report provides an update on the implementation of Council resolution No.198/19 to alter the parking time limits within the Armidale CBD as this resolution is yet to be finalised due to the following items:

- Availability of the contractors to alter the time limits of the parking sensors, and
- Covid-19 travel restrictions placed on the Contractors as they are based in Melbourne and were unable to leave Victoria.

2. OFFICERS' RECOMMENDATION:

That Council

- a. Notes the report on the status of the alterations to the parking time limits in Armidale CBD.
- b. Resolves that Council will review the efficacy of the Parking strategy and its implementation 12 months from the commencement of the new time limitations in the CBD. The review will include public consultation.

3. Background

At its Ordinary Council meeting held 25 September 2019 Council resolved the following (Minute No. 198/19):

- "a) That the time limits for parking spaces within the CBD Heart be adjusted as follows:*
 - i. reduce all 2 hour on-street spaces to 1 hour, and*
 - ii. increase all 15 minutes spaces to 30 minutes.*
- b) That the time limits for parking spaces within the CBD Core be adjusted as follows:*
 - i. reduce all 2 hour on-street spaces to 1 hour,*
 - ii. increase all 15 minutes spaces to 30 minutes, and*
 - iii. reduce all Council 3 hour off-street spaces (Jessie, Rusden Streets and Cinders, Woodward Lane carparks) to 2 hours.*
- c) That the time limits for parking spaces within the CBD Frame be adjusted as follows:*
 - i. increase all 1 hour on-street parking spaces to 2 hours.*
 - ii. The unrestricted off-street spaces remain unchanged including the all day parking in Tingcombe Land and Naughten Street public carparks.*
- d) That the time limits of the ground floor of the Rusden Street decked carpark be changed to unrestricted parking.*

- e) *That the CEO be delegated authority to negotiate any leasing arrangements for car parks on the middle and top deck."*

The implementation of the new time limits in accordance with the resolutions is dependent on new signage being ordered and delivered and the availability of the contractors to alter the time limits of the parking sensors.

The Contractors were only available at the beginning of December 2019. The implementing of new parking time limits right before the Christmas New Year period was not considered desirable for the local community given the impact of bushfires and drought. As a result the contractors were engaged to undertake the changes commencing 29 March 2020.

The implementing on the 29 March 2020 was then impacted by Covid-19 coupled with the advice from the Department of Local Government to provide some leniency with parking enforcement due to Covid-19.

The restriction on travel from Victoria due to Covid-19 meant the parking contractors could not leave Victoria to undertake the necessary work. As the travel restrictions have been lifted the contractors have rescheduled the works to the parking sensors, to allow implementation of the new time limits, for August 2021. This is due to the backlog and rescheduling the contractors have been required to do and the adjustment to the 2020/21 budget.

Council's Local Traffic Committee includes representatives from Council's staff, Police, Transport for New South Wales (TfNSW) and a representative of the NSW Local Member, as well as elected Councillors. The Committee can also receive community representations and liaises with Council's Ranger Unit and planning staff.

The Council has delegated power from the TfNSW in relation to regulatory matters including the regulation of traffic on public roads, making decisions on the display of notices regulating where parking may or may not occur, as well as time limits. The Committee's recommendations are subject to endorsement at the open Council meetings.

As a result, the Traffic Advisory Committee is regularly requested to provide parking times designated for the frontage of individual businesses. To bring business/community requests in line with the current Parking Strategy and the Parking Policy, the committee will consider business/community requests referring to timing changes within the Strategy core and will be deferred and considered in line with the annual review process within the Parking Policy.

This Policy requires an annual review process for public parking provision and restrictions, to be undertaken by Council's Regulatory Unit. In particular Council's public parking maps will be reviewed at that time with the benefit of data on parking activity which is obtained from the in ground sensors installed in public parking bays in the CBD.

4. Discussion

The implementation of the new time limits in accordance with the 2019 resolutions is dependent on updated signage being ordered and delivered and the availability of the contractors to alter the time limits of the parking sensors. The Contractors were only available at the beginning of December 2019. The implementing of new parking time limits before the Christmas New Year period was not considered appropriate for the community given the impact of bushfires and drought. As a result the contractors were engaged to undertake the changes commencing 29 March 2020.

The implementing on the 29 March 2020 was then impacted by Covid-19 coupled with the advice from the Department of Local Government to provide some leniency with parking enforcement due to Covid-19.

The current restriction on travel from Victoria due to Covid-19 means for the foreseeable future, the parking contractors will not be able to alter the parking sensors to allow implementation of the new time frames.

5. Implications

5.1. Strategic and Policy Implications

With the adoption the Parking Strategy and the Public Parking (POL192) being aligned with the strategic goals and actions of the Integrated Planning reporting framework.

L3 - Council demonstrates sound organisational health management and has a culture which promotes action, accountability and transparency.

L3.4 - Ensure the organisation is well led and managed through implementation of the Good Governance framework.

5.2. Risk

Legislative Risk: Adoption of this policy POL192 will provide clear guidelines to support the legislative requirements for public parking that Council is required to implement.

5.3. Sustainability

- Promoting more efficient and improved service delivery through collaboration and innovation.
- The use of digital technology for monitoring, improving time efficiencies.
- Location of services/potential works in structures already owned by Council to create efficiencies in the long term

5.4. Financial

Budget Area:	Regulation and Enforcement						
Funding Source:	Operational						
Budget Ref: (PN)	Description	Approved Budget	Actual	Committed	Proposed	Total Forecast Expenditure	Remaining Budget
250502	Car Parking and General Enforcement	40000	40000	0	40000	40000	0

The budget allocation is proposed for the 2021/22 operational plan and budget. The budget includes purchasing and installation of new parking regulatory signs and reprogramming of parking sensors by contractors.

This budget allocation was originally included in the 2020/21 operational budget however with Covid-19 this budget was adjusted.

6. Consultation and Communication

Prior to the introduction of the new parking time limits, Council will undertake communication advising the community of the proposed changes.

7. Conclusion

That Council note the update on the implementation of Council resolution No.198/19 to alter the parking time limits within the Armidale CBD now that COVID restrictions have been lifted.

It is recommended Council review the efficacy of the new time restrictions in CBD public car parks after 12 months of operation. The review will include consideration of public and business feedback.

Item:	9.2	Ref: AINT/2021/06562
Title:	Armidale Airside Business Park - Stage 2: Cul-de-sac Street Naming Container: ARC16/1405	
Responsible Officer	Acting Director Organisational and Corporate Services	
Author:	Darren Schaefer, Manager Strategic Communications and Marketing	
Attachments:	Nil	

1. Purpose

To present Council with a list of people that have contributed to the Armidale Airport precinct, or who have been associated with aviation in the local area. These names can be considered in the street naming of the Armidale Airside Business Park, in line with current Local Road and Naming Policy (2015).

2. OFFICERS' RECOMMENDATION:

That Council endorse the proposed list of names as significant contributors to the Armidale Airport Precinct or local aviation more generally, such that their involvement in Aviation can be considered for recognition in the street naming of the airside cul-de-sacs in the Stage 2 development of the Armidale Airside Business Park. Subject to approval of the Geographical Names Board (GNB):

1. John Ford
2. Clarence Athol Rice
3. Dick Peter
4. Jan Newby
5. Richard McLean
6. David Patterson
7. Dick McCarthur-Onslow
8. Bruce McSpedden
9. Patrick Creagan
10. Brian Creagan
11. Noel Brown
12. Merve Hyatt

3. Background

On 24th May 2017, the Council resolved to acknowledge individuals that had a contribution to the development of the Armidale Regional Airport in street names for the precinct. A list of the names of these individuals was subsequently approved, thereby granting preapproval for operational staff to assign as needed.

Two reports have been presented to Council 28th October 2020 (reference AINT/2020/34546) and 27th January, 2021 (Reference AINT/2021/01201) highlighting that there were unfortunately not enough eligible names on the approved Council list supplied to name all streets in the precinct. This prompted the recommendation to relax the naming policy and include alternative

street names akin to the desired brand positioning of the business park. This recommendation was rejected by Council in favour of adhering to the current Local Roads & Place Naming Policy, thereby continuing to recognise past contributors to the airport precinct.

This report presents the names of individuals that have made a meaningful contribution to the Airport precinct, or have has a notable association with local aviation history so that they can be put to the Geographical Names Board for approval.

Council require two additional eligible names for the remaining cul-de-sacs to complete the street naming for the Airside Business Park.

4. Discussion

Fig 1 shows contributors and their status has been included below for reference. Notably there are two contributor names required for allocation to the remaining cul-de-sacs. These will be subject to GNB approval.

Fig 1. Airside Streets and Name Status

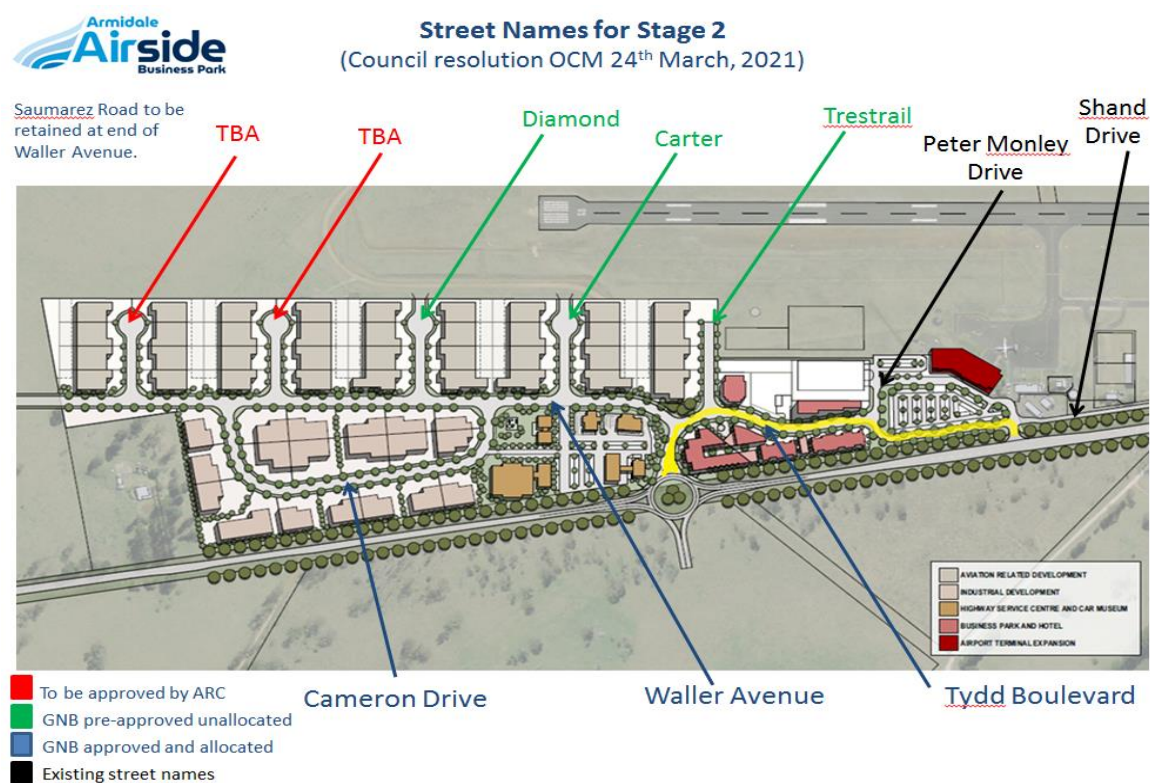


Table 1.1 Recognised contributors to Aviation in the Armidale Region.

Name	Contribution to Aviation in the Armidale Region
John Ford	Pilot of the first Avro Anson flight from Armidale.
Clarence Athol Rice	Celebrated Armidale local WWII Spitfire Pilot (Battle of Britain).
Dick Peter	Celebrated Armidale local WWII Spitfire Pilot (Battle of Britain).
Jan Newby	Operated New England Aviation.

Richard McLean	Flight instructor and charter operator.
David Patterson	SuperAir early manager.
Dick McCarthur-Onslow	Aerial Agriculture.
Bruce McSpedden	Manager East West Airlines agent, operated from 114 Dangar Street.
Patrick Creagan	Employee of East West Airlines agent, operated from 114 Dangar Street.
Brian Creagan	Operated a bus service from East West Airlines agent, operated from 114 Dangar Street to Armidale airport.
Noel Brown	Former Airport Groundsman
Merve Hyatt	Former Airport Groundsman

5. Implications

5.1. Strategic and Policy Implications

The approach to street naming aligns with the Local Road and Naming Policy (2015).

Aligns with Council Community Strategic Plans and Operational Plans as ARC prepare for the development of Stage 2 of the Armidale Airside Lots.

Community Strategic Plan: Section 6 - Growth, Prosperity and Economic Development

- Community Outcome # 1. The community experiences the benefits of an increasing population via support for existing businesses, attracting new industries and businesses and creating more employment opportunities.

Operational Plan: Growth, Prosperity and Economic Development

- G4.3 - To encourage new business investment in the region.

5.2. Risk

Risk: There a minimal risk with the approach to naming streets after contributors to the precinct. However, in the event that there are not enough precinct contributors to be deemed eligible by the GNB, ARC will need to revert to another option.

Mitigation: Council could choose to seek names from a pre-approved list of community member surnames more generally. This would comply with policy, however would not be consistent with recognising individual contributors the precinct.

5.3. Sustainability

N/A

5.4. Financial

Budget Area:	N/A						
Funding Source:	N/A						
Budget Ref: (PN)	Description	Approved Budget	Actual	Committed	Proposed	Total Forecast Expenditure	Remaining Budget
		Nil	Nil	Nil	Nil	Nil	Nil

6. Consultation and Communication

No community consultation is required as the street naming approach aligns with the existing Naming of Local Roads Policy (2015) and as such, these names need only be approved by Council.

When the names are endorsed, they will go to the Geographical Names Board for approval and will then be publicly gazetted. Once gazetted, they will be available for application to the Stage 2 cul-de-sacs.

7. Conclusion

It is recommended that Council endorse the people listed whom have a connection to aviation and the airport precinct so that they may be put to the GNB for approval.

Item:	9.3	Ref: AINT/2021/15268
Title:	Armidale Airside Business Park - Adoption of agreed vision, purpose, objectives and target business profiles	Container: ARC17/1499
Responsible Officer	Acting Director Organisational and Corporate Services	
Author:	Will Winter, Principal Advisor Economic Development	
Attachments:	Nil	

1. Purpose

The purpose of this report is to endorse a unified Vision, Purpose, Objectives and Target Market for Armidale Airside Business Park lot sales and associated marketing and reporting methods, as visioned at a meeting of Councillors and relevant staff on the 27 April 2021.

2. OFFICERS' RECOMMENDATION:

That Council

- 1) Endorses the agreed vision, purpose, and objectives provided in this report.
- 2) Agrees that all net sale proceeds from Armidale Airside Stage 1 Lots be reserved and accounted for separately in order to fund the next stages of development and directs the General Manager to prioritise where practical:
 - i. Northern airside cul-de-sac lots adjacent to the runway;
 - ii. The connecting road to the terminal (known as Tydd Boulevard).
 - iii. Feasibility and sale options for the land immediately south of the Airside Business Park known as "The Croft." (OCM Resolution 9.12, 27th January 2021, Ref. AINT/2021/01197)
- 3) Pursuant to previous Council Resolution 9.2 (9th December 2020, Ref. AINT/2020/41901), Council requests the General Manager to:
 - a) Refine success metrics for evaluating how Armidale Airside Business Park and the broader Armidale Region are tracking against these objectives.
 - b) Work alongside other land developments to help attract a variety of different industries to help ensure their success in the region.
 - c) Entertain all unsolicited offers for Council owned and/or alternative land, in a manner consistent with these objectives.

3. Background

A visioning meeting of Councillors and staff associated with the development, sales and marketing of light industrial land owned by Council at the Armidale Airport was convened on the 27 April 2021.

The intention of this meeting was to 'stress test' the original vision and purpose of the industrial land around the Airport and discuss its role in the broader context of marketing industrial land in the region. In agreeing a vision for the purpose of the precinct, Council are able to create objectives for the sale of land, including the characteristics and profile of "ideal" businesses to target in order to best help meet these objectives.

The meeting was attended by:

Councillors: Cr Ian Tiley (Mayor and Chairperson); Cr Deborah O'Brien (Deputy Mayor); Cr Peter Bailey; Cr Jon Galletly; Cr Andrew Murat; Cr Margaret O'Connor; Cr Dorothy Robinson

Staff: James Roncon (General Manager); Marissa Racomelara (Acting Director Organisational & Corporate Services); Mark Wilson (Coordinator Design and Resourcing); Will Winter (Principal Advisor Economic Development); Darren Schaefer (Manager Communications and Marketing).

4. Discussion

The visioning meeting invited Councillors to discuss their vision, purpose and objectives for Armidale Airside Business Park and a number of valuable propositions were put forward. These are summarised in statements below which were prompted by the question, "What are we seeing in 10 to 15 years from now?"

Vision

Armidale's Airside Business Park will represent a marketable and visible thoroughfare at the entrance of city on the New England Highway, showcasing that Armidale is open and ready for business. The subdivision will be positioned as future focused, helping to position Armidale and command a point of difference over other competing developments in the area.

It will lead the marketing effort in its attempt to attract new business and employment opportunities to the business park and the broader region. Working in tandem with other developments, we will ensure that industry has every opportunity to relocate, set up and succeed, not only at the Armidale Airside Business Park, but at alternative commercial locations around our region.

Purpose

Armidale Airside Business Park has been developed in recognition that Armidale is on the cusp of a new phase of economic development, with the Airport Terminal representing a key enabler for the region's long term prosperity. The Business Park helps address a shortfall of industrial land in the region and its connection to services (roads, sewer, water, internet, electricity) encourages further private investment in developing industrial land around the Airport precinct.

Objectives

1. *Grow employment and the regional economy, as measured by jobs created in the Local Government Area by attracting new business to the region, or otherwise facilitating expansion and optimisation of existing local businesses.*
2. *Generate demand for the sale of the 24 Lots at a price (per square metre) that will help fund the next stages of Armidale Airside Business Park, with a focus on:*
 - i. *Northern airside cul-de-sacs adjacent to the runway*
 - ii. *The connecting road to the terminal (known as Tydd Boulevard)*
 - iii. *Feasibility and sale options for the land immediately south of the Airside Business Park known as "The Croft."*
3. *Attract a high percentage of target businesses, based on their capacity to add jobs and export revenue, to the region.*
4. *Where suitable land at the Airside Business Park cannot be found, facilitate where possible a 'best fit' for light industrial land sales at alternative sites in the Region, in a manner consistent with these objectives.*

It was agreed that the metrics for success in relation to objectives above would be informed by strategic guidelines such as the NSW Growing Local Economy (GLE) Grant provisions, the Airport Master Plan, and Council's Economic and Tourism development strategies.

Target Market:

It is important that Armidale Regional Council describe a target audience. However, having a target *does not* mean that we only consider enquiry from businesses matching that description. It is simply recognised that in meeting our objectives, some businesses will be better positioned than others to grow employment, have capacity to pay a good price for the land and be attracted to our regions market and expertise. It also helps focus resources (time and energy) to provide a better return on investment for marketing spend.

Business Profile and Characteristics:

The size and orientation of the Armidale Airside Business Park Lots are set up to attract a smaller boutique range of SMEs that (ideally) complement other established strengths of the region, or are part of emerging industry clusters such as (but not limited to) agriculture, health, food and beverage processing, transport and logistics, general aviation and avionics. They are not large, heavy or considered to be 'dirty' industries.

They are more likely to be established businesses that are looking to expand and have the capital to invest in relocating to an alternative premises. They are either new to the region, or an existing local business wishing to expand its operation and workforce. They would (ideally) employ greater than 10 people who are a mix of skilled and unskilled labour and have a market beyond our Local Government Area. Meaning, they see benefit in locating in an area where they can easily export their product or services around the region, state and beyond.

5. Implications

5.1. Strategic and Policy Implications

Recommendations contained in this report align with and support Community Strategic Plan outcomes for the Environment (1-3); Economic Growth (1-4); Leadership (2-4); and Community (1&4).

Community Strategic Plan: Section 6 - Growth, Prosperity and Economic Development

- Community Outcome # 1. The community experiences the benefits of an increasing population via support for existing businesses, attracting new industries and businesses and creating more employment opportunities.

Operational Plan: Growth, Prosperity and Economic Development

- G4.3 - To encourage new business investment in the region.

5.2. Risk

Reputational Risk: Adoption of this report will serve to unify the Council, Staff and Community around the vision, purpose and objectives of the Business Park in an effort to mitigate reputational risks associated with the sales of industrial land at the Armidale Airside Business Park and associated 'light industrial' (IN2) land in the Region.

Financial Risk: Not having a clear vision and objectives for the park can result in disparate views. The perpetuation of misinformed information can negatively impact on the image of the precinct and associated sales enquiry.

5.3. Sustainability

Economic Sustainability: A diversity of industrial land zoning (council owned or private) is required around Armidale and Guyra in order to attract a diversity of industry and help ensure economic sustainability for the Armidale Region in the long term.

The attraction of industry to the region is complex as too are the commercial arrangements for large business choosing to set up or relocate to the precinct. For this reason, sales for the

various stages of the Airside Business Park may be over 10-15 years. With the supply of industrial land in the region (private and Council owned) now enough to last for the next 40 years, Council must take every opportunity to work in tandem with other land holders in attracting and securing industry to build a strong and resilient economy in the longer term. Council has a responsibility to play the long game, but at the same time balancing its responsibilities as a developer with those of an incubator of regional growth.

It is recognised that not all industry will see value in the Airside Business Park, however as stated in the objectives, every effort will be made to ensure employment for our region and maximise the economic potential for current and future generations of residents. This will include entertaining unsolicited offers from potential buyers of alternative Council owned land, such as "The Croft" (land immediately south of the Airside Business Park), or consideration of suitable alternative sites that may not be owned by Council.

5.4. Financial

Stage 1A of the Armidale Airside Business Park is complete and twenty four lot titles are expected to be registered by the middle of June 2021. In accordance with previous Council resolutions, net sale proceeds will be 'ring-fenced' to fund future developments in the precinct and as such it is expected there will be no additional operating or capital expense imposts on Armidale Regional Council. Ongoing selling expenses, including real estate agency commissions and marketing, will form part of the self-funded annual operating budget from sales.

Depending on the timing and quantum of net land sale proceeds, further developments such as the connecting road between Armidale Airside and the Airport Terminal will be considered in FY2022, in line with growing demand for Airside lots and with a view to maximising the longer term net present value (NPV) of lot sales and economic returns for the Region.

Budget Area:	<ul style="list-style-type: none"> Operational - Economic Development Capital - Asset Management 						
Funding Source:	<ul style="list-style-type: none"> NSW Government – Growing Local Economies Grant (GLE, 2019) Armidale Regional Council – GLE and Co-Contributions associated with attributable sunk costs for the development of Armidale Airside Business Park and the Airport Precinct. 						
Budget Ref: (PN)	Description	Approved Budget	Actual	Committed	Proposed	Total Forecast Expenditure	Remaining Budget
270556	Operational	Up to 3% of net sales proceeds.	Nil	N/A	N/A	N/A	N/A
270555	Capital	Subject to demand for Stage 2 lots.	Nil	N/A	N/A	N/A	N/A

6. Consultation and Communication

Recommendations provide in this report have been made in response to observations and requests from all elected Councillors at a visioning meeting on the 27 April 2021. The outcomes will help inform the marketing and sales strategy for Armidale Airside Business Park, and will incorporate metrics that report on lots associated with industrial land sales within the Armidale LGA. This approach will also provide Councillors the opportunity to speak with one voice of the vision and objectives of Council in pursuit of the shared goals and aspirations.

Monthly reporting via the General Manager will be provided by staff and nominated real estate agent(s) to inform Council on progress, using high-level aggregated data denoted by the metrics above, while preserving the commercially sensitive and confidential nature of these investments.

7. Conclusion

This report recommends adoption of a clear vision, objectives and target market for successful sale and future developments at the Armidale Airside Business Park.

Adoption of these recommendations will also help to provide a clear way forward for the achievement of increased economic and social prosperity in the Region via the sale of light industrial land in the Armidale Airport precinct more generally.

Item:	9.4	Ref: AINT/2021/13603
Title:	Update on Moore Street Decked Carpark	Container: ARC18/2956
Responsible Officer	Director Businesses and Services	
Author:	Ambrose Hallman, Manager Development and Regulatory Services	
Attachments:	Nil	

1. Purpose

This report is providing an update on the recommendations of the Parking and Mobility Strategy relating to the Moore Street decked carpark.

2. OFFICERS' RECOMMENDATION:

That Council:

- a. Note and support the Armidale Plaza Shopping Centre's application for renewal of its existing lease over the Moore Street carpark.
- b. Formally advise Crown Lands that the Moore Street Car Park is an integral element of the overall Armidale CBD car parking strategy but Council does not have the capacity to take on the lease or purchase of the property at this time.
- c. Authorise the General Manager to commence negotiations with the lessee of the Moore Street Car Park on entering into a Section 650 Agreement for parking enforcement of the Moore Street Car Park.

3. Background

At its Ordinary Council meeting held 24 October 2018, Council considered a report developed on Parking and Mobility Study conducted by TPS Group and resolved the following in relation to the Moore Street carpark (Minute No. 222/18):

- a That Council acknowledges the completion of the Car Parking and Mobility study of Armidale's Central Business District (CBD) and the findings and recommendations identified within the report;*
- b Council Officers to work closely with Armidale Plaza and Armidale Centro Shopping Centres Management to achieve a more holistic parking management plan for the Armidale CBD;*
- c Council examines opportunities in relation to the Moore Street Car park to achieve improved CBD car parking outcomes for the community.*

The TPS study contained a recommendation that as part of the shared/consolidated parking supply and management strategy, Council should proactively seek opportunities to provide consolidated CBD off-street parking facilities, including the expansion of the Moore Street multi-deck car park when the current lease of the car park expires. Any expansion should include focusing access from that car park to the Dumaresq Street frontage.

The Moore Street Carpark is owned by the Crown and the existing lease between the Armidale Plaza Shopping Centre and the Crown is due to expire on August 2021.

The area bounded in red below is owned by the Crown.



4. Discussion

Council has three identifiable options relating to the Moore Street carpark and the recommendation of the TPS study.

a) Enter into a Lease agreement with the Crown.

As part of discussion with Project Manager, Regional Projects at the Crown Lands Department the Crown advised the following:

“There are two categories of leasing transactional costs.

Administrative costs:

These cost comprise an application fee, procurement of valuation advice, and NSW Land Registry Services dealing registration fees, and range between (approximately) \$5000 and \$12,000, depending on circumstances.

Annual rent:

The annual rent is calculated in reference to a current market rental valuation. The rent was last re-determined in 2013 and currently exceeds \$130,000 per annum plus GST.

The existing tenure holder has made application for renewal of its expiring lease of the car park to ensure compliance with the Development Consent. Due diligence is required to accompany a brief recommending for or against a new lease by direct negotiation and the Crown is nearing completion of this dialogue.

If Council is interested in acquiring a lease of the site, written confirmation of Council's formal interest would need to be submitted as soon as possible. Until a formal expression is received the Crown has received Council contact as an informal expression-of-interest.

The Armidale Plaza Centre Manager, is keen to progress the lease application by the owners of Armidale Plaza as DA0405/0210 for the expansion of the Armidale Plaza requires the Moore Street car park as part of supply of the required car parking spaces.

Any lease renewal would be for a period of 20 years."

- b)** Purchase the Moore Street car parking site from the Crown.

The advice received from Crown Lands is the site is unlikely to be listed on the sales program and the sale price would be at market value.

- c)** Allow Armidale Plaza Management to renew their current lease agreement with the Crown and enter into discussion with Centre Management regarding Council undertaking management of the car park through a Section 650 agreement.

An agreement under Section 650 of the Local Government Act 1993 would enable Council to set and enforce parking time limits in consultation with the Armidale Plaza Management.

5. Implications

5.1. Strategic and Policy Implications

This report aligns with Council's Strategic Plan 2017-2027

Leadership for the Region. Community Outcome #3

"Council demonstrates sound organisational health management and has a culture which promotes action, accountability and transparency."

5.2. Risk

Financial Risk:

The financial risk of acquiring or leasing the Moore Street carpark is high as no business case has been developed. Council would have to give regard to the Performance Improvement Order from the Minister.

Legal Risk:

At the present time there is not considered to be any legal implication for Council.

Reputational Risk:

There are members of the community who would like Council to have ownership over the Moore Street car park to facilitate expanded parking within the CBD. The fact that this

report is not recommending Council purchase or lease the land for the Crown could result in some criticism of Council.

5.3. Sustainability

Tis reports is not considered to have significant sustainability impacts.

5.4. Financial

Budget Area:	Property						
Funding Source:	Operational						
Budget Ref: (PN)	Description	Approved Budget	Actual	Committed	Proposed	Total Forecast Expenditure	Remaining Budget
No budget	N/A	N/A	N/A	N/A	N/A	N/A	N/A

The TPS Group Parking and Mobility Study recommended Council should proactively seek opportunities to provide consolidated CBD off-street parking facilities, including the expansion of the Moore Street multi-deck car park when the current lease affecting the car park expires. Any expansion should include focusing access from that car park to the Dumaresq Street frontage.

These element have not been included in the long term financial or asset management plans and as such not budgeted. This is considered to be an increase in service levels.

6. Consultation and Communication

The original TPS Group Parking and Mobility Study was available to the community. A presentation to the Business Advisory Committee and to Councillors at a Councillor Workshop held 17 July 2018. In both cases the findings and recommendations outlined in the report were well received.

Some members of the public have become increasing concerned at the perceived lack of progress in implementing the recommendation of the Park and Mobility Study, including securing the Moore Street carpark lease, however, it should be noted that:

- a) The update status report in this agenda on the implementation of the new parking limits and the impact of Covid-19; and
- b) The original resolution of Council did not resolve to take over the lease but to:-

“work closely with Armidale Plaza and Armidale Centro Shopping Centres Management to achieve a more holistic parking management plan for the Armidale CBD;

Council examines opportunities in relation to the Moore Street Car Park to achieve improved CBD car parking outcomes for the community.”

Entering into Section 650 agreements with the lease holder of the Moore Street carpark is considered to achieve this outcome.

7. Conclusion

Given the matters raised in the report and the financial capacity of Council it is recommended Council pursue option three to entering into an agreement, under Section 650 of the Local Government Act 1993, with the crown and or lease holder of the Moore Street Car Park.

Item: 9.5 **Ref:** AINT/2021/14116
Title: Cash and Investment Report 30 April 2021 **Container:** ARC16/0001-6
Responsible Officer Acting Director Organisational and Corporate Services
Author: Deborah Walls, Accountant
Attachments: Nil

1. Purpose

The Cash and Investment report provides an overview of cash and investments for the month to 30 April 2021 and certifies compliance with Council's Investment Policy and the *Local Government Act 1993* and Regulations.

2. OFFICERS' RECOMMENDATION:

That Council note the Cash and Investment Report for April 2021.

3. Background

As at 30 April 2021, Council held \$59,575,823 in investments (market value) and \$17,846,391 as cash. Total \$77,422,214.

4. Discussion

Cash and Investments

Balances were as follows:

Item/Account	April 2021	March 2021	Movement
<u>Cash at Bank</u>			
NAB General Account	-	-	-
NAB High Interest Cash At Call	\$14,402,204	\$16,706,279	(\$2,304,075)
AMP Saver Account	\$2,004,305	\$2,003,482	\$823
NAB Trust Fund	\$1,439,882	\$1,440,858	(\$976)
Total Cash	\$17,846,391	\$20,150,619	(\$2,304,228)
<u>Investments</u>			
NSW Treasury Corp (T-Corp) Investment Management (IM) Funds	\$15,319,847	\$15,314,474	\$5,373
Term Deposits	\$44,255,976	\$44,228,233	\$27,743
Total Investments	\$59,575,823	\$59,542,707	\$33,116
Total Cash & Investments	\$77,422,214	\$79,693,326	(\$2,271,112)

Summary of investment movements for April 2021:

<u>Investment Maturities</u>		<u>New Investments</u>	
Institution	Amount	Institution	Amount
Nil maturities		Movement in Interest Receivable on Term Deposits	\$27,743
		Market Movement T-Corp IM Funds	\$5,373
Total	\$0	Total	\$33,116

The funds from investment maturities are currently held in the NAB High Interest Cash At Call account, which is currently earning 0.4% pa (no change since Nov 2020). In this current low interest rate environment, Council has reduced its administration time in managing investments by reducing the number of smaller term deposits and making larger term deposits along with increasing funds invested with NSW TCorp IM Funds.

Investment Revenue Earned

	April 2021	March 2021	Movement
NAB General Cash Account	\$0	\$6	(\$6)
Term Deposits	\$27,743	\$29,128	(\$1,385)
NSW T-Corp IM Funds	\$5,373	(\$3,097)	\$8,470
NAB High Interest Account	\$5,240	\$6,752	(\$1,512)
AMP Saver Account	\$823	\$850	(\$27)
NAB Trust Account	\$474	\$521	(\$47)
Total	\$39,653	\$34,160	\$5,493

Investments are diversified across a range of institutions, with no one institution exceeding 30% of funds invested to ensure the portfolio is in line with the Investment Policy.

Issuer	Short Term Rating	Market Value	% Total Value
AMP Bank	A2	\$8,029,870	13.48%
Bank Of Queensland	A2	\$10,064,295	16.89%
Bendigo & Adelaide Bank	A2	\$5,016,356	8.42%
Regional Australia Bank	Unrated	\$1,004,200	1.69%
ING Bank	A1	\$6,003,425	10.08%
Macquarie Bank	A1	\$2,024,601	3.40%
National Australia Bank	A1+	\$12,113,229	20.33%
NSW T Corp – IM Funds	A	\$15,319,847	25.71%
Total		\$59,575,823	100%

Investment Yield

	April 2021			March 2021		
Term of Investment	ARC	3m BBSW rate	Outperformance	ARC	3m BBSW rate	Outperformance
6 months	0.88%	0.04%	0.84%	0.94%	0.03%	0.91%
12 months	1.12%	0.07%	1.05%	1.19%	0.05%	1.14%

The Armidale Regional Council Community Strategic Plan 2017-2027 identifies the importance of Leadership for the Region. In particular:

L2 – Council exceeds community expectations when managing its budget and operations

L2.1 – Financial sustainability is maintained through effective short and long term financial management

L2.1.3 – Develop effective financial management systems

5. Implications

5.1. Strategic and Policy Implications

All of Council's investments for the period are in accordance with:

- Council Investment Policy
- Local Government Act 1993 – Section 625
- Local Government Act 1993 – Order of the Minister dated 12 January 2011
- The Local Government (General) Regulation 2005 – Reg 212

The investment of surplus funds must remain in line with Council's Investment Policy. This will ensure sufficient working capital is retained and restrictions are supported by cash and investments that are easily converted into cash. Cash management complies with the *NSW Local Government (General) Regulation 2005*.

The Investment Policy relates to:

- Council's Community Strategic Plan 2017-2027 category of "Leadership for the Region" and related community outcome of "Council exceeds community expectations when managing its budget and operations."
- Council's Delivery Program 2018-2022 item "Financial Sustainability – to maintain financial sustainability through effective short, medium and long-term financial management."
- Council's Operational Plan 2020-21: asset management, budget management, financial operations

5.2. Risk

Council invests in Term Deposits, Cash and NSW Treasury Corporation Investment Management (IM) Funds. Rates of return on these investments are higher than the 30 Day BBSW Index.

Council's investments have out-performed the RBA Cash rate and the 3 month BBSW index.

Council's responsibility is to ensure working capital is retained and restrictions are supported by cash.

Council considers effective risk management practices exist over its cash and investment holdings.

5.3. Sustainability

Council utilises an online Portfolio Platform to manage its investments and investment register. The number of investments has been rationalised allowing for more efficient internal investment management to be performed. Communication is performed by electronic means, resulting in efficiencies of processes and a reduction in the use of paper.

5.4. Financial

Budget Area:	FINANCE						
Funding Source:	General Fund, Water Fund, Sewer Fund, Trust Fund						
Budget Ref: (PN)	Description	Approved Budget	Actual	Committed	Proposed	Total Forecast Expenditure	Remaining Budget
210815	Interest Income on Investments	Consolidated income \$895,000	\$511,084	Nil	Nil	Nil	Consolidated Income \$383,916
210815	Subscriptions	\$11,800	\$8,700	\$1,000	Nil	Nil	\$2,100

Comparison of Actual Interest Income Earned with Budget

2020-21 Budget Interest Income \$895,000.

Interest Income	YTD Actual	YTD Budget	Difference
YTD April 2021	\$511,084	\$745,834	(\$234,750)
YTD March 2021	\$471,430	\$671,250	(\$199,820)
Movement	\$39,654	\$74,584	(\$34,930)

There is a YTD Unfavourable Budget Variance of \$234,750 to 30 April 2021. Over the past 12 months, the Commonwealth Government has provided many cash incentives to stimulate growth during the economic decline and global pandemic. This has supplied the economy with 'cheap money', placing downward pressure on interest rates and interest returns on investments. Savings and Term Deposit rates being offered by the banks are at all-time lows, with some institutions closing their door to new investment deposits. Council has progressively increased its investments in the NSW Treasury Corporation Cash and Short Term Income Funds. These funds have generated positive returns over extended time periods, while movements in inflationary expectations has caused negative returns in recent months. The current environment of historically low interest rates and credit spreads mean that the future returns for investments will be lower.

As a result, the 2020-21 third quarter budget review includes a negative adjustment of **\$313k** related to forecast loss of interest income due to low investment returns.

Restricted & Unrestricted Funds

As at 30 June 2020, total Restricted and Unrestricted funds were fully funded by Cash and Investments. From the quarter 3 budget review, it is projected that there will be a decrease in Restricted Cash and an increase in Unrestricted Cash. The current Cash and Investment position at 30 April 2021 sufficiently covers the projected totals.

Balance at 30 June 2020 (Audited Position)

	General	Water	Sewer	Trust	Total
External Restrictions	\$17,239,460	\$24,828,266	\$17,922,780	\$1,466,934	\$59,990,506
Internal Restrictions	\$10,020,353	\$ -	\$ -	\$-	\$10,020,353
Total Restrictions	\$27,259,813	\$24,828,266	\$17,922,780	\$1,466,934	\$70,010,859
Unrestricted	\$2,140,752	\$ -	\$ -	\$-	\$2,140,752
Total Funds	\$29,400,565	\$24,828,266	\$17,922,780	\$1,466,934	\$72,151,611

Projected Year End Result at 30 June 2021 (Q3 Budget Review Forecast)

	General	Water	Sewer	Trust	Total
External Restrictions	\$11,804,000	\$21,722,111	\$18,532,439	\$1,466,934	\$52,525,484
Internal Restrictions	\$13,319,000	\$ -	\$ -	\$-	\$13,319,000
Total Restrictions	\$25,123,000	\$21,722,111	\$18,532,439	\$1,466,934	\$66,844,484
Unrestricted	\$3,375,419	\$ -	\$ -	\$-	\$3,375,419
Total Funds	\$28,498,419	\$21,722,111	\$18,532,439	\$1,466,934	\$70,219,903

Movement from June 2020 to Forecast June 2021

	General	Water	Sewer	Trust	Total
External Restrictions	(\$3,968,526)	(\$3,106,155)	\$609,659	\$-	(\$6,465,022)
Internal Restrictions	\$3,298,647	\$ -	\$ -	\$-	\$3,298,647
Total Restrictions	(\$669,879)	(\$3,106,155)	\$609,659	\$-	(\$3,166,375)
Unrestricted	\$1,234,667	\$ -	\$ -	\$-	\$1,234,667
Total Funds	\$564,788	(\$3,106,155)	\$609,659	\$-	(\$1,931,708)

6. Consultation and Communication

An Investment Report is required to be tabled at the monthly Ordinary Meeting of Council.

7. Conclusion

The Cash and Investment Report provides an overview of cash and investments as at and for the period ended 30 April 2021 and demonstrates compliance with Council policy.

Item:	9.6	Ref: AINT/2021/14141
Title:	2020/21 Third Quarter Budget Review	Container: ARC20/4360
Responsible Officer	Acting Director Organisational and Corporate Services	
Author:	Melissa Dennison, Management Accountant	
Attachments:	1. Quarter Three Budget Review Attachments	

1. Purpose

The purpose of this report is to provide Council with information on the 2020/21 Revised Budget position and to obtain approval to amend the adopted budget for those amounts.

2. OFFICERS' RECOMMENDATION:

That Council:

- a. Note the 2020/21 Third Quarter Budget Review.
- b. Resolve to amend the 2020/21 budget in accordance with the Quarterly Budget Review Statement for the period 1 January 2021 to 31 March 2021 tabled at the attachment.

3. Background

Section 203(1) of the *Local Government (General) Regulation 2005* requires Council's responsible accounting officer to prepare and submit a quarterly budget review statement within 2 months of the end of each quarter.

The document attached to this report provides a quarterly budget review statement in the format required by the Office of Local Government *Quarterly Budget Review Statement for NSW Local Government*, which outlines the minimum disclosure requirements. Council has the option to show the quarterly budget review statement at a consolidated level or by fund. For the purpose of transparency, the statement contains the impact of the quarterly budget review by fund. A consolidated result is also included.

As required by the Office of Local Government, the quarterly budget review statement is attached and includes the following documents in order:

1. Income Statement (containing operating income and expenses) by fund
 - 1.1 Operating budget adjustment by fund
2. Capital Budget by fund – the net impact on the funding from the capital program flows through to the income statement
 - 2.1 Capital budget adjustments by fund
3. Cash & Investments by fund – movement in unrestricted cash and internal and external reserves
4. Cash & Investments position
5. Key Performance Indicators by fund
6. Contracts entered into and Consultancy/Legal expenditure.

4. Discussion

The 2020/21 Third Quarter (Q3) Budget Review was conducted in order to review Council's current financial position to identify savings, deferral of expenditure and additional funding sources from the revised 2020/21 Second Quarter (Q2) Budget position in order to improve Council's financial sustainability under the Ministers Performance Improvement Order (see Financial Sustainability resolution ref *AINT/2020/42019*). Reviewing of revenue shortfalls, potential budget overruns and re-alignment of expenditure against budget was completed which has provided the Council with a slightly improved forecast financial position for the remainder of the financial year.

2020/21 Capital Program

Budget movements relating to the 2020/21 capital program are contained in the quarterly budget review report attached to this report. A key focus of the review was to determine the forecast capital program of works to the end of the financial year to minimise the level of 'carry forward' works. Additionally, the Plant and Fleet replacement program was reviewed resulting in the decision to defer plant replacement in order to assist Council's 2021/22 budget position. All plant items deferred and the associated budget for this has been put into an internal reserve to assist with funding the 2021/22 budget. The overall net result is a reduction in capital expenditure of \$3.8 million reducing the total capital program from \$39.3m to \$35.5m.

5. Implications

5.1. Strategic and Policy Implications

The quarterly budget review process contributes to:

- Council's Community Strategic Plan 2017-2027 category of "Leadership for the Region" and related community outcome of "Council exceeds community expectations when managing its budget and operations."
- Council's Delivery Program 2018-2022 item "Financial Sustainability – to maintain financial sustainability through effective short, medium and long-term financial management."
- Council's Operational Plan 2020-21: asset management, budget management, financial operations.

5.2. Risk

The Q3 budget review and subsequent budget reviews provides the opportunity for Council to review the Council's position against adopted budget providing transparency and highlighting financial risks posed to Council.

The extensive Q3 budget review outcome at consolidated level remains positive should Council resolve the proposed amendments to the 2020/21 budget for the period 1 January to 31 March 2021. It is notable that the economic risks associated with the financial position and cash reserves for the future is highly dependent on 1) effective budget management and; 2) the outcomes of the Special Rate Variation extension for the subsequent years beyond the expiry of the current SRV that expires 30 June 2021.

5.3. Sustainability

Through an in-depth review process, managing areas reviewed the adopted Q3 budget against planned operational activities. The amendments to the budget are predominately movements to re-align the budget to match actual expenditure. These adjustments have no impact to the overall budget adopted by Council at Q2. Other identified amendments outlined in the operating adjustments are partly due to:

1. Deferral of activities to the 2021/22 financial year;
2. Lack of staff resourcing and delivery of programmed works;
3. Review of operational activities against Council priorities;
4. Aquatic Centre revenue decreased due to weather conditions and community usage decreased;
5. Change in operations that have required additional funding sources;
6. The delay in the opening of the new landfill and ability to sort specialised contractors; and
7. The interest and investment revenues determined by lower interest rates.

Furthermore, some minor operational budget overruns required attention. These overruns were managed and offset by identified savings and re-alignment of the budget with expenditure. Managers are aware that financial sustainability is a priority and will remain frugal in managing their respective budgets.

The recommendation for the Council to resolve to amend the 2020/21 budget in accordance with the budget review statement for period 1 January 2021 to 31 March 2021 as tabled at the attachment will contribute to the economic sustainability of the Council.

5.4. Financial

Budget Area:	All – as per quarterly budget review attachments						
Funding Source:	N/A						
Budget Ref: (PN)	Description	Approved Budget	Actual	Committed	Proposed	Total Forecast Expenditure	Remaining Budget
Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil

The Q2 budget review forecast a revised 2020/21 consolidated operating surplus of \$2m. Following an extensive review of the budget against planned operations, the Q3 budget review poses a slight improvement to the consolidated operating result of a \$2.6m surplus. There are a range of reasons for this and a detailed listing of budget adjustments are included in the attachment.

The General Fund continues to be a key focus of the budget review and a slight improvement in the operating result has been recognised from a forecast \$2.9m operating surplus as at Q2 to a forecast \$3m operating surplus.

While the improved operating surplus position is positive, it is largely attributable to once off grants received for capital works and therefore the operating result excluding these sources of funding is closer to a breakeven position.

The improved position has resulted from a large amount of work being undertaken by Managers and key staff involved in budget preparation, including the Finance team. In addition to other activities, staff have undertaken in depth reviews of budget expenditure within a tight timeframe to achieve the favourable outcome.

After carry forward adjustments the capital works program was forecast at \$39m for 2020/21. The Q3 budget review decreased this to \$35m mainly due to the revised forecast works to be carried out for the remainder of the financial year for grant programs and some unforeseeable delays. The funding from the delayed work is detailed in the capital adjustments and as a result the transfers to cash reserves has increased. Council will continue to prioritise the finalisation of projects within the existing funded capital program over undertaking new work to eliminate the accumulation of years of carry forward works.

Unrestricted cash in the general fund remains steady with a slight increase of \$42k as a result of the budget review. The year end result remains at a forecast \$3.375m to 30 June 2021.

Impact

The overall financial results are summarised as follows:

Operating Result \$'000	Fund			Consolidated
	General	Water	Sewer	
Original Budget	(\$1,456)	(\$621)	(\$205)	(\$2,283)
Carry Forwards	(\$1,547)	(\$621)	(\$205)	(\$2,373)
Budget Review 1	\$805	(\$621)	(\$205)	(\$22)
Budget Review 2	\$2,858	(\$601)	(\$205)	\$2,052
Budget Review 3	\$3,026	(\$399)	(\$14)	\$2,612

Cash Result \$'000	Fund			Consolidated (Unrestricted Cash)
	General (Unrestricted Cash)	Water (Unallocated)	Sewer (Unallocated)	
Original Budget	\$3,093	\$19,091	\$17,025	\$3,093
Carry Forwards	\$3,093	\$18,991	\$17,025	\$3,093
Budget Review 1	\$3,399	\$18,678	\$16,725	\$3,399
Budget Review 2	\$3,329	\$18,968	\$16,602	\$3,329
Budget Review 3	\$3,375	\$19,445	\$16,792	\$3,375

6. Consultation and Communication

The Q3 budget review entailed an extensive review of budgets at project level analysing data based on the current year to date expenditure; expenditure trends against previous year's actual expenditure and budgeted programs of work. Managers and Directors were consulted on areas that were identified as potential risks and/or savings. Likewise, Managers and Directors were provided with the opportunity to convey budgetary implications, risk areas and identified savings that would need to be considered and reported to Council within the Q3 budget review. Final proposed budget adjustments through the review have been reviewed and accepted by the General Manager.

7. Conclusion

This report recommends that the 2020/21 Q3 Budget Review for the period 1 January 2021 to 31 March 2021 tabled in the attachment be endorsed by Council so that the approved budget and underlying financial results can be recognised.

Item:	9.7	Ref: AINT/2021/15467
Title:	Mayor and Councillor Remuneration 2021/22 Container: ARC16/1056	
Responsible Officer	Acting Director Organisational and Corporate Services	
Author:	Kelly Stidworthy, Manager Financial Services	
Attachments:	1. Local Government Remuneration Tribunal - Annual Report and Determination 23 April 2021	

1. Purpose

The purpose of this report is to have Council resolve to fix and pay an annual fee for the Mayor and Councillors in accordance with the Local Government Remuneration Tribunal's determination for the 2021/22 financial year.

2. OFFICERS' RECOMMENDATION:

That Council:

- a) Fix the 2021/22 fee payable to Councillors at \$24,810;
- b) Fix the 2021/22 fee payable to the Mayor at \$61,280; and
- c) Note that the annual fee fixed and payable to the Mayor is in addition to the fee paid to the Mayor as a Councillor.

3. Background

The Local Government Remuneration Tribunal (the Tribunal) is constituted under Chapter 9, Division 4 of the *Local Government Act 1993* (the Act).

The Tribunal is required to make annual determinations on the categorisation of each council, county council and mayoral office for the purpose of determining the minimum and maximum fees payable to councillors, members of county councils and mayors in each category.

The Tribunal has made a determination pursuant to s241 of the Act, of the annual fees to be paid to Councillors and Mayors effective on and from 1 July 2021.

4. Discussion

The Tribunal has determined an increase of 2% to mayoral and councillor fees for the 2021/22 financial year, with effect from 1 July 2021.

Sections 248 and 249 of the Act require councils to fix and pay an annual fee based on the Tribunal's determination for the 2021/22 financial year.

Armidale Regional Council is categorised as a Regional Centre.

For the 2021/22 financial year, annual fees payable to Councillors in the Regional Centre category range from a minimum of \$14,100 to a maximum of \$24,810, and an additional annual Mayoral fee from a minimum of \$29,330 to a maximum of \$61,280. Council has historically fixed the maximum fee levels.

A council may pay the deputy mayor (if there is one) a fee determined by the council for such time as the deputy mayor acts in the office of the mayor. The amount of the fee so paid must be deducted from the mayor's annual fee.

The Tribunal's Annual Report and Determination are annexed to this report.

5.1. Strategic and Policy Implications

The proposal therefore supports some of the goals outlined in Council's Community Strategic Plan 2017-2027 and Delivery Program 2018-2022 including:

L4.3 – Decision Making – Ensure elected officials can easily access information and support to allow them to make decisions in the interest of the community

There are no significant risks associated with the adoption of the 2021/22 Mayor and Councillor Allowances.

The level of fees paid will depend on the category the council is in. Payment of fees in accordance with the maximum fee level provided in the schedule assists with ensuring that elected officials are adequately remunerated for the work that they perform.

5.4. Financial

Budget Area:	Executive & Councillors						
Funding Source:	2021/22 Untied Revenue						
Budget Ref: (PN)	Description	Draft Budget	Actual	Committed	Proposed	Total Forecast Expenditure	Remaining Budget
210653.1.1860.333							

2412	Mayoral Allowance	\$67,100			\$61,280	\$61,280	\$5,820
2414	Councillor Fees	\$244,200			\$248,100	\$248,100	(\$3,900)
TOTAL		\$311,300			\$309,380	\$309,380	\$1,920

The recommendation will impact financially, representing an increase in payments to Councillors and the Mayoral of 2%. The 2021/22 budget may need to be reviewed for alignment with actual costs, the impact of local government elections and if additional costs arise such as proposed superannuation changes.

The following table provides a breakup of 2020/21 fees paid and what is recommended to be paid in 2021/22.

	2020/21	2021/22	\$ Increase	% Increase
Councillor Fee	\$24,320	\$24,810	\$490	2%
Additional Mayoral Fee	\$60,080	\$61,280	\$1,200	2%
Total Mayoral Allowance	\$84,400	\$86,090	\$1,690	2%

6. Consultation and Communication

2021 Process

The Tribunal wrote to all mayors or general managers and LGNSW in February 2021 to advise of the commencement of the 2021 review and invite submissions. This correspondence advised that the Tribunal completed an extensive review of categories in 2020 and as this is only required every three years, consideration would be next be given in 2023. Submissions received requesting to be moved into a different category as part of the 2021 review would only be considered were there was a strong, evidence-based case.

Eighteen submissions were received – seventeen from individual councils and a submission from LGNSW. It was not possible from some submissions to ascertain if they had been council endorsed. The Tribunal also met with the President and Chief Executive of LGNSW.

The Tribunal discussed the submissions at length with the assessors.

The Tribunal acknowledged difficulties imposed by COVID19 and, on some councils the bushfires and floods.

Submissions from councils in regional and remote locations that raised the unique challenges experienced by mayors and councillors which included difficulties with connectivity and the travel required in sometimes very difficult circumstances were also acknowledged.

7. Conclusion

The Tribunal has determined an increase of 2% to mayoral and councillor fees for the 2021/22 financial year, with effect from 1 July 2021.

Sections 248 and 249 of the Act require councils to fix and pay an annual fee based on the Tribunal's determination for the 2021/22 financial year.

Item:	9.8	Ref: AINT/2021/15166
Title:	NSW Country Gymnastics Championship 2021 - 2023	Container:
	ARC18/2961	
Responsible Officer	Acting Director Organisational and Corporate Services	
Author:	Darren Schaefer, Manager Strategic Communications and Marketing	
Attachments:	Nil	

1. Purpose

The purpose of this report is to:

- Inform Council of the forthcoming NSW Country Gymnastics Championship to be held at the newly constructed New England Movement and Adventure Centre (NEMAC) between 25 – 30 June 2021; and
- Recommend Council support for the event to a total value of \$5,150.

2. OFFICER'S RECOMMENDATION:

That Council:

- a. Congratulate the Armidale Gymnastics Club on their success in attracting the NSW Country Gymnastics Championships to Armidale for three consecutive years commencing June 2021.
- b. Approve the fee waiver for the Section 68 Approval resulting in foregone revenue of \$150.00.
- c. Assume the risk for repairs to Council Land for potential rectification works should damage be incurred to the council reserve being used for parking to a maximum \$5,000.00.
- d. Request that the Gymnastics Club publically acknowledge Councils financial and in-kind contributions toward the upcoming Country Championship event and throughout the facility construction, as well as the financial assistance provided in acting as guarantee for a loan.

3. Background

The Armidale Gymnastics Club, based at the New England Movement and Adventure Centre (NEMAC), was successful in securing a grant of almost \$1 million through the Stronger Country Communities Fund in 2018. The grant enabled the group to substantially re-shape and re-invent the existing Gymnastics Centre, doubling its size, meeting international standards for competition and providing potential to host regional and even Australia wide events.

This report highlights the success of the Armidale Gymnastics Club in attracting the NSW Country Gymnastics Championships to Armidale in 2021, 2022 and 2023. These events will attract thousands of spectators and competitors for each of the 5 days of the event, injecting an estimated \$2m in to the local economy each year.

4. Discussion

In 2018, a grant of almost \$1m from the State Government's Stronger Country Communities Fund (Round 2) facilitated the substantial re-modelling of the existing New England Movement and Adventure Centre (NEMAC) in Armidale to double the size of the activity space available.

This double storey extension now includes a Rhythmic Gymnastics floor, FreeG area, Kinder Gym and competition trampolines with a 13m roof, meeting international standards. Additional

change rooms, toilets, a course training room and inbuilt floor trampolines were also included the project's scope.

As a result of these new capabilities, NEMAC is able to host regional, state and International events such as the NSW Country Gymnastics Championships. Indeed, the Armidale Gymnastics Club has already been successful in securing these championships for 3 years, which is a great win for Armidale in the relatively quiet "off season" period.

The first year's championships are imminent and will be held over the 25-30 June 2021. The championships will include the Gymnastics Sports of:

- Women's Artistic;
- Men's Artistic;
- Rhythmic;
- Sports Acrobatics;
- Trampoline;
- Free G; and
- Team Gymnastics.

1,500 competitors from Regional NSW are expected to be present over the 5 days of the event together with an additional 500 officials.

Gymnastics NSW research has indicated that the sport attracts an additional 2.5 accompanying person to every competitor. In effect, this will mean an influx of approximately 5,000 people to Armidale over 25 – 30 June.

Research undertaken by Gymnastics NSW has found that the average person spends \$350 per stay, resulting in an injection of \$2m into the local economy.

The Armidale Gymnastics Club has requested Council support for the event by way of providing a grant to cover the cost of the Section 68 Approval for use of Council land beyond existing approvals. These uses are likely to include additional car parking and provision for food vendors. Street parking will be in heavy demand and provision is being made to make use of a the internal car parks at CB Newling Reserve and overflow parking on the well-drained area of Moran Reserve adjacent to the community garden. An assessment of the adequacy of existing toilet facilities is also being undertaken.

Council is also supporting the Club through the provision of financial assistance by agreeing to act as guarantor for a loan to the value of \$150,000. This request for financial assistance is outlined in a separate report.

5. Implications

5.1. Strategic and Policy Implications

The Community Strategic Plan, Delivery Program and Operational Plan each contain goals directly linked to this activity:

Community Strategic Plan & Delivery Program

Growth, Prosperity and Economic Development

Community Outcome 3 – The visitor economy generates additional revenue and employment to boost the local economy and creates opportunity for more vibrant cultural activities

Delivery Program - G3 The visitor economy generates additional revenue and employment to boost the local economy and creates opportunities for more vibrant cultural activities

Our People and Community

Community Outcome 2 – Events and Cultural activities provide the community an opportunity to celebrate the unique culture and lifestyle of the region

Delivery Program 2.2 – Develop a Sport and Recreational Plan for the Region

Delivery Program P4.2 – Young People - Partner with local organisations to offer programs to young people which offer mentoring, encourage leadership and provide pathways to employment and further education opportunities

5.2. Risk

This is not a council event. The Armidale Gymnastics Club is an incorporated entity that will be responsible for managing all risks on the site and provide all the necessary insurances. The Club has asked for Council support in securing the provision of additional parking, use of land for food vending and potentially the provision of additional toilets.

Council Reputation Risk:

This is a major sporting event for the region which directly aligns to goals within the Community Strategic Plan from both a regional growth and Economic Development and People perspective. Council should clearly demonstrate support for the activity.

Notification of the dates of the event to Council occurred at a meeting held on 29 April 2021. It is hoped that in subsequent years it will be possible to take a more unified and strategic approach to planning for the event, especially in terms of parking provision.

Traffic Congestion:

It is likely that parking demand for the event will be significant, especially during activity change over periods where contestants arrive and depart the facility. Parking at the centre is extremely limited and this will place significant demand on the road network.

There will be heavy demand for parking placed on the street network and potentially in nearby carparks (NERAM and the Aboriginal Cultural Centre Keeping Place). This may result in some complaints from local residents and regular users of nearby facilities who may struggle to find parking during busy periods. Further, the Blues Rugby Club will be holding games on Saturday 26 June at Moran Oval and will require car parking. Council will liaise with the Blues re parking on that day.

Parking options have been scoped and the following plan developed:

- Street parking within the neighbourhood to accommodate participants desire to park as close as possible to the venue
- Railway Parade road reserve
- New England highway road reserve west of the railway bridge to the closed section of Lambs Avenue
- Memorial Avenue and the cemetery carpark
- CB Newling internal carparks (Gymnastics to liaise with sporting group)
- Signage will also be erected to direct people to the Taylor Street entrance to the Moran playing fields, where parking will be available strictly along the ring road from the Moran Oval car parking area through to the off leash gate and exit back onto Taylor St. Additional parking can be made available on the well-drained areas to the east of the community garden and near the old basketball courts and tennis hit up wall. This area will only be available if the weather is dry leading up to the event. Simple laminated “No Parking” signs

will be required for the Moran parking. A \$5,000 bond (grant to be requested) will be required to be paid to Council to be used only in the event of damage to the Moran turfed areas.

- Gymnastics to organise some solar lights for Moran and will look at hiring some portable bridges to place on the existing footbridge.
- Sessions cease at 9pm.

5.3. Sustainability

This event has been secured for three years establishing an excellent example of the potential to build on the capacity of the region's sporting facilities to attract annual events from across NSW. Council's financial commitment to the event is minimal, with a local sporting organisation demonstrating leadership in attracting the prestigious event to the region over a three year period.

5.4. Financial

Budget Area:	Economic Development						
Funding Source:	Donations and Contributions						
Budget Ref: (PN)	Description	Approved Budget	Actual	Committed	Proposed	Total Forecast Expenditure	Remaining Budget
210225.1. 1560.333.2394	NSW Country Gymnastics Championship Armidale Gymnastics Club	\$56,000	\$25,000	\$-	\$5,150	\$30,150	\$25,850

The cost of the Section 96 Approval is \$150 and can be accommodated in the approved Economic Development budget area. The \$5,000 bond will be held by council and only used in the event of damage to the reserve used for parking. Some minor costs associated with other ancillary works may also be incurred but can be covered from same budget area.

6. Consultation and Communication

Council staff from the Communications & Marketing and Parks areas are working in partnership with the Armidale Gymnastics Club in an endeavour to ensure the seamless delivery of the event.

7. Conclusion

The Armidale Gymnastics club has been successful, not only in securing a \$1m grant to reinvent the New England Movement and Adventure Centre (NEMAC) as an international standard gymnastics facility, but also in quickly attracting a major regional gymnastics competition to the area. Support for the activity, through provision of a small grant and minor works in kind, will greatly assist the group in ensuring the provision of a successful event that could further highlight the region's capacity to host similar events across a range of sporting codes in the future.

Item:	9.9	Ref: AINT/2021/15196
Title:	Armidale City Gymnastics Club - Request for Loan Guarantee Container: ARC16/0083-2	
Responsible Officer	Acting Director Organisational and Corporate Services	
Author:	Kelly Stidworthy, Manager Financial Services	
Attachments:	1. Armidale City Gymnastics Club Loan Guarantee Request 2. Armidale City Gymnastics Club Business Plan	

1. Purpose

The purpose of this report is to seek approval from Council to endorse the request from Armidale City Gymnastics Club for Council to act as guarantor for a proposed loan.

At the meeting held 28 April 2021 Council resolved to:

- a. Give public notice for a period of 28 days in accordance with section 356 of the *Local Government Act 1993* of Council's intention to act as Guarantor for Armidale City Gymnastics Club for a \$150,000 loan in accordance with the terms outlined in this report; and
- b. A further report be presented back to Council following the conclusion of the public notice period to address any matters raised during the exhibition period.
- c. That Council require a business and financial plan from the Gymnastics Club.

2. OFFICERS' RECOMMENDATION:

That Council:

- a. Agree to enter into a Deed of Guarantee with Regional Australia Bank on behalf of Armidale City Gymnastics Club for a \$150,000 loan in accordance with the terms outlined in this report; and
- b. Delegate authority to the General Manager to execute all documents in relation to the loan guarantee.

3. Background

Armidale City Gymnastics Club (the Club) is situated on Crown Land under lease with Council. The current lease runs until 30 June 2025.

The Club is seeking to obtain a loan from the Regional Australia Bank in order to renew equipment, including the floor, in order to run some of the events they have planned.

In order to secure the loan, the Club is seeking Council to act as Guarantor due to the Club's assets viewed as unsecure by the bank as they are situated on Crown Land and used for a community purpose.

A copy of the request from the Club is attached.

Council has previously support the Club in various ways including:

- Letters of support;
- Previously acting as Guarantor for a \$104,000 loan in 2008 which was discharged in 2011;

- Agreeing to act as Guarantor for a \$150,000 loan in 2017 though this loan was never taken out by the Club;
- Waiver of an estimated \$7,000 in DA fees for the recent centre expansion;
- Assistance with construction works to a maximum value of \$10,000 for the recent centre expansion; and
- In-kind support through the auspice of the Club's Building Better Regions Fund grant application.

Council is also supporting the Club through the provision of financial assistance for the NSW Country Championship 2021-2023 to be held 25 – 30 June 2021 by way of event support valued at \$5,150. This request for financial assistance is outlined in a separate report.

4. Discussion

It is not usual for Council to act as guarantor of loans for community groups due to the potential exposure for Council should the group fail to meet its repayment obligations. Council has in the past experienced the negative financial impacts of groups unable to meet financial commitments by way of loans and other debts not able to be repaid. These impacts result in a loss of financial resources, which then need to be recouped from ratepayers and the community.

Council's poor financial position, reliance on a special rate variation outcome and current operation under Financial Controller protocols mean that placement of the Council at risk of loan default must be avoided.

It is therefore of critical importance to consider the financial circumstances of the group making the request to determine if the risk of default is adequately managed.

Discussion of the Club's financial position and ability to meet required repayments is outlined under the Risk section of this report.

The request from the Club falls under section 356 of the *Local Government Act 1993*. In accordance with the requirements of this section, Council has provided 28 days' public notice of its intention to pass the necessary resolution because:

- The financial assistance is not part of a specific program;
- It has not been included in Council's Operational Plan; and
- The proposed support does not uniformly apply to everyone within council's area.

The above advice has been confirmed by the Office of Local Government.

At this time, the Financial Controller must also approve any requests proposed to be made under section 356 of the Act.

5. Implications

5.1. Strategic and Policy Implications

The request from the Club would enable it to run a range of events it otherwise would be at risk of not being able to hold including the NSW Country Championships for the next three years. The Club has also advised *'due to the expansion of the facility, and the upgraded equipment we are purchasing, there will also be the opportunity to host other competitions at a State Level, which we have never been able to do previously'*.

The Club also states that this will in turn a considerable amount of sport tourism dollars into the Armidale area.

The proposal therefore supports some of the goals outlined in Council's Community Strategic Plan 2017-2027 and Delivery Program 2018-2022 including:

COMMUNITY OUTCOME - The visitor economy generates additional revenue and employment to boost the local economy and creates opportunities for more vibrant cultural activities

No specific strategy alignment under this outcome but indirectly supports outcome.

COMMUNITY OUTCOME - Community programs, services and facilities meet the needs of the community and provide a safe place to live

P2.2 – Sporting program and Events –Support increased community participation in sports and recreation throughout the region

P2.4 – Community Initiatives – Support and empower the community to deliver community initiatives that improve the lives of residents and visitors to the region

However, these outcomes need to be balanced against

COMMUNITY OUTCOME - Council exceeds community expectations when managing its budget and operations

L2.1 – Financial Sustainability - Maintain financial sustainability through effective short, medium, and long-term financial management

5.2. Risk

The request from the Club is for guarantee of a loan of \$150,000 under the following terms:

- Loan Term 5 years
- Interest Rate 6.10%
- Principal and Interest depreciating

Regional Australia Bank have advised:

The club have held facilities similar to this and have shown strong pay down's with no adverse conduct.

Review of the Club's financial reports from 1 January 2019 to 31 December 2020 show that the Club:

- is consistently making an operating surplus without consideration of depreciation;
- has cash available to adequately fund its operations;
- has no loans outstanding;
- has minimal liabilities; and
- appears well placed to be able to meet the required loan repayments (estimated at around \$35k per annum).

Note the Club is not required to produce audited financial reports and therefore depreciation is not calculated or disclosed.

The Club has also advised that it will repay the loan at a faster rate than required if it can do so.

5.3. Sustainability

The Club has undertaken expansion of its facility in order to provide a broader offering of programs and events for its students and the community. To fund the expansion the Club has also made its own financial contributions in the order of \$250,000.

The 2020 financial report shows a significant decline in the level of revenue associated with a period where the Club was unable to operate due to Covid-19; however, costs were also reduced by a similar level.

The Club expects that its increased space, program offering and capacity will generate a higher level of revenues in future and will enable them to maintain the facility and expand. This will likely result in increased employment and local investment.

Business Plan

The Club has provided Council with a business plan as per the Council resolution and this is attached to this report. The Business Plan outlines the key areas of the Armidale City Gymnastics Club business model, the rationale and benefits for construction of the expanded gymnastics facility and the new programs and events they plan to attract through the larger facility plus the added infrastructure and equipment that would be provided by way of the \$150,000 loan being sought.

The business plan notes that the facility is a unique facility in the region with few nearby competitors and that growth and expansion are helping to build attendance and generate revenues.

The plan also outlines the low cost operating model used to support low levels of fees charged to facility users to enhance community participation and minimise cost barriers to families.

Net profit in 2021 is anticipated to be around \$30,000 higher than in 2020 increasing from approximately \$68,000 to \$98,000.

Repayment of the loan will cost around \$35,000 per annum.

If the forecast additional net profit eventuates, and there does not appear to be any reason that it should not, then the required loan repayments should be sufficiently covered by ongoing operating revenues.

5.4. Financial

Budget Area:	Liabilities						
Funding Source:	N/A						
Budget Ref: (PN)	Description	Approved Budget	Actual	Committed	Proposed	Total Forecast Expenditure	Remaining Budget
N/A	Contingent Liabilities	\$0	\$0	\$0	\$174,343	\$174,343	(\$174,343)

It is estimated that Council's exposure to loan default would be approximately \$174,343 including interest at 6.10%. As outlined in the Risk section of this report it is considered low risk that this outcome would eventuate. However, if the Club was to default the Regional Australia Bank would be able to force Council to repay the balance of the loan.

6. Consultation and Communication

Public notification of Council's intention to act as guarantor for Armidale City Gymnastics Club for a \$150,000 loan commenced 29 April 2021 and runs until 2pm, 26 May 2021. At the date of writing this report no submissions had been received and it is intended to provide any future

submissions that may be received at the Council meeting when this item is considered. The reason for this is that the Club is seeking to have the loan approved with a level of urgency so that necessary works and purchases can progress.

7. Conclusion

This report responds to a request from Armidale City Gymnastics Club for Council to act as guarantor for a proposed loan and recommends that Council support the request in accordance with section 356 of the *Local Government Act 1993* on the assumption that no public feedback is received that may require Council to reconsider this position.

Item:	9.10	Ref: AINT/2021/14410
Title:	Public Exhibition of Procurement Policy	Container: ARC16/0313-6
Responsible Officer	Acting Director Organisational and Corporate Services	
Author:	Kelly Stidworthy, Manager Financial Services	
Attachments:	1. Procurement Policy - Draft for Public Exhibition	

1. Purpose

This report provides Council with an updated Procurement Policy and recommends that the draft policy be placed on public exhibition. The purpose of the Procurement policy is to define procurement principles and set out the standard by which Council will conduct its procurement activities to ensure value for money, efficiency, ethics and fair dealing are maintained in the procurement of goods and services.

2. OFFICERS' RECOMMENDATION:

That Council:

- a. Endorse the draft Procurement Policy for public exhibition for a period of 28 days.
- b. Receive a further report at the conclusion of the exhibition period.
- c. Table the report at the next meeting of the Audit, Risk and Improvement Committee for information.

3. Background

Council is undertaking a review of Council policies. This involves reviewing and amending existing policies, identifying policy gaps and developing new policies where none have existed.

The existing Procurement Policy was last updated on 26 September 2018.

4. Discussion

The Procurement Policy recognises the importance of various principles in relation to procurement including:

- value for money;
- open and fair competition;
- development of competitive local business and industry;
- accountability;
- risk management;
- responsible financial management;
- ethical behaviour, probity and transparency; and
- environmental protection.

The key purpose of a procurement process is ensure that the above principles are applied and that goods and services purchased on behalf of Council represent value for money and are fit for

purpose. Accountability and transparency of procurement activities is important to ensure that the community are able to have confidence in the use of public funding.

Establishing a policy position on these matters ensures that there are clear established rules around how procurement will be undertaken by officers on behalf of Council and this is visible to both the public and also stakeholders in the procurement process.

Procurement Thresholds

Given Council's tight financial position, procurement thresholds have been reviewed and associated requirements clearly outlined in the policy and in accordance with the following table:

Financial Thresholds (GST Inclusive)	Market Engagement
Less than \$500	1 verbal or written quote
\$501 - \$2,000	1 written quote
\$2,001 - \$25,000	2 written quotes
\$25,001 - \$150,000	3 written quotes or Request for Quotation (RFQ)
\$150,001 - \$220,000	RFQ or Request for Tender (RFT)
\$220,001 - \$250,000	RFQ or RFT (Senior Management Approval Required)
Above \$250,000	RFT

Local and Community Commitment

Council is committed to contributing to local and community economic development, social and sustainability outcomes through its procurement processes. Council will consider selection of products or services that maximise these outcomes provided other evaluation criteria are met.

Council will support local suppliers through its Local Preference Tier System and Local and Community Evaluation Weighting Criteria as per the table below.

Financial Thresholds (GST Inclusive)	Local and Community Preference
Less than \$2,001	Local Preference Tier System <ul style="list-style-type: none">• Local suppliers will be considered where possible and where value for money can be demonstrated
\$2,001 - \$25,000	Local Preference Tier System <ul style="list-style-type: none">• Local suppliers will be given a 5% price concession
Above \$25,000	Local and Community Evaluation Weighting Criteria <ul style="list-style-type: none">• Local and community criteria a mandatory part of the assessment• Recommended 10% to be allowed for the local and community weighting in the evaluation criteria

Indigenous Procurement

Council aims to support strong Aboriginal communities in which Aboriginal people actively influence and fully participate in economic, social and cultural life.

The Procurement Policy includes a range of strategies to support this wherever possible by:

- Council staff will be encouraged to work with suppliers, local Aboriginal owned businesses and local Aboriginal representative bodies early in the planning stages of procurement activities to identify effective ways of increasing Aboriginal participation in contracts;
- Staff will give consideration to local Aboriginal owned businesses on prequalification schemes or government procurement bodies and agencies in any procurement strategy where appropriate;
- Direct negotiation with suitably qualified Aboriginal owned businesses that can demonstrate value for money and delivery of quality goods and services; and
- Apply an Aboriginal participation non-price evaluation criteria in relevant tenders where opportunities exist.

The Procurement Policy also includes reference to:

- Conflict of interest declaration requirements
- Procurement controls and financial delegations
- Permitted procurement exemptions
- Contract management
- Asset disposal processes

5. Implications

5.1. Strategic and Policy Implications

The update of the Procurement Policy relates to Council's financial management and financial sustainability outlined in the Community Strategic Plan, Delivery Program and Operational Plan.

The Procurement Policy relates to:

- Council's Community Strategic Plan 2017-2027 category of "Leadership for the Region" and related community outcome of "Council exceeds community expectations when managing its budget and operations."
- Council's Delivery Program 2018-2022 item "Financial Sustainability – to maintain financial sustainability through effective short, medium and long-term financial management."
- Council's Operational Plan 2020-21: asset management, budget management, financial operations.

5.2. Risk

The updated Procurement Policy contributes to Council's management of risk and represents Council's efforts to reduce and manage the implications associated with risk.

5.3. Sustainability

Improved risk management and governance practices arising from Council's comprehensive review of Policies assists Council to improve its sustainability.

5.4. Financial

An update to Council's Procurement Policy does not of itself directly impact a budget line item, however the Procurement Policy refers to activities associated with income and expenditure budgets across Council.

Budget Area:	Finance						
Funding Source:	Procurement						
Budget Ref: (PN)	Description	Approved Budget	Actual	Committed	Proposed	Total Forecast Expenditure	Remaining Budget
210350	Purchasing & Supply	\$298,859	\$254,110	\$3,150	\$0	\$257,260	(\$41,599)

The adoption of the updated Procurement Policy is expected to indirectly improve Council's financial position as a result of improved risk management and governance practices.

6. Consultation and Communication

The recommendation to place the updated Procurement Policy on public exhibition is to enable the community to have input into its content.

7. Conclusion

Council has embarked on a comprehensive review of its Policy Register. Work is being undertaken to ensure Council has up-to-date policies to lead good governance at Council. The intent of the updated Procurement Policy is to reflect current business and industry practices.

Item:	9.11	Ref: AINT/2021/14712
Title:	Public Exhibition of Debt Recovery and Hardship Policies Container: ARC17/1727-4	
Responsible Officer	Acting Director Organisational and Corporate Services	
Author:	Kelly Stidworthy, Manager Financial Services	
Attachments:	1. Council Debt Recovery Policy 2. Council Hardship Policy	

1. Purpose

This report provides Council with a new Debt Recovery policy and an updated Hardship Policy and recommends that the draft policies be placed on public exhibition. The purpose of the Debt Recovery policy is to outline Council's debt recovery framework and considerations to be used in recovering monies owed to Council.

The purpose of the Hardship Policy is to establish guidelines for the assessment of hardship applications applying the principles of fairness, integrity, appropriate confidentiality and compliance with relevant statutory requirements.

2. OFFICERS' RECOMMENDATION:

That Council:

- a. Endorse the draft Debt Recovery Policy and Hardship Policy for public exhibition for a period of 28 days.
- b. Refer the Debt Recovery Policy and Hardship Policy to the next available Community Wellbeing Committee meeting for comment as part of the public exhibition process.
- c. Receive a further report at the conclusion of the exhibition period.
- d. Table the report at the next meeting of the Audit, Risk and Improvement Committee for information.

3. Background

Council is undertaking a review of Council policies. This involves reviewing and amending existing policies, identifying policy gaps and developing new policies where none have existed.

A Debt Recovery Policy has not previously been adopted by the merged Council and an existing interim Hardship Policy was last updated on 28 October 2020.

At any point in time, Council has outstanding debts as a result of:

- Legislative mechanisms that prescribe the way Council must levy rates and annual charges;
- The provision of water services that result in billing for water usage;
- The carrying out of regulatory functions that result in fees and charges levied as a debt;

- The provision of access to community buildings and facilities by way of lease and licence arrangements; and
- A range of services and operations that result in charges levied as debts, including waste and private works.

These various mechanisms that result in the recognition of debts mean that Council is managing up to 25,000 individual debtor accounts at all times.

4. Discussion

The Debt Recovery Policy provides a framework for the efficient and effective collection of outstanding debts balanced with a respectful and sensitive approach to ratepayers and other debtors suffering genuine financial hardship.

The Hardship Policy establishes an effective, accountable and transparent framework for managing the circumstances under which Council will assess requests for relief due to financial hardship.

Council issues approximately 80,000 rates and water notices per year and from this subsequently issues around 15,000 reminder notices. The rate of payment on receipt of the first notice is around 82%. This leaves around 2,200 rates accounts and 1,500 water accounts in arrears at any point in time requiring a level of debt recovery to be undertaken.

In considering the formation of the recommended policy positions, Council staff were mindful of the volume of debtor accounts under management and limited staff resourcing available. It is therefore important to maintain efficient debt recovery processes in order to maintain the cost of debt recovery at low levels.

In reviewing the policies many other local government policy positions were reviewed and the recommended policy positions are consistent with industry practice.

Council's preferred outcome for hardship is to have the ratepayer or debtor enter into a suitable payment arrangement that sees all debt paid down within a 12 month period. This is so that debt remains manageable and does not build up to levels that may contribute to stress. This will also help avoid escalated debt recovery processes and associated costs. However, the proposed Hardship Policy does contain provision for alternative outcomes.

Under current debt recovery processes, very few ratepayers or debtors reach the stage of legal action or sale of land action being undertaken and Council officer's view this as a positive outcome; however, it does require the application of timely, fair and consistent debt recovery practices in order to achieve this result.

Council officers are in the process of pulling together content for the website to provide information to ratepayers and debtors on potential financial assistance providers. Examples include:

- National Debt Hotline: <https://ndh.org.au/debt-problems/housing/rates/> or 1800 007 007
- Salvation Army – Moneycare Armidale: 0429 832 203 1/ 84-86 Beardy Street ARMIDALE
- St Vincent de Paul Society – Financial Counselling:
<https://www.vinnies.org.au/findhelp/view/233> or 08 6323 7500

Additional points of contact to be included on the website could include 24/7 National Crisis Support Services:

- Lifeline: 131 114

- Beyond Blue: 1300 224 636

Managing debt recovery effectively is important so that Council's cash flow is not negatively impacted through an increase in outstanding debt levels. A reduction in the level of cash flow available would negatively impact Council planned service delivery and programs as this would have to be taken into account when preparing budgets and forecasts.

The draft Debt Recovery Policy and Hardship Policy support an efficient debt recovery framework whilst meeting the recommended principles from the *Debt Management and Hardship Guidelines* issued by the Office of Local Government, which include:

- clear and accessible communication – easy-to-understand information about rates and charges, how to pay, hardship, who to contact and the council's approach to overdue rates and dealing with hardship claims
- local flexibility – providing payment options and processes that meet local needs and the special circumstances of those facing hardship
- fair, equitable and respectful treatment – of all ratepayers, including respectful communication with those facing hardship
- 'stop the clock' approach – to suspend debt recovery and legal action while a ratepayer's hardship request is awaiting determination, or while they are complying with an approved payment arrangement
- informal action first – timely action to prompt payments and communicate relevant information when following-up overdue amounts prior to taking formal action
- minimise costs – try to achieve payment without increasing ratepayer debt
- maintain confidentiality and privacy – information provided by applicants is treated confidentially and only used for appropriate purposes, such as to assess a hardship requests
- regular review of policies and procedures – to identify good practice and areas for improvement, and
- consistent debt management and hardship approaches and policies.

5. Implications

5.1. Strategic and Policy Implications

The update of the Debt Recovery Policy and Hardship Policy relate to Council's financial management and financial sustainability outlined in the Community Strategic Plan, Delivery Program and Operational Plan.

The Debt Recovery Policy and Hardship Policy relate to:

- Council's Community Strategic Plan 2017-2027 category of "Leadership for the Region" and related community outcome of "Council exceeds community expectations when managing its budget and operations."
- Council's Delivery Program 2018-2022 item "Financial Sustainability – to maintain financial sustainability through effective short, medium and long-term financial management."
- Council's Operational Plan 2020-21: budget management, financial operations.

5.2. Risk

The updated Debt Recovery Policy and Hardship Policy contribute to Council's management of risk and represents Council's efforts to reduce and manage the implications associated with risk.

5.3. Sustainability

Improved risk management and governance practices arising from Council's comprehensive review of Policies assists Council to improve its sustainability.

5.4. Financial

An update to Council's Debt Recovery Policy and Hardship Policy does not of itself directly impact a budget line item, however the Debt Recovery Policy and Hardship Policy refer to activities associated with income budgets across Council.

Budget Area:	Finance						
Funding Source:	Rates and Annual Charges, Water User Charges and User Charges						
Budget Ref: (PN)	Description	Approved Budget	Actual	Committed	Proposed	Total Forecast Expenditure	Remaining Budget
Various	Rates and Annual Charges, Water User Charges and User Charges	(\$47,953 765)	(\$44,987,420)	\$0	\$0	(\$44,987,420)	\$2,966,345

The adoption of the updated Debt Recovery Policy and Hardship Policy is expected to indirectly improve Council's financial position as a result of improved risk management and governance practices.

Council's policy position also directly impacts the "Rates, annual charges, interest and extra charges outstanding percentage" and any increase in this performance measure would negatively impact available cash balances.

Under the Performance Improvement Order Council must pro-actively manage cash flows so that unrestricted cash remains at acceptable levels and does not deteriorate.

6. Consultation and Communication

The recommendation to place the updated Debt Recovery Policy and Hardship Policy on public exhibition is to enable the community to have input into its content.

7. Conclusion

Council has embarked on a comprehensive review of its Policy Register. Work is being undertaken to ensure Council has up-to-date policies to lead good governance at Council. The intent of the updated Debt Recovery Policy and Hardship Policy is to reflect current business and industry practices.

Item:	9.12	Ref: AINT/2021/10152
Title:	Investment Policy - For Adoption (Post Public Exhibition) Container: ARC16/0522-3	
Responsible Officer	Acting Director Organisational and Corporate Services	
Author:	Brad Munns, Financial Accountant	
Attachments:	1. POL152 - Revised Investment Policy after Public Exhibition	

1. Purpose

This policy is an update to Council's policy in relation to the investment of funds and provides an updated framework having regard to the preservation of capital and accrued interest, Council's ongoing liquidity requirements and investment return objectives and risk appetite. The policy is required to be reviewed annually.

At the Ordinary Council Meeting of 24 February 2021, Council endorsed the updated Investment Policy to be placed on Public Exhibition for 28 days. No submissions were received from the public during the public exhibition period, which concluded on 24 March 2021.

The Policy was tabled at Council's Audit, Risk and Improvement Committee Meeting of 24 March 2021. The Audit, Risk & Improvement Committee provided feedback and suggestions which have been included in this updated Policy. The updated Investment Policy is now placed before Council for adoption.

2. OFFICERS' RECOMMENDATION:

That Council:

- a. Receive this report in relation to the updated Investment Policy, noting no submissions were received from the public during the 28 day public exhibition period and feedback and suggestions provided by Council's Audit, Risk & Improvement Committee have been incorporated; and
- b. Adopt the updated Investment Policy.

3. Background

The Investment Policy is an existing policy and has been updated as required under an annual review process. No submissions were received from the public during the 28 day public exhibition period that concluded on 24 March 2021. The Policy was tabled at Council's Audit, Risk and Improvement Committee Meeting of 24 March 2021. The Audit, Risk & Improvement Committee provided feedback and suggestions which have been included in this updated Policy.

4. Discussion

The updated Investment Policy was presented to Council on 24 February 2021. Council endorsed to place the updated policy on public exhibition for 28 days from 25 February 2021 to 24 March 2021 and to receive a report at the conclusion of the public exhibition period. The Policy was tabled at Council's Audit, Risk and Improvement Committee Meeting of 24 March 2021. The Audit, Risk & Improvement Committee provided the following feedback and suggestions which have been included in this updated Policy:

- Perform a comparison with the OLG Investment Policy Guidelines issued in May 2010;
- Complete the Investment Policy checklist included as Appendix 6.3 of the OLG Investment Policy Guidelines issued in May 2010;
- In Section 3: Policy Intent, include references to clauses in the Policy;
- Some commentary regarding Conflicts of Interests, borrowings and internal investing, investment security;
- Some additional guidance regarding Diversification;
- Include additional disclosures referring to the “Key Considerations”, as detailed in the Ministerial Investment Order dated 12 January 2011.
- Correction to a maturity date reference in accordance with the Ministerial Investment Order and reference to the NSW Trustee Act.
- Discussion about how the investment portfolio is managed and its profile.

As a Council Policy document, narratives in the Policy document are limited to Policy items, while operational procedures relating to the implementation or workings of the Policy are documented in a Procedures or Work Instruction document.

As no submissions were received from the public and the recommendations from the Audit, Risk & Improvement Committee have been incorporated into the updated Policy document, it is recommended for Council to now adopt the updated Investment Policy.

Council is committed to ensuring its Policies are current and reflect current business and industry practices, so the updated Investment Policy is reflective of this.

The updated Investment Policy has been expanded to include reference to the Prudent Person Standard, Ethics, Conflicts of Interest and Investment Security. Investment Time Horizons and Diversification/Credit Risk limits have been updated.

The update of the Investment Policy relates to Council’s financial management and financial sustainability outlined in the Community Strategic Plan, Delivery Program and Operational Plan.

5. Implications

5.1. Strategic and Policy Implications

This is an existing policy and the recommended update provides additional good governance for Council.

The Investment Policy relates to:

- Council’s Community Strategic Plan 2017-2027 category of “Leadership for the Region” and related community outcome of “Council exceeds community expectations when managing its budget and operations.”
- Council’s Delivery Program 2018-2022 item “Financial Sustainability – to maintain financial sustainability through effective short, medium and long-term financial management.”
- Council’s Operational Plan 2020-21: asset management, budget management, financial operations.

5.2. Risk

The updated Investment Policy contributes to Council's management of risk and represents Council's efforts to reduce and manage the implications associated with risk.

5.3. Sustainability

Improved risk management and governance practices arising from Council's comprehensive review of Policies assists Council to improve its sustainability.

5.4. Financial

An update to Council's Investment Policy does not of itself directly impact a budget line item, however the Investment Policy refers to activities associated with income and expenditure. The relevant budget line items are noted below. In relation to items of income and expenditure, Council's investments earn interest income and Council pays a monthly fee for an online reporting platform that facilitates efficient investment management and reporting.

Budget Area:	Finance						
Funding Source:	General Fund, Water Fund, Sewer Fund						
Budget Ref: (PN)	Description	Approved Budget	Actual	Committed	Proposed	Total Forecast Expenditure	Remaining Budget
210815	Interest Income on Investments	Consolidated Income \$895,000	Consolidated Income \$511,084	Nil	Nil	Nil	Consolidated Income \$454,914
210815	Subscriptions	\$11,800	\$8,700	\$2,500	Nil	Nil	\$2,100

The adoption of this updated Investment Policy is expected to indirectly improve Council's financial position as a result of improved risk management and governance practices.

6. Consultation and Communication

The Policy was placed on public exhibition for 28 days to enable the community to have input into its content. The public exhibition period concluded on 24 March 2021. No submissions were received from the public. The Policy was tabled at Council's Audit, Risk and Improvement Committee Meeting of 24 March 2021. The Audit, Risk & Improvement Committee provided feedback and suggestions which have been included in this updated Policy. It is recommended for Council to now adopt the updated Investment Policy.

7. Conclusion

Council's Investment Policy has been updated to reflect current business and industry practices. No submissions were received from the public and the recommendations from the Audit, Risk & Improvement Committee have been incorporated into the updated Policy, so the Policy is now presented to Council for adoption.

Item:	10.1	Ref: AINT/2021/07661
Title:	Approval of Development Application DA-125-2020 at 156-160 and 162 Bradley Street, Guyra, for a Centre-Based Child Care Facility and associated works	
		Container: DA-125-2020
Responsible Officer	Director Businesses and Services	
Author:	Simon Vivers, Town Planner	
Attachments:	1. Site Plan 2. Architectural Plans 3. Submission 1 4. Submission 2	

Ordinary Council at its meeting on 28 April 2021 resolved that the matter be deferred to the meeting to be held on 26 May 2021.

1. Proposal/ Development Summary

DA Number	DA-125-2020
Proposed Development	Construction of centre-based child care facility together with construction of car park, tree and building removal and associated works.
Street Address	156-160 and 162 Bradley Street GUYRA NSW 2365 Lot 161 and 173 DP 753659
Applicant	Armidale Regional Council
DA Lodgement Date:	9 October 2020
Number of Submissions	2
List of all relevant s4.15(1)(a) matters	State Environmental Planning Policy 55 Contaminated Land State Environmental Planning Policy (Infrastructure) 2007 State Environmental Planning Policy (Koala Habitat Protection) 2019 State Environmental Planning Policy (State and Regional Development) 2011 SEPP (Educational Establishments and Child Care Facilities) 2017 Guyra Local Environmental Plan 2012 Guyra Development Control Plan 2015
List all documents submitted with this report for the Council's consideration	<ul style="list-style-type: none"> - Geotechnical Assessment Report; - Preliminary Site Investigation; - Heritage Impact Statement; - Traffic Flow Assessment; - Statement of Environmental Effects;

	<ul style="list-style-type: none"> - Details of responses to Community Information Sessions ; - Response to Community Stakeholder Meeting; - Architectural Drawings; - Site Plans; - Site Survey; - Acoustic Report (following information request); and - Arboricultural Impact Assessment (following information request).
Estimated Construction Value of Development:	\$2,526,018

2. Executive Summary

Proposal:

The proposed development is for the construction and operation of a centre-based child care facility building together with associated car parking and access and includes the removal of the existing Men's Shed, UNE outbuilding, two garages and four trees.

Permissibility:

The subject lots being Lot 161 and 173 DP 753659, and known as 156-160 and 162 Bradley Street are currently zoned SP2 Infrastructure and B4 Mixed use respectively, under *Guyra Local Environmental Plan 2012*.

The proposed development is considered to be for a centre-based child care facility which is defined under *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017* as:

- (a) a building or place used for the education and care of children that provides any one or more of the following—
 - (i) long day care,
 - (ii) occasional child care,
 - (iii) out-of-school-hours care (including vacation care),
 - (iv) preschool care, or
- (b) an approved family day care venue (within the meaning of the *Children (Education and Care Services) National Law (NSW)*),

Note—

An approved family day care venue is a place, other than a residence, where an approved family day care service (within the meaning of the *Children (Education and Care Services) National Law (NSW)*) is provided.

but does not include—

- (c) a building or place used for home-based child care or school-based child care, or
- (d) an office of a family day care service (within the meanings of the *Children (Education and Care Services) National Law (NSW)*), or

- (e) a babysitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or
- (f) a child-minding service that is provided in connection with a recreational or commercial facility (such as a gymnasium) to care for children while the children's parents are using the facility, or
- (g) a service that is concerned primarily with providing lessons or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity, or providing private tutoring, or
- (h) a child-minding service that is provided by or in a health services facility, but only if the service is established, registered or licensed as part of the institution operating in the facility.

The permissibility of the development on the site is using the provisions of Clause 5.3 of *Guyra Local Environmental Plan 2012, 'Development Near Zone Boundaries'*, which provides for flexibility, where it can be established a use on the other side of the zone boundary is "more logical and appropriate and can be compatible with adjoining land uses and objectives.

Subject site and locality:

The application relates to 156-160 Bradley Street and 162 Bradley Street, Guyra. The land fronts Mackenzie, Bradley and Moredun Streets and has an area of approximately 10,119m².

Under the *Guyra Local Environmental Plan (GLEP) 2012*, 162 Bradley is zoned B4 Mixed Use. 156-160 Bradley is zoned SP2 Infrastructure. Uses on the land are as follows:

162 Bradley Street	Council owned, used for home support office
156-162 Bradley Street	Council owned, used for <ul style="list-style-type: none">- Guyra Civic Administration Building , including Library- Mens shed- UNE outbuilding- "The Hub"- Car park- Rural Fire Service shed

Both sites contain local heritage items in accordance with the *GLEP 2012*. These are as follows:

- Item I048 - Former Guyra Public School
- Item I049 – Former Guyra Medical Centre
- Item I050 – LT Starr Memorial Library

Trees within the land are also captured under the heritage designations. Access to the land is currently from both Moredun and Mackenzie Streets, with Mackenzie being the primary access.



3. OFFICERS' RECOMMENDATION:

That Council having regard to the assessment of DA-125-2020 for the construction of a centre-based child care facility, together with construction of car park, tree and building removal and associated works:

- a) grant approval subject to the following conditions including a deferred commencement condition pursuant to section 4.16(3) of the *Environmental Planning and Assessment Act 1979*, requiring that an amended Arboricultural Impact Assessment and Car Parking/ Access Plan(s) are provided which demonstrates that the largest tree (the English Oak) can be successfully retained;
- b) Notify all submitters of this decision to approve DA-125-2020 for the construction of a centre-based child care facility, together with construction of car park, tree and building removal and associated works.

PART A – DEFERRED COMMENCEMENT CONDITION:

Pursuant to section 4.16(3) of the *Environmental Planning and Assessment Act 1979*, the applicant is to provide satisfactory evidence to Armidale Regional Council, as the Consent Authority for the development, sufficient for Council to satisfy itself that the Condition under Part A has been complied with thereby making this Consent operational.

Such evidence is to be provided to Council within 3 years of the date of determination endorsed on the first page of this consent notice. If satisfactory evidence is produced within this timeframe, the Council will give notice to the applicant of the date from which the consent will begin to operate.

A1. The design of the development is to be modified as follows:

- A revised Arboricultural Impact Assessment (AIA) shall be provided together with amended car parking/internal access road area plans as required. The AIA and amended plans are to demonstrate retention of the English Elm (*Ulmus procera*) (in addition to the Holm Oak [*Quercus ilex*] also to be retained adjacent to the

parking/internal access road area).

- Any revised car parking and access layout shall provide a minimum of Twenty Eight (28) car parking spaces. Entry and Exit locations and pick up / set down drop of area shall be generally in accordance with those details shown on the submitted plans.

The revised Arboricultural Impact Assessment must be prepared by a qualified arborist who has a Diploma of Horticulture (Australian Qualifications Framework Level 5).

The revised Arboricultural Impact Assessment and any associated plans shall be provided submitted to Council's General Manager or authorised delegated for approval prior to any operational consent being issued.

The report is to include as a minimum:

- Details and estimates of Tree Protection Zones and Minimum Setback Distances for each tree based on the Australian Standard AS 4970 – Protection of Trees on Development Sites
- A separate tree plan clearly showing all trees to be retained/removed/transplanted and each tree numbered. For the avoidance of doubt the English Elm (*Ulmus procera*) and Holm Oak (*Quercus ilex*) are to be retained.
- Tree assessment and retention value based on an industry accepted standard
- A comprehensive discussion/assessment of the impact of construction works including:
 - Details of any soil modification i.e. cut and fill, excavations
 - Details of any tree pruning for building clearance or tree health
 - Site works including hoardings; temporary site structures; wash-down areas and vehicle access
- Impact of the proposed building structure and location of services
- Root mapping report where required
- Tree protection specifications and signage
- An outline of WHS and tree protection procedures to be followed on site and appropriate induction for all on-site staff and sub-contractors
- A post construction tree maintenance/monitoring program

The revised report must:

- be in accordance with the Australian Standard 4970 – Protection of Trees on Development Sites
- include recommendations for minimising loss of landscape amenity
- be thorough, balanced and objective in assessing the impact on the tree's current and future health and condition

*ADVISING: This condition has been applied given the provided plans will require removal of the English Elm (*Ulmus procera*), which is a tree with high importance for retention. The car parking and internal access road layout as proposed would be significantly within the Tree Protection Zone (TPZ) and Structural Root Protection Zone of this tree. Council would be willing to consider the use of gravel filled Geogrid type structure laid above ground level if parking is required within the TPZ and confirmed acceptable by the revised AIA.*

PART B – OPERATIONAL CONDITIONS:

PRESCRIBED CONDITIONS

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

98 EP&A Regs 2000: Compliance with Building Code of Australia

- (1) For the purposes of section 4.17 (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.
- (2) In this clause, a reference to the *Building Code of Australia* is a reference to that Code as in force on the date the application is made for the relevant:
 - (a) construction certificate.

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.
- (4) This clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

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. To ensure this development is consistent with Council's consent, the development must take place in accordance with the approved plans (bearing the Council approval stamp); and all other documents submitted with the application, subject to the consent conditions in this notice. In the event of any inconsistency between the approved plans and the conditions of this consent, the conditions shall prevail.

The approved plans are attached to this consent notice and are listed below:

Plan Drawer	Plan Numbers / Revision	Date
Not Identified Job ref: 3132_1G	Sheet 2	07/09/2020
	Sheet 3	
	Sheet 4	
	Sheet 5	
	Sheet 6	
	Sheet 7	
Armidale Regional Council	DA02, Issue A	18/09/2020
	DA02, Issue A (as annotated in red)	
Reverb Acoustics	20-2574-R1	January 2021

The approved document is listed below:

Author	Reference	Date
Reverb Acoustics	20-2574-R1	January 2021

ADVISING: Further consent may be required for any change, enlargement or intensification of the premises or land use, including the display / erection of any new structure such as signage, partition walls or building fit-out (unless the proposed work is exempt from the need for consent). Please check with Council before commencement.

2. This consent approves the removal of the following trees on site:

- 2 x English Elm (*Ulmus procera*)
- 1 x Common Fig (*Ficus carica*)
- 1 x Desert Ash (*Fraxinus Oxycarpa*)

The removal shall be carried out by an appropriately qualified person (e.g. tree surgeon) to avoid any risk to life or damage to property.

All street trees are to be preserved except where removal is separately approved by Council, to ensure the continued amenity of the streetscape and to maintain public assets.

3. 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.
4. External colours, materials and finishes are to be in accordance with the approved plans. Reflective colours, materials and finishes are not be used.

ADVISING: This condition has been imposed to achieve the contemporary design of the development.

5. In accordance with the provisions of Section 6.6 and 6.7 of the *Environmental Planning and Assessment Act 1979*, construction works approved by this consent must not commence until:

- a) a Construction Certificate has been issued;
- b) a Principal Certifying Authority has been appointed; and
- c) at least two days notice has been given to Council of the intention to commence work (using the online service on Council's website - click on the SELF SERVICE tab, register and follow the prompts).

Documentation required under this condition must show that the proposal complies with all relevant development consent conditions and is not inconsistent with the

approved plans, the Building Code of Australia and the relevant Australian Standards.

6. Separate planning permission shall be obtained for any signage which is not deemed exempt under [State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008](#), State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 or Guyra Local Environmental Plan 2012.

BEFORE RELEASE OF CONSTRUCTION CERTIFICATE

7. The plans accompanying the Construction Certificate are to demonstrate compliance with the Building Code of Australia. Plans are to be submitted to the Certifying Authority for authentication of BCA compliance and issue of a Construction Certificate.

The plans for approval under the Construction Certificate must also demonstrate compliance with:

- Chapter 4 of the Child Care Planning Guideline (NSW, Planning and Environment), August 2017. This includes specific detail relating to:

Chapter 4.1: Indoor space requirements.

Chapter 4.2: Laundry and hygiene facilities.

Chapter 4.3: Toilet and hygiene facilities.

Chapter 4.4: Ventilation and natural light.

Chapter 4.5: Administrative space.

Chapter 4.6: Nappy change facilities.

Chapter 4.7: Premises designed to facilitate supervision.

NOTE: Should the configuration of the building be modified as a result of achieving BCA compliance, the plans accompanying this development consent must also be modified.

The Building Code of Australia, part of the National Construction Code series, is now available online at abcb.gov.au

8. To ensure that the proposed childcare centre is not adversely affected by noise from the adjacent roads, appropriate construction measures shall be taken to ensure that the following LAeq levels are not exceeded:

- a) In any sleeping area in the building—35 dB(A) at any time during hours of operation of the centre.

Details shall be in accordance with the approved Acoustic Report and are to be submitted for the approval of the relevant Certifying Authority prior to the issue of a Construction Certificate for the development.

9. 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 Construction Certificate (as per ARC Development Servicing Plan for Water and Sewerage).

At the date of determination the applicable contributions are **\$64,440.00**.

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

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).

10. Approval is required under Section 68 of the Local Government Act for:

- connection to Council's Infrastructure for water supply, sewerage and stormwater work

Approval must be obtained prior to the issue of a Construction Certificate for the development.

11. 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.

The application shall include details of the following upgrades to Moredun Street:

- Construction of kerb and gutter across the entire site fronting Moredun Street. Kerb and gutter is to be extended from the existing kerb and gutter at the corner of Bradley Street and Moredun Street and is to terminate with tie into the existing table drain at the western end of the development.
- Pavement widening is to be undertaken to extend the existing pavement to the newly formed section of kerb.
- Two driveway crossovers are to be constructed to encourage one-way directional movement of traffic. Crossovers are to be delineated with 'entry only' and 'exit only' signage.
- On street parking shall be delineated through linemarking. Parking dimensions are to be in accordance with AS2890 standards.
- Pavement widening and kerb and gutter are to incorporate the existing driveway crossover at 162 Bradley Street (Lot 161 DP753659).
- The existing crossover servicing the development lot on Mackenzie Street is to be removed, the verge compacted and seeded and upright kerb and gutter reinstated;
- Road upgrade designs to be in accordance with Council's Engineering Code D1 Geometric Road.

12. Details of the following are to be provided to the relevant Certifying Authority for approval prior to the issue of a Construction Certificate:

- Provision of a minimum of 28 off-street parking spaces to serve the development (of which at least 1 is to be designated accessible parking space).
- Parking and drop off / pick up bays, including spaces allocated for people with disabilities, are to be clearly identified by appropriate markings.
- An all-weather, nuisance-free surface for pedestrians and vehicles is to be provided throughout the site, including parking areas and driveways.
- The surface shall be provided with effective edge support / drainage control and landscaped areas adjacent to kerbing to be self-draining to the kerb.
- Car parking facilities, including all internal parking and manoeuvring areas, are to be designed and constructed in accordance with Australian Standards AS/NZS 2890.1 (current edition): Off-street car parking, AS/NZS 2890.2 (current edition): Off-street commercial vehicle facilities and AS/NZS 2890.6 (current edition): Off-street parking for people with disabilities.
- Bicycle facilities are to be provided in accordance with the Guyra Development Control Plan 2015.

The proposed car parking and access road shall also accord with Condition 2 of this approval. In the event of any inconsistency, Condition 2 shall prevail.

13. Details of the following are to be provided to the relevant Certifying Authority for approval prior to the issue of a Construction Certificate:
 - A stormwater management system designed for the development to ensure the post-development flows leaving the site are no greater than the pre-development flows from the catchment, to protect the site and adjoining neighbours from the effects of flooding. Storm event to be provided for is to be the 20%AEP, 5 minute storm duration event.
 - The stormwater management system is to be designed in accordance with AS3500 standards and Council's Engineering Standard D5: Stormwater Drainage Design and is to include detail for stormwater quality control.
14. A detailed landscape plan prepared by a suitably qualified person or firm, is to be submitted to the relevant Certifying Authority prior to the issue of a Construction Certificate. The plan must be to the satisfaction of the relevant Certifying Authority and must show:
 - A layout generally in accordance with the plans approved under this consent.
 - Details for all outdoor play areas capable of complying with the requirements of the Child Care Planning Guideline (NSW Planning and Environment, August 2017), including soft landscaping detail, play equipment and urban furniture.
 - Details for all fencing capable of complying with the requirements of the Child Care Planning Guideline (NSW Planning and Environment, August 2017), including soft landscaping detail, play equipment and urban furniture.
 - A planting schedule of all proposed vegetation (trees, shrubs and ground covers) which includes, botanical names, common names, pot size, mature size and total quantities of each plant.
 - Preferred use of native species and species which are compatible with the New England climate.
 - Details of site preparation and on-going monitoring in order to ensure species survival.
15. The kitchen shall:
 - be appropriate for the activities for which the premises are used;
 - provide adequate space for the activities to be conducted on the food premises and/or the fixtures, fittings and equipment used for those activities;
 - permit the food premises to be effectively cleaned and sanitised;
 - exclude dirt, dust, fumes, smoke and other contaminants; and
 - not permit the entry of pests, and not permit any harbourage for pests,
 - The plans supplied with the Construction Certificate must allocate a hand wash basin in the kitchen.

in accordance with the Australia and New Zealand Food Safety Authority *Food Safety Standards* and to ensure the public health and safety of patrons and staff. A copy of the Standards can be downloaded from the ANZFA website <http://www.foodstandards.gov.au>

Details to be submitted for the approval of the Council's Environmental Health Officer

before the issue of a Construction Certificate.

16. Details of the relocation of existing larger weatherboard building, currently used by UNE, are to be provided to the satisfaction of Council prior to the issue of a Construction Certificate. Such details shall include:
 - New site details
 - Proposed use
 - Timing of relocation

DURING CONSTRUCTION

17. No storage of building materials, soil or equipment is to occur on Council's property or roads without the written consent of Council's General Manager or authorised delegate. 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.
18. Non-slip materials complying with AS 3661 (current edition) Slip resistance of pedestrian surfaces -

Guide to the reduction of slip hazards and AS 4586 (current edition) Slip resistance classification of new pedestrian surface materials, are to be used for the paving of public areas within the development, to ensure safe public use of these areas.
19. 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.

20. 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).
21. The hours of building 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 building 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.

22. 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.

If the soil conditions require it, retaining walls associated with the erection of the building or other approved methods for preventing the movement of the soil must be provided, and adequate provision must be made for drainage.

Any proposed retaining wall is not to impede overland storm water flows from adjoining properties. Provision is to be made within the site to redirect storm water at ground level from the rear of the retaining wall to a legal point of discharge, to protect the site and adjoining property from the effects of flooding.

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.

23. Any required plumbing and drainage work shall comply with the Plumbing and Drainage Act 2011, Plumbing and Drainage Australian Standard AS3500, Plumbing Regulations 2017 and the Plumbing Code of Australia (NCC 2016).

ADVISING: If a plumbing and drainage permit is required, Council offers an online service for the plumbing industry - go to www.armidaleregional.nsw.gov.au

24. Any required demolition is to be carried out in accordance with AS2601 – Demolition of Structures, to ensure the work is undertaken safely and as required pursuant to the Environmental Planning and Assessment Regulation 2000 and Work Health and Safety (WHS) Regulation 2011.

ADVISING: Further information regarding asbestos can be found at the SafeWork NSW website: <https://www.safework.nsw.gov.au/hazards-a-z/asbestos>

25. Roof and surface stormwater from paved and impervious areas is to be collected and directed to a legal point of discharge and in accordance with the approved stormwater management plan, to protect the site and adjoining property from effects of flooding. Relevant work to be carried out immediately once the roof and guttering is installed.

26. Toilet facilities are to be provided at, or in the vicinity of the work site, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be connected to an accredited sewage management facility approved by the council or some other sewage management facility approved by the council.

27. The development must be carried out in accordance with *Managing Urban Stormwater: Soils & Construction* (4th edition, Landcom, 2004), commonly referred to as the "Blue Book" and as in force at the date of this consent; to maintain public and environmental safety and amenity, and prevent erosion and sedimentation.

ADVISING: Failure to take effective action may render the developer liable to prosecution under the NSW Protection of the Environment Operations Act.

28. A hoarding or fence must be erected between the work site and any public place if the work is likely to cause traffic (pedestrian or vehicular) in a public place to be obstructed or otherwise inconvenienced. The erected hoarding is to comply with AS 4687 (current edition) -

Temporary fencing and hoardings to sufficiently prevent any substance from or in connection with the work falling into the public place. The work site must be kept lit

between sunset and sunrise if it is likely to be hazardous to persons in the public place. The hoarding, fence or awning is to be removed once the work has been completed.

BEFORE OCCUPATION / WHEN WORKS ARE COMPLETED

29. The relevant Occupation Certificate must be obtained before the approved use commences, in accordance with the Environmental Planning & Assessment Act 1979 and to ensure the health and safety of the building's occupants.

ADVISING: Failure to obtain an Occupation Certificate is an offence under the legislation.

30. Access/facilities for people with disabilities is to be provided in accordance with the Building Code of Australia before the issue of an Occupation Certificate for the development, and maintained thereafter.

ADVISING: The applicants/property owner should note that the Commonwealth Disability Discrimination Act 1992 provides opportunity for public complaint potentially leading to legal action if access to premises by people with disabilities or their carers is precluded. The Australian Human Rights Commission has released Advisory Notes on current Premises Standards which are available from Council on request. The Commission can also provide further information on this issue (1300 369 711). In addition to human rights considerations, as a substantial proportion of the community suffer from mobility handicaps, provision of good access to premises is also good business practice.

31. A Fire Safety Certificate covering each of the essential fire and other safety measures installed in the building must be provided to the Certifying Authority before the issue of an Occupation Certificate for any part of the building, to ensure the safety of the occupants in the case of an emergency.

A copy of the certificate is to be given to the NSW Fire Brigades to afss@fire.nsw.gov.au and an additional copy to be displayed in a prominent location within the building, in accordance with clause 172 of the Environmental Planning and Assessment Regulation 2000.

32. All conditions of this consent requiring any of the following to be carried out:

- Earthwork
- Stormwater drainage work
- Landscaping work
- Erosion and sedimentation control work
- Structural work
- Hydraulic work
- Work associated with driveways and parking bays, including road pavement and road finishing, vehicle and cycle parking
- External road work
- Any matter that relates to the external finish of a building

are to be completed and inspected by the relevant Certifying Authority prior to commencement of operation of the approved development.

33. Construction of the food premises part of the development is to be completed in accordance with the approved design and inspected by Council's Environmental Health Officer prior to the issue of an Occupation Certificate, to ensure the public health and safety of children and staff.
34. The development shall be registered with Council as a food premises prior to issue of an Occupation Certificate.
35. Lots 161 and 173 on DP 753659 are to be consolidated into one allotment. The consolidation is to be registered prior to the issue of an Occupation Certificate for the development.
36. In accordance with the recommendations of the Heritage Statement, an interpretation panel shall be provided at a prominent position within the site, which shows the history of the site and how the site has been developed. Such a panel shall be provided to the satisfaction of Council, and shall be suitably weatherproof and robust.

OPERATIONAL MATTERS

37. No more than 88 children and 14 full-time staff may be accommodated at any on-time.
38. The hours of operation are 7am to 7pm (Monday to Friday).
ADVISING: Staff may enter and leave the building prior to 7am and after 7pm, providing disruption to surrounding residential properties does not occur.
39. An annual fire safety statement shall be provided to Council at least once every 12 months as required under clause 177 of the Environmental Planning and Assessment Regulation 2000, to ensure that the required fire safety measures for the building are being properly maintained. A copy of the statement is to be given to the NSW Fire Brigades by e-mail to afss@fire.nsw.gov.au and an additional copy to be displayed in a prominent location within the building.
40. All vehicles are to enter and leave the site in a forward direction, to ensure traffic/pedestrian safety.
41. Any lighting used on site in connection with the development is to comply with AS 4282 (current edition) – Control of the Obtrusive Effects of Outdoor Lighting, to protect the amenity of the locality.
42. Storage facilities for waste and recyclables sufficient for the maximum accumulation between collections shall be provided in a secure location screened from public view, to protect the amenity of the locality.
43. All mechanical equipment, including air conditioning condensers and heat pumps, are to be provided with appropriate noise attenuation measures, such that their operation is not audible inside any habitable room of any adjoining/nearby dwelling, to protect the amenity of the locality. Mechanical equipment must not be roof mounted.
44. All dead plant stock, being maintained as part of the approved landscaping, must be replaced. The landscaping must be maintained in good condition at all times.

Assessment Report

Proposed development

Approval is sought for the following:

- Construction of centre-based child care facility building together with associated car parking and access;
- Removal of existing Men's Shed, UNE outbuilding and two garages;
- Removal of 4 trees.

The centre-based child care facility building would be a single storey building located generally in the position of the current car parking area servicing the site. The existing Mens Shed and UNE Outbuilding would be removed from the site to facilitate the siting of the proposed development. The building would comprise the following internal areas:

- An Entry room for dropping off and collection of children, and will act as delineation between the Preschool and the Out of School House care part;
- A reception area;
- An office which can connect to the reception area via an operable wall but will also provide privacy from children and parents and allow for private conversations when operable wall is closed;
- A Playroom each for:
 - Babies, including lockers, art sink, bottle preparation zone and adult hand washing basin;
 - Toddlers, including lockers, art sink and adult hand washing basin;
 - 3-4 Pre-schoolers, including lockers and art sink;
 - 4-6 Pre-schoolers, including lockers and art sink and;
 - Out of School Hours Care (OSHC) children;
- A staff room with a kitchenette that will allow for a 'break out' and planning space for staff.; and
- Two separate general store rooms and a shared store room for each Preschool play space within the Preschool, and a dedicated store cupboard in the OSHC room.

In terms of design, the proposed building would appear contemporary. Refer to attached plans and figures below.

The proposal has been designed to exceed the minimum floor area requirements set by the *Child Care Planning Guideline*. A car parking and drop off area is proposed to provide 32 off street spaces (however this may be reduced in accordance with recommended conditions – discussed further in the report).

The proposed use would have:

- hours of operation from 7.00am – 7.00pm weekdays;
- maximum of 14 full time staff; and
- maximum capacity of 88 children.

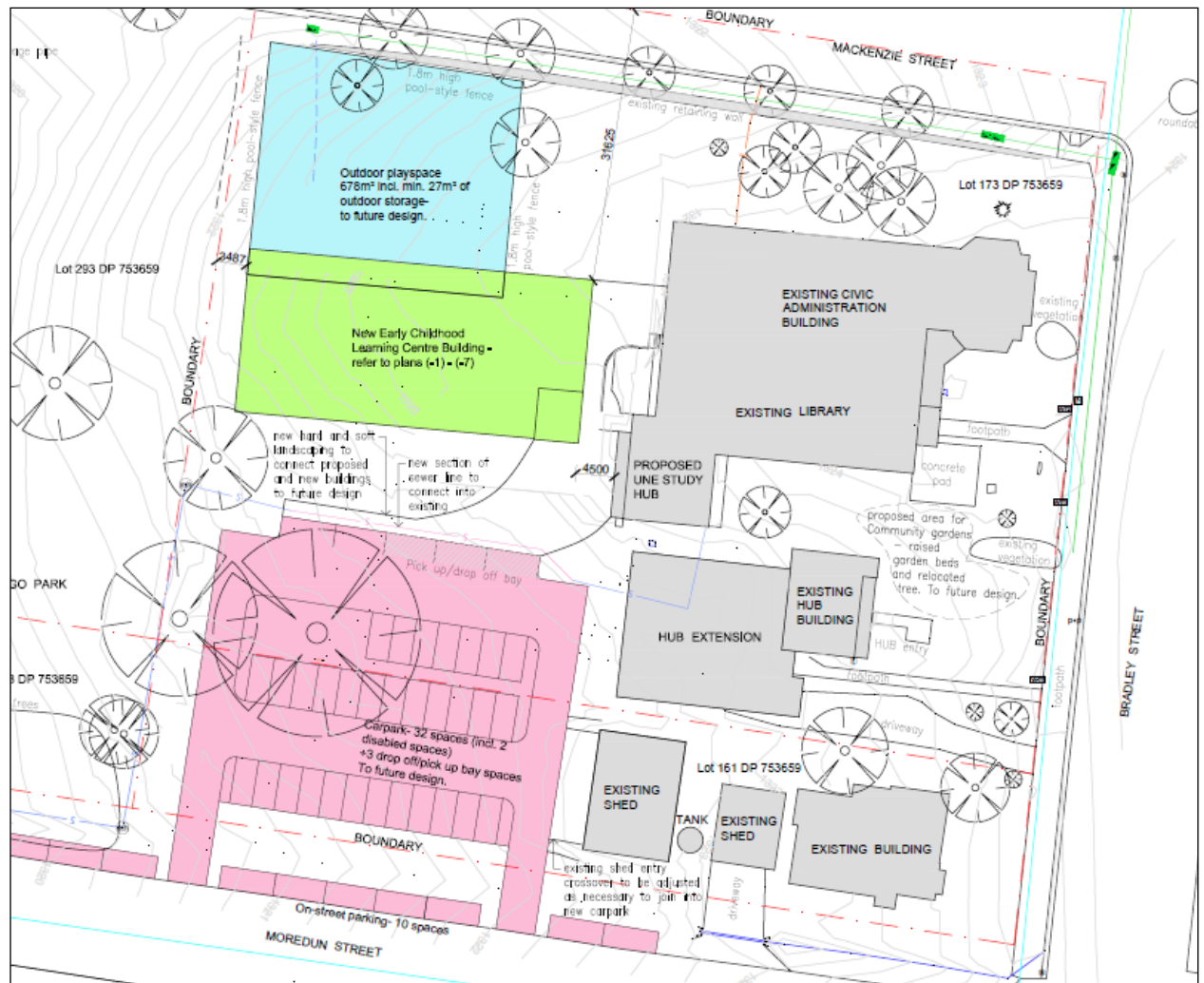


Figure 1: Extract from Site Plan

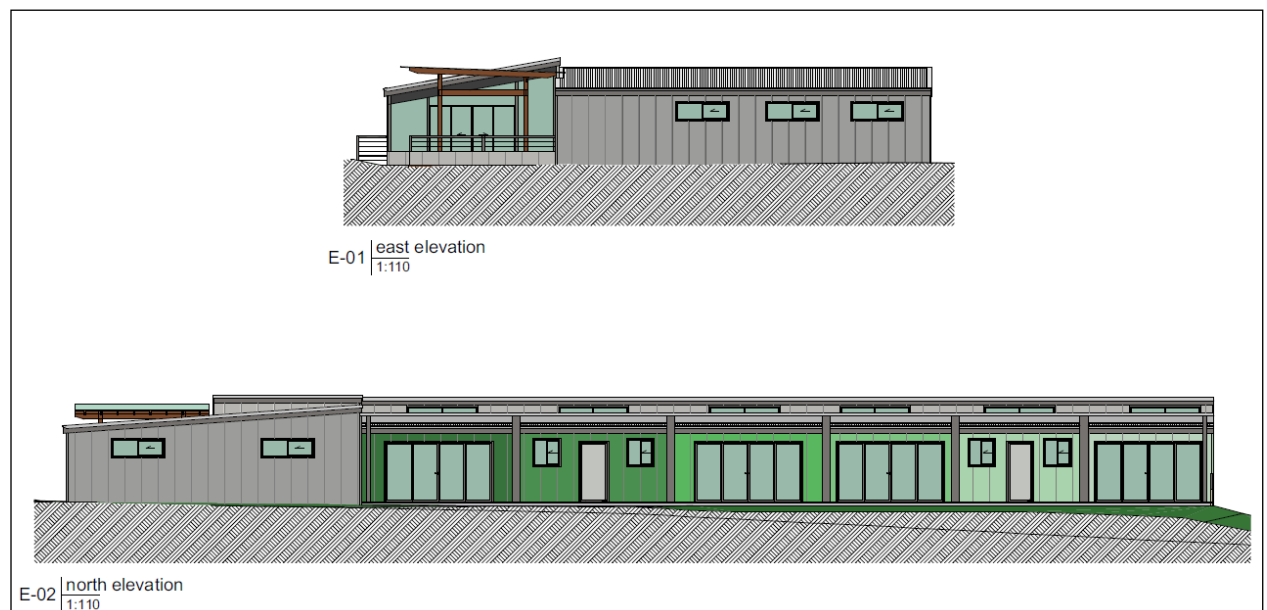


Figure 2: North and East Elevations

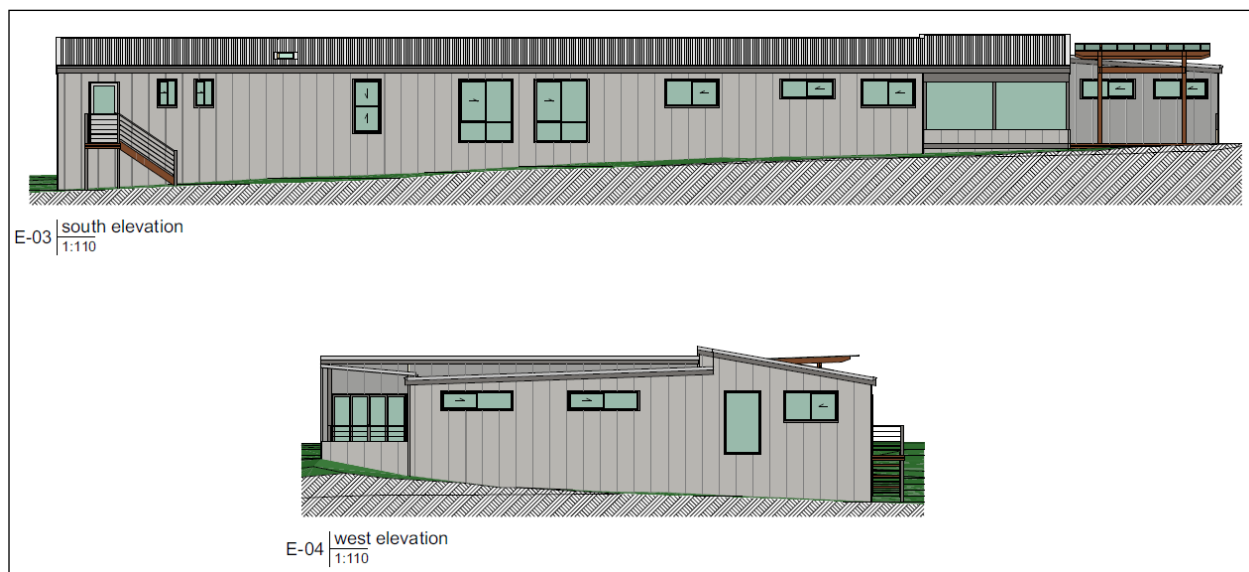


Figure 3: South and West Elevations

Revisions:

An additional information request was made 4 November 2020, regarding:

- Tree Removal (Aboriginal Assessment required);
- Acoustic Report;
- Engineering and Access (Requested single access from Moredun Street and details of upgrade from Moredun Street); and
- Design Recommendations:
 1. The southern elevation looks stark and flat for what appears as the main point of entry;
 2. The northern elevation looks good generally. Again, I would hope the final product keeps some sort of articulation and colouring as presented in the DA;
 3. The northern elevation of the OSHC part of the building takes away from the northern elevation. The high level windows etc. are more typical of a side or rear elevation of a dwelling house; and
 4. There is a lack of connection to Mackenzie Street, and this is a missed opportunity. It is a wider road, closer to the shopping area and seems like a natural point for a pedestrian access. It seems like the design cuts off any sensible pedestrian route from the north to the site.

A satisfactory response has been provided enabling assessment to continue. These matters shall be discussed in detail further within this report.

Referrals undertaken and other approvals required

Internal:

Development Engineering Officer	No objection subject to recommended conditions in relation to: <ul style="list-style-type: none"> - Car Parking; - Access and External Roadworks; - Stormwater Management; - Water and Sewer DSP Contributions; - Connections to Council's Stormwater, Water; and Sewerage Infrastructure.
Tree Officer	No objection subject to recommended conditions in relation to: <ul style="list-style-type: none"> - Deferred commencement Condition, requiring submission of revised plans and aboricultural assessment demonstrating retention of Oak, in addition to others to be retained.
Building Surveyor	No objection subject to recommended conditions in relation to: <ul style="list-style-type: none"> - Compliance with Building Code of Australia; and - Fire Safety.
Environmental Health Officer	No objection to findings of the Preliminary Site Investigation. No objection subject to recommended conditions in relation to: <ul style="list-style-type: none"> - Compliance of kitchen with Australia and New Zealand Food Safety Authority Food Safety Standards; and - Compliance with Acoustic Report and standards for sleeping area.

External

Police (CPTED)	No objection.
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Political Donations

At the time of lodging the Development Application the Applicant indicated, pursuant to Section 10.4(4) of the *Environmental Planning and Assessment Act 1979*, that no reportable political donation or gift had been made by the Applicant or any person with a financial interest in this Application to a local Councillor or employee of Armidale Regional Council.

Matters for Consideration

The assessment of this Development Application has been undertaken in accordance with Section 4.15 (1) of the *Environmental Planning and Assessment Act 1979*, as amended. In

determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development application:

(1)(a) the provisions of the following that apply to the land to which the development application relates:

(i) the provisions of any environmental planning instrument

State Environmental Planning Policies (SEPPs):

The following SEPPs have been considered in connection with this development:

State Environmental Planning Policy No 55—Remediation of Land

Clause 7 (contamination and remediation to be considered in determining development application) requires that:

(1) A consent authority must not consent to the carrying out of any development on land unless—

(a) it has considered whether the land is contaminated, and

(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and

(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

(2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subclause (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.

(3) The applicant for development consent must carry out the investigation required by subclause (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.

(4) The land concerned is—

(a) land that is within an investigation area,

(b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,

(c) to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital—land—

(i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and

(ii) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).

The land is not identified as potentially contaminated land in accordance with Council's mapping. The proposed use of the land is identified within Clause 7(4)(c), therefore Council has submitted a Preliminary Site Investigation in order to satisfy the clause. Sampling has been taken from locations shown in Figure 4. The report concludes that *"the site is considered to be clean and*

suitable for purpose as an Early Learning Centre, pending effective removal of the surface bitumen and building structures."

Councils Environment and Environmental Health & Building Officer has raised no objection to the findings of this report.

The proposal therefore satisfies this SEPP.



Figure 4: Sampling Locations

State Environmental Planning Policy (Infrastructure) 2007

Referral to Transport for NSW was not required, given the site is not in proximity to a classified road and the proposed use does not exceed any threshold within Schedule 3 (Traffic-generating development to be referred to Transport for NSW).

The proposal therefore satisfies this SEPP.

State Environmental Planning Policy (Koala Habitat Protection) 2019

The application was submitted prior to this SEPP being repealed by State Environmental Planning Policy (Koala Habitat Protection) 2020. This SEPP applies to the land given the site has an area exceeding 1ha.

Clause 9 (development assessment process—no approved koala plan of management for land) states that.

(2) Before a council may grant consent to a development application for consent to carry out development on the land, the council must assess, in accordance with the Guideline, whether the

development is likely to have any impact on koalas or koala habitat.

(3) If the council is satisfied that the development is likely to have low or no impact on koalas or koala habitat, the council may grant consent to the development application.

The supporting guideline provided guidance to determine if a development was a Tier 1 (low impact development), as below:

1. onsite or aerial photography is sufficient evidence to demonstrate that the development does not involve and will not result in clearing of regionally relevant trees of the species listed in Schedule 2 of the Koala SEPP, and

2. the development is below the Biodiversity Offsets Scheme threshold under the BC Act

3.1 Tier 1 - Low or no direct impact development

The Tier 1 process is for development which can be demonstrated to have low or no impact on koalas or koala habitat as follows:

1. onsite or aerial photography is sufficient evidence to demonstrate that the development does not involve and will not result in clearing of regionally relevant trees of the species listed in Schedule 2 of the Koala SEPP, and
2. the development is below the Biodiversity Offsets Scheme threshold under the BC Act, or
3. council agrees the proposed development will have low or no impact on koalas or koala habitat on a case by case basis.

If the development cannot either meet **the first two criteria OR criteria 3** above, it must progress as a Tier 2 development application.

Tier 1 development does not require the landholder to engage a suitably qualified and experienced person to prepare any reports or conduct any surveys. This differentiates the Tier 1 process from the Tier 2 process which requires a suitably qualified and experienced person to conduct a survey for core koala habitat and prepare a Koala Assessment Report.

Management measures to address key risks

Development issues **must** be assessed on a case-by-case basis and different councils may apply prescriptions that align with broader considerations relevant to their council area.

Councils are **encouraged** to develop requirements within their development control plans that specifically deal with koala habitat management issues as this will provide more detailed and tailored information around what is expected in the local area.

Figure 5: Extract from Koala Habitat Guideline

In this regard, Council is satisfied that the proposal would not involve removal of any regionally relevant trees listed within the Koala SEPP (European trees only) and also would not exceed the maximum area clearing threshold under the Biodiversity Offsets Scheme under the Biodiversity Conservation Act 2016.

The proposal therefore satisfies this SEPP.

State Environmental Planning Policy (State and Regional Development) 2011

In accordance with Schedule 7 of the SEPP, the cost of work is less than 5 million. Council may therefore determine the application rather than the Northern Regional Planning Panel.

SEPP (Educational Establishments and Child Care Facilities) 2017:

This SEPP is relevant. The following is an assessment against the SEPP:

- Concurrence with the regulatory authority in relation to childcare centres is not required as the proposed area of unencumbered indoor and outdoor space exceeds the minimum requirement.

Regulation 107 of the *Education and Care Services National Regulations*, NSW requires 3.25 square metres of unencumbered indoor space to be provided for every child. 88 children require the provision of 286 square metres of indoor space. The proposed plans and Statement of Environmental Effects demonstrates provision for 336.92 square metres.

Regulation 108 of the *Education and Care Services National Regulations*, NSW requires 7 square metres of outdoor play area to be provided for every child. 88 children require the provision of 616 square metres of outdoor unencumbered space. The proposed site plan makes provision for 678 square metres.

- The *Child Care Planning Guideline* supports the SEPP.

Matters for Consideration:

➤ Site selection and location:

The proposal complies with the considerations as follows:

- The subject site is considered to be suitable for the purposes of a child care facility. The proposed development is sited within SP2 Infrastructure zoned land. B2 (commercial) and B4 (mixed use) zone land is located to the north and south of the site, separated by roads. This matter is discussed in more detail under Clause 2.3 and 5.3 of the GLEP 2012, further in this report.
- In the case of the B4 land located at Moredun Street, this is mostly developed with dwellings. Council is satisfied that the proposal would not have an unreasonable noise impact on these properties. In reaching this conclusion, an Acoustic Assessment has been provided to support the application. Additionally, by siting the building and outdoor area in the northern part of the site, there is sufficient setback from residential uses. The proposal would cause an increase in traffic along Moredun Street, however this is within acceptable limits for the B4 Zone. Sufficient car parking will be provided off street to not cause material harm to existing levels of amenity of these dwellings through additional traffic impact.
- The proposal is considered compatible with the mixed use nature of the site. The proposal would be complimentary to the community use theme of the wider site, and would not cause conflict in terms of parking provision and hours of operation.
- No concerns are raised over the proposals siting in relationship with the B2 zoned land to the north of the site. This will be further discussed with regards to noise and air pollution.
- The site is not shown to be affected by any environmental hazards and constraints, and is environmentally safe (not flood or fire affected etc). Large trees are not located within the outdoor play area. Notwithstanding, recommended conditions of approval ensure that all retained trees will be compatible with regards to car parking and access

works.

- The proposal is not located near any incompatible premises, subject to compliance with existing consent conditions in the case of 2 Moredun Street.
- There are acceptable opportunities on site for drop off and pick up areas within the site. Additionally, Moredun Street is considered safe for the proposed use, again, subject to compliance with existing consent conditions.

➤ Local character, streetscape and the public domain interface:

The proposal complies with the considerations as follows:

- The proposed building will adopt a contemporary form which celebrates and identifies the building. In terms of scale, materials and colours, it is considered that the building will contribute to the local character and streetscape. Landscaping and car parking are integrated on site within the overall design. It is recommended that conditions are applied regarding the finishes of the building, to ensure its design is not watered down through potential future modifications.
- The building will be oriented towards Mackenzie Street, and will provide passive surveillance and connection with the street.
- Landscaping shall be conditioned to comply with the guideline in terms of defining entries and incorporation of fencing and visual permeability.
- The proposal will be appropriately delineated from public areas, to ensure safety of children.
- The entry to the proposed childcare site will be adequately legible from the car parking area.

➤ Building orientation, envelope and design:

The proposal complies with the considerations as follows:

- The building will be single storey in scale, which is in keeping with the character of the site. Both the building and the external play areas are north facing with optimises solar access. The northern orientation also reduces potential noise and overlooking impacts on residential neighbours. The siting takes advantage of a relatively flat site and negates the need for cut and fill.
- There are no concerns with the proposed setbacks of the building, which sits comfortably within the site and away from neighbouring properties, in a manner which is consistent with the existing Civic Administration Building.
- The general siting of the proposal respects the heritage value of the retained trees, subject to recommended conditions of approval.
- The siting and design of the building will have a defined entry point from the car park which is visible from the Moredun Street frontage. Conditions shall be applied to ensure that the building meets all access requirements.
- Although the southern elevation is only partially articulated, it is

sufficiently open to not detract unreasonably from the appearance from this elevation. Where high fences are to be used, they shall be of an open appearance. Additionally, no acoustic fencing is required as confirmed by the Acoustic Report.

- Entry is limited to one secure point, which can be easily monitored and is not accessed through an outdoor play area. Although not a requirement, there are opportunities for access to be provided from Mackenzie Street, still utilising the proposed entry point to the building. Although the entry would be somewhat central within the site, the relationship with the shared carpark ensures a high level of passive surveillance.

➤ Landscaping:

The proposal complies with the considerations as follows:

- The site layout plan provides areas able to be landscaped. A condition of consent will be imposed requiring a detailed landscape plan to be prepared prior to the issue of a Construction Certificate. A condition will also be imposed requiring the landscaping to be satisfactorily established prior to the issue of an Occupation Certificate.
- The car parking design retains significant trees, which are of value in several respects (shade, local character).
- Conditions will also be included in relation to the landscaping of outdoor play areas including the provision of play equipment and other furniture.

➤ Visual and acoustic privacy:

The proposal complies with the considerations as follows:

- An acoustic report was submitted with the application, which recommends that the proposal is acceptable subject to conditions regarding upgraded glazing standards. A condition of consent will require demonstration of compliance with the recommendations prior to the issue of an Occupation Certificate.
- As the proposal is sited away from residential receptors, there are no concerns regarding overlooking.

➤ Noise and air pollution

The proposal complies with the considerations as follows:

- The proposal is not sited in close proximity to excessive sources of noise. It is noted that the premises located at 2 Moredun Street and 27 Booroolong Street (and surrounding streets generally) will both cause some noise by virtue of their land uses and comings and goings, however this is within reasonable limits.
- As the proposal is not situated in industrial zoned land or within a flight path, an acoustic assessment is not required. Notwithstanding, an acoustic assessment has been provided in accordance with Councils POL235 (Environmental Noise Guidelines). The submitted acoustic assessment deems that the proposed use is compatible for the site in terms of noise, subject to conditions to require appropriate glazing to windows. In addition, the proposal is comfortably located within the site

to reduce perceived noise impacts.

- Council's POL235 (Environmental Noise Guidelines) refers to the following in terms of noise levels within a childcare centre:

Childcare facilities	<p>Sleeping rooms L_{Aeq} (1 hour) 35 (internal)</p> <p>Indoor play areas L_{Aeq} (1 hour) 40 (internal)</p> <p>Outdoor play areas L_{Aeq} (1 hour) 55 (external)</p>	-	Multi-purpose spaces, e.g. shared indoor play/sleeping rooms should meet the lower of the respective criteria. Measurements for sleeping rooms should be taken during designated sleeping times for the facility, or if these are not known, during the highest hourly traffic noise level during the opening hours of the facility.
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The submitted acoustic assessment provides the following results:

**Table 5: Received Noise – External Noise Sources, dB(A),Leq
Propagated Within Outdoor Play Area**

Activity	W'shop (S1)	Cars (S2)	Truck (S3)	W'shop (S4)	E'moving (S5)	Cars (S6)	Truck (S7)
Lw dB(A)	84	82	102	86	106	82	102
Ave Dist to rec (m)	60	40	30	35	100	30	60
Duration of event	15 min	10 sec	20 sec	15 min	2 min	10 sec	20 sec
No. of events	1	2	1	1	1	10	1
Barrier loss/Dir ¹	0	0	0	0	24	8	24
Rec dB(A),Leq	40	25	48	47	22	27	18
Combined	49						
Criteria	55dB(A),Leq						
Impact	0						

**Table 6: Received Noise – External Noise Sources, dB(A),Leq
Propagated Within OSHC**

Activity	W'shop (S1)	Cars (S2)	Truck (S3)	W'shop (S4)	E'moving (S5)	Cars (S6)	Truck (S7)
Lw dB(A)	84	82	102	86	106	82	102
Ave Dist to rec (m)	60	45	60	65	90	15	50
Duration of event	15 min	10 sec	20 sec	15 min	2 min	10 sec	20 sec
No. of events	1	2	1	1	1	10	1
Barrier loss/Dir ¹	5	2	2	2	16	8	14
TL Glazing ²	6	6	5	6	5	6	5
Rec dB(A),Leq	29	17	35	34	25	27	24
Combined	36						
Criteria	40dB(A),Leq						
Impact	0						

As can be seen by the above results, noise from nearby external activities/equipment is predicted to be compliant with the criteria in the OSHC room and outdoor play area. However, exceedances of the criteria may occur from vehicle movements in the carpark. Theoretical calculations reveal that glazing within some sensitive rooms must achieve ≥Rw30 rating. This can typically be achieved with laminated or Vlam Hush glass, fitted with acoustic seals fitted at sliders. See Section 8 for glazing schedule and required design modifications.

Figure 6: Extract from Acoustic Report demonstrating noise impacts from external sources

- It is recommended to impose a condition which requires that sleeping areas have a noise level which does not exceed 35dB(A), in accordance with Councils policy.
- The proposal is not adjacent to a major road or industrial area, therefore in accordance with the guideline an air quality assessment is not required.

➤ Hours of operation:

- The proposed development will be conditioned to have hours of operation from 7.00am – 7.00pm. These are slightly greater than those proposed (7.00am – 6.30pm), however these are within the limits of the

guideline and would provide additional flexibility. Additionally, the hours of operation of the facility would not cause unreasonable conflict with adjoining lands.

➤ Traffic, parking and pedestrian circulation:

- The Guideline provided that car parking should be provided in accordance with rates specified in a Development Control Plan that applies to the land. In this case, the Guyra DCP 2015 provides that 1 space is to be provided per employee. In response to Council's information request, a maximum of 14 personnel would be employed/on the site at any one time. Therefore, 14 spaces are required for the use.

The application as submitted proposes to construct 32 spaces on site and 10 spaces off site (also providing dedicated car parking for the CAB and The Hub).

Currently 20 spaces serve the Guyra CAB including Mens Shed and UNE Building. Through the removal of 440m² of floor area with the demolition of the Mens Shed and UNE Building with these outbuildings, the CAB aspect of the site would require the provision of 9 spaces.

Extensions to The Hub required provision of 5 spaces.

Therefore 28 spaces would be required.

The submitted car parking layout assumed retention of 1 x Elm and 1 x Oak, among other trees. The submitted Arboricultural Impact Assessment (AIA) determines that the Oak (a Category A tree – high retention value) would be required to be removed in order to adhere to the parking layout.

It is therefore recommended that a condition be applied which requires the provision of an amended plan and supporting documents showing a minimum of 28 off street parking spaces and retention of the Oak. Removal of both Elms in the car parking/access area is acceptable, as supported by the AIA, as discussed further in this report.

While the provision of on street parking is welcomed, it is recognised that in response to the submitters concerns, removal of 5 off street spaces between the entry and exit point (to improve site distances) is acceptable noting sufficient off-street parking. This shall also be discussed further within this report.

A summary of car parking calculations is as follows:

Existing Development				
Civic Administration Building and associated outbuildings (Mens Shed and UNE)				20 Spaces required
Less parking required for two building being removed (Mens Shed and UNE) (440m ² @ 1 space per 40m ²)				11 Spaces (credit)
Total	Parking	Required	pre	9 Spaces

development	
Proposed Requirement	
Childcare (1 space per Employee)	14 spaces
The Hub (1 space per 40m2 for Stage 2 extension)	5 spaces
Parking required for proposed development	19 spaces
Total parking required existing development (9) plus proposed development (19)	28
<ul style="list-style-type: none"> • A Traffic and Parking study has not been requested by Councils Development Engineer, given the proposed parking meets the requirements of the guideline. • It is noted that the existing development located at 2 Moredun Street attracts heavy vehicle movements which may cause some conflict with the proposed development. It is considered that potential conflict is manageable subject to the owner's compliance with their consents. • In terms of design and layout, the proposal demonstrates opportunity for separate pedestrian access and the ability for vehicles to enter and exit in a forward direction. The outdoor play area and the building itself will be secure from the parking and drop off areas. <p>➤ The remainder of the guideline refers to compliance with the National Regulations. The applicant has provided a checklist which appears to demonstrate satisfactory compliance. A condition will be included requiring demonstrated compliance with Part 4 of the guideline prior to the issue of a Construction Certificate.</p> <p>In terms of all application SEPPs, the application is acceptable.</p>	

Local Environmental Plans (LEPs):

The **Guyra Local Environmental Plan 2012** has been considered in connection with this development below:

PART 1 PRELIMINARY	
1.2 Aims of Plan	The assessment of this application has been carried out having regard to the aims of the Plan.
No other aspects of Part 1 are relevant	
PART 2 PERMITTED OR PROHIBITED DEVELOPMENT	
2.2 Zoning of	SP2 Infrastructure (Building and play area)

land to which Plan applies	B4 Mixed Use (Car Park)
2.3 Zone objectives and Land Use Table	<p>The land use table for the SP2 zone allows that development for the purposes shown on the land zoning map, including any development that is ordinarily incidental or ancillary to development for that purpose is permitted with consent.</p> <p>The current land zoning map identifies the land for Public Administration.</p> <p>The nearest LEP definition is for Public Administration Building, as follows: <i>public administration building means a building used as offices or for administrative or other like purposes by the Crown, a statutory body, a council or an organisation established for public purposes, and includes a courthouse or a police station.</i></p> <p>The proposed use falls outside this definition. In reviewing the development assessment a drafting error was identified relating to the subject property at the time of making of <i>Guyra Local Environmental Plan 2012 (GLEP)</i> (Amendment No 1) which took effect on 26 September 2014.</p> <p>Prior to the making of GLEP (Amendment No 1) the subject site was zoned SP2 Infrastructure and identified the land for Community Facilities/Public Administration Buildings), which would have permitted the proposed use as a type of community facility.</p> <p>GLEP (Amendment No 1) does not relate to the subject site. Initial discussion with DPIE has confirmed that there has likely been a drafting issue at the time (2014) of making of GLEP (Amendment No 1) which has inadvertently removed one of the purposes from the gazetted land zoning map.</p> <p>Despite this Clause 5.3 of the GLEP allows flexibility around the land use of a site adjoining zone boundaries. Refer to discussion below.</p>
2.7 Demolition requires development consent	This clause requires that the demolition of a building or work may be carried out only with development consent. The proposal has included all required demolition, therefore satisfying this clause.
No other aspects of Part 2 are relevant.	
PART 4 PRINCIPAL DEVELOPMENT STANDARDS	
The proposal does not seek to vary any principle development standards of the LEP.	
PART 5 MISCELLANEOUS PROVISIONS	
5.3 Development near zone boundaries	<p>The clause states:</p> <p><i>(1) The objective of this clause is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.</i></p>

(2) This clause applies to so much of any land that is within the relevant distance of a boundary between any 2 zones. The relevant distance is 50 metres.

(3) This clause does not apply to—

(a) land in Zone RE1 Public Recreation, Zone E1 National Parks and Nature Reserves, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone W1 Natural Waterways, or

(b) land within the coastal zone, or

(c) land proposed to be developed for the purpose of sex services or restricted premises.

Note—

When this Plan was made it did not include Zone E2 Environmental Conservation or Zone W1 Natural Waterways.

(4) Despite the provisions of this Plan relating to the purposes for which development may be carried out, development consent may be granted to development of land to which this clause applies for any purpose that may be carried out in the adjoining zone, but only if the consent authority is satisfied that—

(a) the development is not inconsistent with the objectives for development in both zones, and

(b) the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.

(5) This clause does not prescribe a development standard that may be varied under this Plan.

The development is eligible to utilise this clause, given:

- SP2 zoned land is suitable for application of the clause; and
- The entirety of the centre based childcare facility is within 50m of either the B4 Mixed Use zone (to the south) and B2 Local Centre zone (to the north); and
- In both the B4 Mixed Use zone and the B2 Local Centre zones a centre-based child care facility is permitted with consent.

In considering clause 5.3(4), the following response is provided:

Clause 5.3(4) (a) – consistency with zone objectives

The objectives for the zones are as follows:

SP2 Infrastructure

- To provide for infrastructure and related uses.
- To prevent development that is not compatible with or that may detract from the provision of infrastructure.
 - The proposed development is not inconsistent with the objectives of the SP2 zone. The proposal is compatible with and would not detract from the provision of infrastructure for the purposes of Public Administration.

	<p>B4 Mixed Use</p> <ul style="list-style-type: none"> • To provide a mixture of compatible land uses. • To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling. <ul style="list-style-type: none"> - The proposed development is not inconsistent with the objectives of the B4 zone. As discussed further within the report, the proposal is considered compatible with surrounding land uses. The proposed development would be in an accessible location to the town centre, and would be conducive to access by walking and cycling. <p>B2 Local Centre</p> <ul style="list-style-type: none"> • To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area. • To encourage employment opportunities in accessible locations. • To maximise public transport patronage and encourage walking and cycling. • To encourage development in the existing town centre that reflects or enhances its character. <ul style="list-style-type: none"> - The proposed development is not inconsistent with the objectives of the B2 zone. The proposal provides for a development which is supportive of the needs of residents, and encourages employment and development in proximity to the town centre and would not adversely affect the local character. Again, the proposal would be in an accessible location to the town centre, and would be conducive to access by walking and cycling. <p><u>Clause 5.3(4) (b) – compatibility, infrastructure capacity and other planning principles relating to the efficient and timely development of land</u></p> <p>The assessment determines that the proposed development is compatible with surrounding land uses. The siting and capacity of the proposed development are acceptable in relation to provision of services and their capacity, in terms of essential services (such as roads, water, sewer and stormwater). The proposal satisfies relevant planning controls, and would not adversely impact the public interest or conflict with the principles of Ecologically Sustainable Development.</p> <p>On this basis, the proposal meets the requirements of Clause 5.3 of the LEP and provides sufficient merit to justify permissibility of the centre-based child care facility.</p>
5.10 Heritage conservation	<p>The site contains three separate heritage items, as listed under Schedule 5 of the LEP:</p> <ul style="list-style-type: none"> • Guyra Shire Civic Centre - Former Guyra Public School; • Office - Former Public School Principal's residence; and • Library - L.T. Starr Memorial Library. <p>The objectives of this clause are as follows:</p>

- (a) to conserve the environmental heritage of Guyra,*
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*
- (c) to conserve archaeological sites,*
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.*

The clause goes on to state:

The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned.

In this instance, the proposal would impact on Item I048, **Guyra Shire Civic Centre - Former Guyra Public School**. Details of the listing are as follows:

Statement of Significance:

*The site of the Guyra Shire Council has landmark, aesthetic, historic, social and representative significance. This site was once part of the four acres dedicated to the Guyra Public School which was located here from 1893 to 1977. The brick buildings facing Bradley Street were removed to make way for the new Council Chambers but some of the buildings survive at the rear; that is, those timber portable classrooms associated with developments of secondary education. Some of the early plantings survive. Social significance of the timber buildings arise from their former use as school buildings and their role in the film 'Little Boy Lost'. The site would also have some archaeological potential because of the demolition of the brick buildings that took place here. The Guyra Shire Council has identified 'significant and remarkable trees' on the site on 27 February 2003; a European Larch, *Larix decidua* planted c1900, a conifer *Cryptomeria japonica* as well as a number of Holm Oaks *Quercus ilex*.*

Historical Notes:

This site was originally the Guyra Public School site which occupied an area of 4 acres. The school established in 1883 was located near to the Mother of Ducks lagoon. After community lobbying, the school was moved to this site which it occupied from 1893 to 1977. Some of the earlier buildings survive behind the Civic Centre.

The Guyra Argus, 28 August 1947 announced that the Guyra Parents and Citizens Association had been authorised by the Minister for Education to obtain quotations from local builders to remove the Mount Mitchell school building and re-erect it at Guyra.

Once the school had moved to its present site, the buildings were used as a base for the movie 'Little Boy Lost' starring John Hargraves. On the lawn in the front of the new Chambers are some memorials including a dedication to the two F111 crewmen who lost their lives in a training exercise over Guyra.

*The Guyra Shire Council has identified 'significant and remarkable trees' on the site on 27 February 2003; a European Larch *Larix decidua* planted c1900, a conifer *Cryptomeria japonica* as well as a number of Holm Oaks *Quercus**

ilex. The first two trees were planted by Miss Nina Youman, a teacher at the school. A plaque in memory of Miss Youman was erected at the request of the Guyra Garden Club.

The applicant has submitted a Heritage Impact Statement which addresses the proposed development:

“Following the heritage report on the former Department of Education weatherboards located in Guyra provided to council on 26 May 2020, I wish to confirm that there will be no impact on the heritage significance of the site.

It is proposed to develop the site for a Guyra Pre School. This would mean the removal of the two weather board buildings, demolition of the former garage built in the 1920s and the removal of diseased trees.

It is recommended that:

- the larger weatherboard building be removed to a new site so that it can be re-adapted for continued use by the community. Thus, it would also continue the link with those Guyra residents who were educated in the building. It is important that the distinctive timber windows be retained so that there is a continuity of architectural design.*
- because of the condition of the second smaller building, it is recommended that the building be sold either for removal or demolition so that the hardwood timber is recycled.*
- an interpretation panel be provided to show how the site has been developed.*

With the intention to re-adapt the site to a new educational facility to cater for the Guyra pre-school, it is determined that the proposed development will not have an adverse impact on the heritage significance of the site.”

It is considered that bearing in mind the statement of significance, the proposed heritage impact statement is acceptable, as such no in principle objection is raised to the removal of the buildings.

Details of the relocation of the larger building have not been established as part of the proposal and as such would be subject to separate approvals on a new site. It would not be reasonable to secure details of the relocation by condition, given it effectively would relate to another site.

Demolition of other buildings is also acceptable, whether or not any materials are salvaged.

In terms of trees expressly mentioned in the statement of significance, a single Holm Oak (*Quercus ilex*) is currently on site. While not included in the listing, other significant trees include:

2 x English Elm (*Ulmus procera*);

1 x English oak (*Quercus robur*); and

1 x Claret Ash (*Fraxinus angustifolia* subsp. *oxycarpa*).

Other less significant species include:

1 x Common Fig (*Ficus carica*); and

1 x Desert Ash (*Fraxinus Oxycarpa*).

The submitted Arboricultural Impact Assessment (AIA) recommends retaining the Claret Ash and Holm Oak, and removing all others within the site.

With exception of the English Oak, all other trees to be removed are identified as category B and C (lower category) trees by the AIA, and are considered acceptable to be removed.

The English Oak is a Category A tree with significance due to its age/size, amenity value and summer shade. Council's assessment officer has indicated at pre-lodgement stage that this tree is to be retained. It was also the applicant's intent, however the AIA proposed its removal on the basis of the car parking layout which is an unnecessary driver for the removal of such a significant tree.

Therefore, it is recommended that the approval of the application be subject to a condition which requires the submission of an amended plan and AIA retaining the Oak tree. Council has confirmation from the arborist that keeping of the tree while maintaining provision of on-site parking is achievable.

On this basis, the proposal complies with the clause.



Figure 7: Category A Oak tree to be retained, subject to recommended conditions



Figure 8: Category B Elms, considered acceptable to be removed.

A full series of photographs of trees is not considered necessary. The submitted photographs are to support retention of the Oak and demonstrate the lower quality of the adjacent Elms.

No other aspects of Part 5 are considered relevant

PART 6 ADDITIONAL LOCAL PROVISIONS

The site is not flood affected and the proposed use is capable of being connected to all relevant essential services and conditioned appropriately with regards to earthworks.

Conditions shall be applied for appropriate service connections.

(ii) Draft Planning Instruments

No draft instruments apply to the site.

(iii) the provisions of any development control plan

The applicable chapters of the Guyra Development Control Plan 2012 are addressed below.

Chapter	Comment
Chapter 5 Development in Commercial and Industrial Areas	
This chapter applies to the part of the Car Parking area associated with the proposal. Given	

this aspect is ancillary to the development as a whole and no built structures would be in this land, no discussion of this chapter is required.	
Chapter 6 Sediment and Erosion Control	
The proposal satisfies this chapter, subject to the application of standard conditions.	
Chapter 8 Access and Parking	
Proposals Requiring development Consent	<p>In determining the parking and traffic requirements for a development proposal, Council will take into account the following matters:</p> <ul style="list-style-type: none"> • the likely demand for off-street parking generated by the development; • the availability of public transport and public parking facilities in the vicinity to service the proposed development; • the probable mode of transport of the users of a development; • the likely peak parking demand of a proposal; • the existing traffic volume on the surrounding street network and where relevant, the potential future traffic volumes; and • the desirability of rationalising on-site parking within commercially zoned areas.
Access and Traffic Generation	<p>Whilst the development will increase the amount of traffic to approximately 61 vehicles per day, it is considered the existing road network will be able to adequately cater for the traffic generated by the development. In accordance with the allowances of the DCP, no Traffic Impact Assessment is required.</p>
Parking Requirements	<p><u>Car Parking:</u></p> <p>The DCP requires that Pre-Schools and Child Care Centres have parking at a rate of 1 space per employee plus pick up / set down area.</p> <p>The application material proposes that the facility would have 14 employees at any one time, and within provides the required number of spaces. Refer to discussion under the SEPP for further information.</p> <p><u>Service Vehicles:</u></p> <p>The use does not warrant the consideration of any service vehicles owing to the nature of the uses on the site. The site layout will allow for satisfactory entry and exit from the RFS Shed. Additionally, the pick-up/drop off bay is sited away from his part of the land.</p>
Chapter 10 Signage and Outdoor Advertising	
No signage or outdoor advertising has been applied for as part of this application.	
Chapter 11 Development and Heritage Conservation	
This chapter has been adequately discussed in detail under Clause 5.10 of the LEP.	

Chapter 12 Contaminated Land

This chapter has been adequately discussed in detail under SEPP 55.

No other chapters of the DCP are considered relevant.

(iiia) the provisions of any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4

Not applicable.

(iv) the provisions of the regulations

Relevant Clauses of the Regulations have been considered during the assessment of this proposal.

Does the proposal include any demolition?	Yes
Does the proposal involve the relocation of a building to/from the site?	Yes
Are there any fire considerations (i.e. fire separation)	Yes – satisfied by recommend conditions.
Should the building be brought up to current BCA standards? (Refer Building Surveyor assessment)	N/A – new building.

(1)(b) the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

This assessment has been undertaken having regard to various issues, as follows:

Potential impacts on the natural environment?	<p>The proposal would require tree removal and extensive site works, however no unreasonable adverse impacts are likely, subject to the recommended conditions.</p> <p>Owing to the urban setting and only European trees to be removed, the proposal would not cause unreasonable harm in terms flora or fauna impacts.</p> <p>Owing to the nature of the proposed use, it would not give rise to any air pollution or cause similar hazards through its operation.</p>
Potential impacts on the built environments?	<p>The application would have an acceptable impact in terms of European heritage, subject to the recommended conditions. It is also recommended that an advisory note is</p>

	included with respect to management of any artefacts or archaeological items. The report demonstrates that the proposal would not cause unreasonable impacts on adjoining and nearby occupiers in terms of scale, privacy, noise and traffic. Additionally, the proposal is considered complementary to the existing uses located within the land.	
Likely social impacts, benefits or precedents?	The proposal would overall have a social benefit, through providing a fit for purpose child care centre in an acceptable position.	
Implications for public infrastructure? (i.e. public transport, main extensions etc.)	No impact anticipated.	
Impact on surrounding public places?	No impact anticipated, subject to recommended conditions.	
Likely economic impacts or benefits?	The proposal would provide overall economic benefit through construction of the development together with ongoing employment opportunities and enhancement of a community facility which inherently supports (mainly working) persons needing child care.	
Developer contributions applicable?	Yes. Developer Servicing Charges, as shown in table below. No Section 7.12 Contribution applicable owing to the nature of the facility being exempt under part 3.13 of the Plan.	
Section 64 Contributions		
POL181 – Utilities - Development Servicing Plan for Water and Sewerage		
number of ET's:	The following ET's were calculated using the categories; <i>Child Care Centre / Pre-school</i> : ET's Generated: Water ET's = 0.060ET's/person x 72 people (8x babies, 10x toddlers, 20x 3-4 years, 20x 4-6 years, 14 FTEs) <u>Water ET's = 4.320ET's</u> Sewer ET's = 0.100ET's/person x 72 people <u>Sewer ET's = 7.200ET's</u>	
water contribution	\$9,500.00 x 4.320 ET's	= \$41,040.00 Total Water Contribution
sewer contribution	\$3,250.00 x 7.200 ET's	= \$23,400.00 Total Sewer Contribution
Total		= \$64,440.00 Total Contribution

(1)(c) the suitability of the site for the development

There are no prevalent risks and hazards, constraints or land use conflicts which would affect the suitability of the site for the proposal.

The proposal will fit into the locality and the site attributes are conducive to the proposed development.

Site constraints have been adequately addressed and appropriate conditions of consent recommended.

(1)(d) any submissions made in accordance with the Act or the Regulations

The Application was notified in accordance with Council's Community Participation Plan from the 13 October 2020 until 30 October 2020. At the conclusion of the notification period 2 submissions/objections had been received by Council.

The planning grounds of each submission are as follows:

Submission 1:

- Proposal encroaches on lease space containing Guyra Community Garden;
- Lack of consultation between Council and submitters regarding proposal and in turn, impact on lease arrangements;
- Safety impacts from positioning:
 1. Conflict between car park and RFS vehicles.
 2. Conflict with existing use at Moredun Street (including brake testing and provision conflict from new on street parking, limited visibility due to proposed on street parking);
- Plan should be amended, leaving existing car park in current location and siting building further south (open space up to northern aspect, have [less appealing] southern elevation less visible, remove RFS shed, allow pre-schoolers access to retained community garden); and
- Trees (Oak in particular) are towards their life expectancy, and should not drive the siting of the proposal.

The submission has offered the following recommendations:

SUGGESTED ACTIONS:

- Remove the couple of trees;
- Relocate the Rural Fire Service;
- Flip the design;
- Locate the rear of the pre-school building on Moredun Street;
- Keep the car park on Mackenzie Street; and
- Allow two-way traffic on Moredun Street.

POSITIVE OUTCOMES:

- No compromise of Stage 2 The Hub at Guyra;
- Relocation and rebuild of Guyra Community Garden;
- No disruption to the longstanding and legitimate businesses in Moredun and Bradley Streets;

- No disruption to the residents and their visitors in Moredun Street;
- Maximised use of the commercially used Mackenzie Street;
- No disruption to visitors to Mother of Ducks Lagoon;
- Minimised car parking safety concerns; and
- Open, direct, and safe access to the precinct for the pre-schoolers, their families, and staff.

Submission 2:

- Car Parking on Moredun Street will be hazardous to children due to heavy vehicles and machinery that use the street;
- Street needs to remain 2 directional to allow backing of trailers from street to within the submitters site;
- Powerlines at Moredun Street should be located underground to provide additional street width;
- Street is gazetted for use by the submitter for the purposes of vehicle testing (braking etc);
- Driveways should be positioned away from entrance to submitters premises
- Original trees must be preserved, especially the English Oak; and
- No in principle objection to the proposed development, however proposal should not disadvantage existing development at 2 Moredun Street or cause a risk of life to users of the development.

Officers Response:

- Concerns in relation to consultation and impact on existing leases are noted. However, concerns relating to the lease are not a planning matter material to the assessment.
- The encroachment of the development on the Guyra Community Garden is not grounds to refuse the application. While the significance of the garden is noted, it is recent addition in the context of the site, and not afforded the protection of heritage items within the land. Along these lines, Council considers the Oak tree is worth retaining. This is supported by the Aboricultural Impact Assessment, which confirms that it should have a reasonable life expectancy subject to a modified car park area design. Less significant trees are acceptable to be removed (such as Elms) in order to strike a reasonable balance allowing for the overall development of the site while maintaining high levels of amenity value.
- Councils officer considers that the proposal sensitively allows for future extension of The Hub, while also allowing this development to meet its parking obligations. Taking aside the garden, the proposal would not impact on the footprint of Stage 2 of The Hub.
- In terms of redesigning the site, the design demonstrates overall suitability when considered against the matters for consideration contained within the Child Care Planning Guideline. On this basis, there are not sufficient grounds to argue that the proposal should be amended.

- The childcare centre itself will be sited away from the RFS shed. Council's officer considers that any potential conflict in access to the shed is within acceptable limits i.e. RFS would be required to manoeuvre through a car park area which itself would meet relevant standards. Additionally, Councils Development Engineer has provided no objection to the layout proposed.
- Councils officer confirms that Moredun Street would remain two directional.
- Councils Officer is satisfied that the use of Moredun Street as a brake testing street is manageable in relation to the proposed development.
- Under the application at hand, it is not reasonable to condition that powerlines be relocated underground.
- Council's officer is satisfied that on the basis of the proposed development being acceptable in terms of parking, removal of on-street spaces between entrances would be acceptable, as these are not directly required to meet obligations. It is noted that if this area was identified as a no standing zone, it would exclude all users.
- The owner of 2 Moredun Street has been reminded that use of the land is for Light Industry (repair and storage of machinery), as approved under **DA 49-2001/02**. Later approvals were **DA-138-2009** for extension of a shed and **DA-182-2012** for an additional shed extension and expansion of the approved use.

Condition 10 of DA-49-2001/02 states:

"All vehicles leaving the premises must do so in a forward direction to minimise risk of an accident involving persons leaving the premises and to ensure safe passage by pedestrians and vehicles in the area."

Condition 10 of DA-138-2009 states:

"Provision of on site parking for two vehicles for staff and for visitors or customers. Parking areas, access lanes, and vehicle movement areas shall be drained and constructed to a standard approved by the Director of Development and Engineering"

Note 1 – There must be adequate turning room so that all traffic can enter and leave the premises in a forward direction

Note 2 – a dust free gravel surface may be acceptable."

Conditions 11 and 12 of DA -182-2012 state:

"11. Provision of on site parking for three (3) vehicles. Parking areas, access lanes and vehicle movement areas shall be drained and constructed to a standard approved by the Director of Development and Engineering"

Note 1 – There must be adequate turning room so that all traffic can enter and leave the premises in a forward direction

Note 2 – a dust free gravel surface may be acceptable

12. An appropriate vehicular access must be installed to the property at the owners expense prior to the issue of an Occupation Certificate. Such access must-

- *Be designed such that vehicles can enter and leave the premises in a forward direction*
- *Be of a geometric design approved by Council*

- *Be compliant with AUSSPECT 1997 and be installed by either Council or a qualified construction form approved by Council”*

Council’s officer considers that the proposed development will not have an adverse impact provided that the occupier of 2 Moredun Street complies with conditions of consent imposed by the former Guyra Shire Council.

While it is noted that businesses grow, the above listed conditions are fundamental and should not be ignored at the cost of other street users and safety in general.

The image below shows the current relationship of the site to Moredun Street:



Figure 9: Moredun Street

(1)(e) the public interest

The proposal satisfies relevant planning controls and is not considered to impact adversely on the public interest.

Item:	10.2	Ref: AINT/2021/10621
Title:	DA-116-2018/D - Motel Development - (Modification Requesting Deletion of Condition 25A)	Container: DA-116-2018/D
Responsible Officer	Director Businesses and Services	
Author:	John Goodall, Coordinator Development	
Attachments:	1. DA-116-2018-D Modification Request	

Ordinary Council at its meeting on 28 April 2021 resolved that the matter be deferred to the meeting to be held on 26 May 2021.

1. Purpose

The purpose of this Report is to allow Council to consider the Applicant's request for the Development Servicing Plan (DSP) charges for water and sewer amounting to \$133,520.00, which have been applied to the motel development at 141 Dumaresq Street, to be waived.

2. OFFICERS' RECOMMENDATION:

That Council having regard to the assessment of DA-116-2018/D refuse the Applicant's request for the waiver of the Developer Services Plan charges for the development at 141 Dumaresq Street, Armidale .

NOTE TO COUNCILLORS:

1. In accordance with the provisions of S375A of the Local Government Act 1993, a Division is to be called whenever a motion for a planning decision is put to the meeting, for the purpose of recording voting on planning matters. Pursuant to clause 2(a) under the heading Matters to be Included in Minutes of Council.
2. Under Council's adopted Code of Meeting Practice (as amended) a Division will be deemed to have been called by the mover and seconder of all motions relating to this report.

ASSESSMENT REPORT

DA Number	DA-116-2018/D
Proposed Development	Motel Development, Associated Works and Car Parking- (Consent Modification Requesting Deletion of Condition 25A for the Payment of DSP Charges).
Street Address	141 Dumaresq Street Armidale
Applicant/Owner	Applicant: Rice Construction Group Pty Ltd Owner: Armidale Ex-Services Memorial Club Ltd
DA Lodgement Date:	28/1/2021
Number of Submissions	Nil
Names and Address of Submitters	N/A

List of all relevant s4.15(1) matters	<ul style="list-style-type: none"> • Social and economic impacts in the locality; • Public interest.
List all documents submitted with this report for the Council's consideration	<ul style="list-style-type: none"> • Written statement from Applicant in support of the waiver of the DSP Charges dated 20 January 2021
Estimated Construction Value of Development:	\$6 Million

Reason for Report:

This application has been referred to Council because the Applicant has lodged development application DA-116-2018/D for Council's consideration, requesting that DA-116-2018/C be modified by waiving the DSP charges that have been applied to the motel development.

Description of Proposal:

The proposal is for a new motel development at 141 Dumaresq Street and associated works and on-site car parking.

Site Description and Locality

The site is located at 141 Dumaresq Street Armidale, which adjoins the Armidale Ex- Services Club which is to the east of the site and the Belgrave Cinema which is located to the west. The site is located within the B4 Mixed Use Zone with an existing retail complex located to the south and open space to the north across Dumaresq Creek.

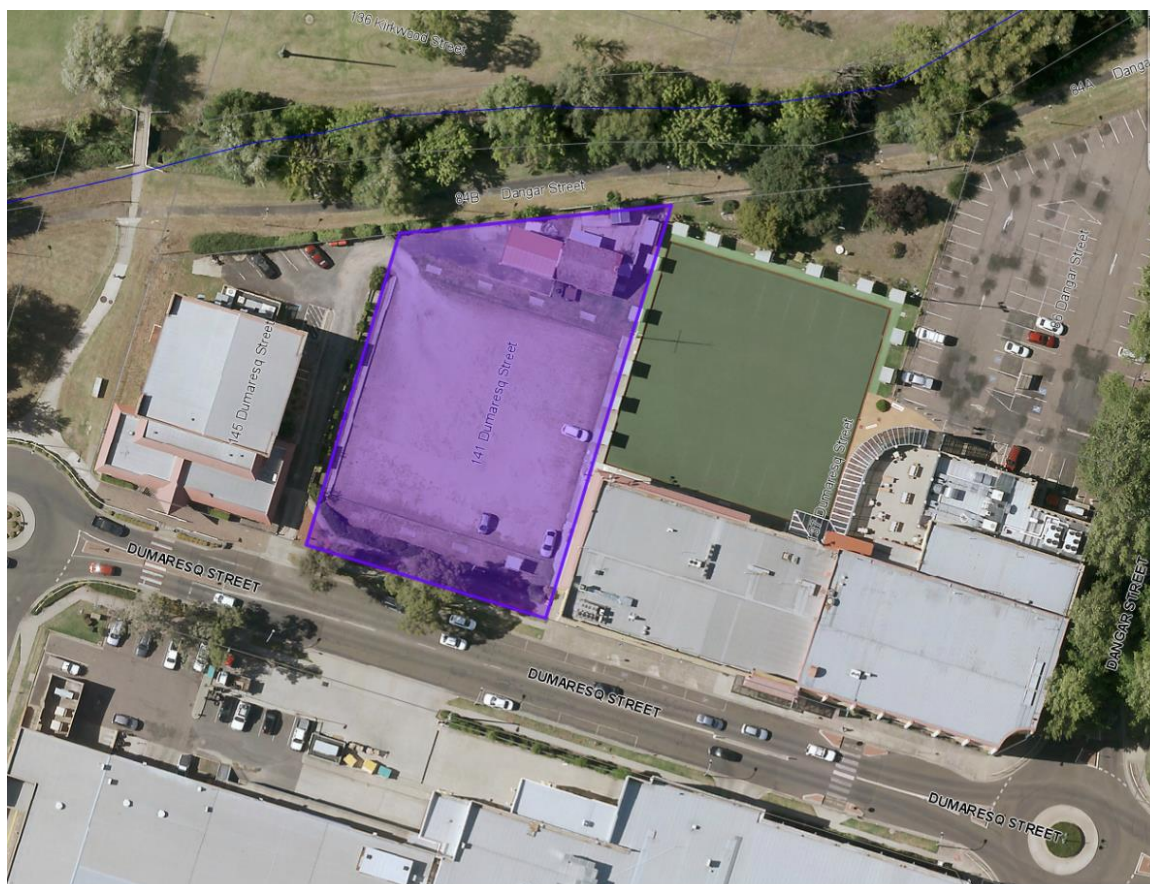


Figure 1 – Site location for motel development

Permissibility:

The subject development is permissible with consent within the B4 Mixed Use zone.

Key Issues:

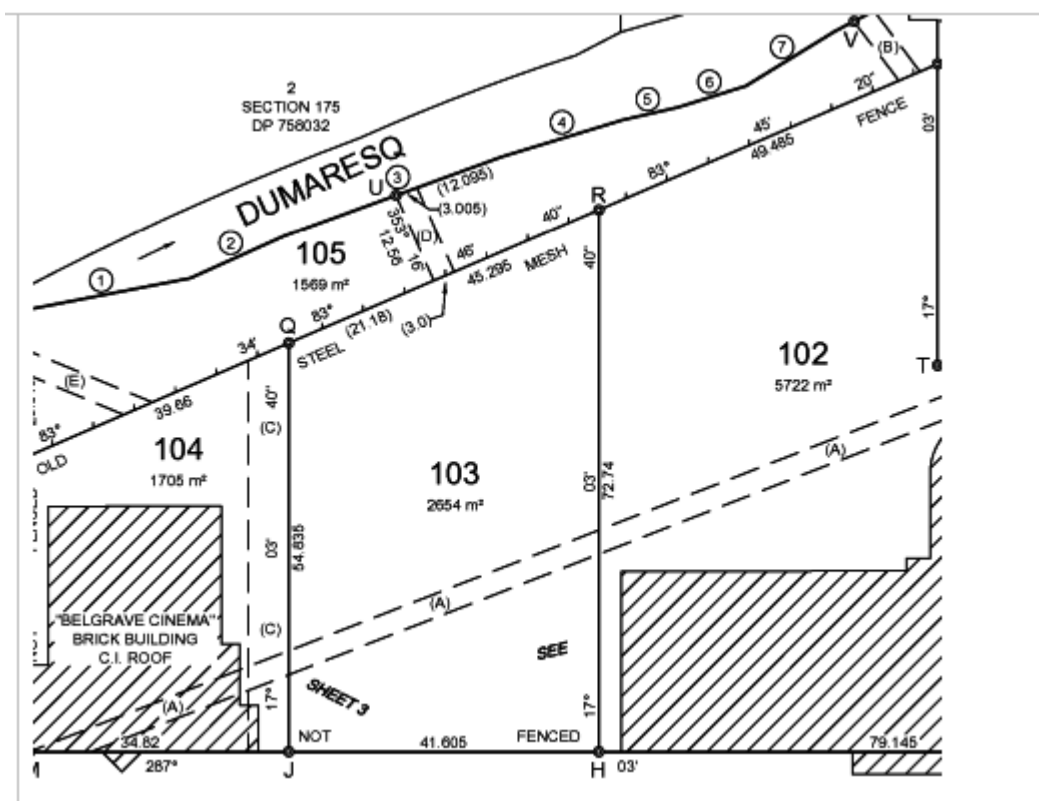
A detailed Section 4.15 Planning Assessment Report was undertaken for the original development DA-116-2018 and where relevant were also considered for subsequent applications requesting to amend the consent.

The key issue for consideration with this particular application is solely related to the Applicant's request for the waiver of DSP charges. No other modifications to the development are proposed.

Assessment:

On 5 October 2018 Council granted consent to DA-116-2018 for a 32 room motel development, car parking and associated works.

The proposed development, which is to be largely located on Lot 103 to the east of the Armidale Ex-Services Club, was burdened by a number of easements (refer copy of Title Plan below), of which the easement to drain sewer, containing Council's sewer main, needed to be relocated and extinguished to be able to facilitate the development.



As such, the development was subject to a number of conditions which were required to be satisfied prior to the release of a Construction Certificate for the building, most notably of which was the diversion of the existing sewer main from running under the new motel development, to be relocated and reconnected into the existing sewer main located on the northern side of Dumaresq Creek.

The Development Application has been subject to three previous modifications, as detailed below, prior to the submission of this further modification lodged by the Applicant:

- On 2 May 2019, the Applicant lodged DA-116-2018/A, seeking to amend condition 11. This modification was considered to be a relatively minor amendment, which corrected wording in condition 11 to reference an updated report. Council granted consent to DA-116-2018/A on 21 May 2019.
- On 17 December 2019, the Applicant lodged DA-116-2018/B, which sought to amend the design of the façade of the motel and amend some of the conditions of consent. In this regard, following its assessment of the amended proposal, Council granted consent to the amended design of the motel and amended some conditions of consent on 17 February 2020.
- On 14 May 2020, the Applicant lodged a further modification DA-116-2018/C, which sought to amend the timing of the payment of the DSP charges calculated for the development, from prior to the issue of the Construction Certificate for the stage 2 works, to prior to the actual commencement of works on site.

The Applicant requested Council's consideration for the deferral of the DSP charges at the time, largely as a result of COVID which had severely impacted the revenue of the Club placing uncertainty on the development itself.

Whilst the payment of DSP charges is traditionally required prior to the issue of any Construction Certificate, Council Officer's agreed in this instance to defer the payment of these charges to help alleviate the current financial position facing the Club and to hopefully facilitate the development proceeding as the economy improved.

Council granted consent to DA-116-2018/C on 9 June 2020, which deferred the payment of the DSP charges until the development for stage 2, being the motel building, commenced on site.

Whilst Council was considering these applications to modify previous consents, works had commenced on site in relation to stage 1, being the remediation of the land and the diversion of the sewer main to relocate it clear of the building footprint.

The works involved with the diversion of the sewer main were undertaken by Council following the Club's acceptance of a detailed quote from Armidale Regional Council (ARC) and the execution of an agreement between the two parties.

Advice on this matter was sought from Council's Engineering Department seeking the actual costs involved with the diversion works for the sewer undertaken by Council.

In this regard, it was advised that at the time of the quote, the Ex-Services Club was unwilling to take any risk with the works possibly blowing out due to the unknown costs largely associated with handling of potentially contaminated waste material and hence the Club insisted on a fixed price quotation rather than Council's normal practice for costing of private works.

The Club was also encouraged to seek other quotes for undertaking the works from private contractors, but the Club decided on Council's fixed price quote.

The total contract sum of the project was \$840,000 (incl GST). ARC agreed to contribute \$132,000 incl GST (which included the estimated cost to reline the existing sewer main) and the contribution from Ex Services was \$708,000 including GST.

The current application before Council is DA-116-2018/D which was lodged on 28 January 2021, with the Applicant requesting that the DSP charges for the development of \$133,519.99, be waived by Council.

The DSP charges were subsequently paid in full on 4 February 2021, as the development for stage 2 for the motel building had commenced on site. As such, the Applicant is now looking for a reimbursement of these fees.

A full copy of the Applicants letter justifying the waiver of the DSP charges is included in the attachments, but the following are the reasons provided:

'A condition of the development consent involved a substantial redirection of the sewer main. The Club entered into an agreement with ARC which engaged ARC to undertake the sewer redirection works. The cost agreement for the redirection works totalled \$708,000. The Club entered into this agreement based on the ARC costing being an accurate and true reflection of the actual sewer redirection costs. Of this, approximately \$200,000 related to excavation, boring, laying and connection of the redirected pipeline. The balance, being approximately \$500,000 related to contaminated management costs (i.e. management and disposal of contaminated soils).

During the ongoing monitoring of the sewer redirection works, Club personnel were made aware that the anticipated high contamination management requirements and costs were not required due to lower than anticipated levels of contamination and the minimal need for removal and treatment of contaminated waste. On this basis, only a small fraction of the contaminated management costs would have been utilised to cover the actual costs of contamination management. The Club therefore requests that the water and sewer charges for this development, totalling \$133,520 be waived. This is considered to be a fair and reasonable approach, which would result in the Clubs overall contribution to sewer network improvements being more reflective of the actual sewer redirection costs incurred by ARC.

It is further noted that the sewer redirection resulted in the decommissioning of a section of sewer main nearing its end of design life. This removes the need for Council to undertake costly upgrades to the decommissioned section of sewer main and also removes the significant risks associated with the failure of the sewer main the bowling green's and any associated rectification works to the bowling green's. This has provided a substantial public benefit and reduced financial burden to ARC.

As you are aware, the Club is a not-for-profit community-based organisation that is a significant employer in Armidale that contributes to a wide range of community groups and organisations through financial contributions and sponsorships. As part of the Club's strategic planning, it is diversifying its income streams to achieve long term sustainability of the Club. This will generate economic benefits to the regional economy, increase employment opportunities and provides much needed development activity within the Armidale CBD.

The significant investment in the Motel development presents many financial challenges for the Club.

For this project to be successful, the Club requests that ARC approves this waiver request to ensure the developments costs are fair and reasonable and reflective of the actual development costs.

From the information available in Council's Finance system, Tech One, the expenditure of this project was:

Design Cost = \$37,433.70

Construction cost = \$589,949.30

Adding only a 10% profit and 10% GST makes the total expenditure of the project **\$759,133.43** incl GST, which is approximately \$80k less than the contract sum. In accordance with the contract and at the Club's insistence, ARC took the risk associated with the works and contamination management costs and had the works gone over budget then ARC would have borne those additional cost.

Furthermore, under Council's fees and charges it is advised that the actual cost associated with undertaking private works is, the actual cost of the works + 25% margin + GST. The profit margin charged in this instance was well below that quoted in Council's fees and charges. Had Council charged the applicable rate in this instance, the total project expenditure would have actually been \$862,651.63.

Advice was also sought on Council's contribution of \$132,000 and how this came about from Council's Engineering Department, who advised that this was the value negotiated with the Club for the diversion works from the existing sewer main traversing the site, given the age of the existing pipe and that it would have possibly needed to be upgraded at some time in the future. Council's current practice for upgrading sewer mains is to reline the existing pipes rather than removing and replacing with new sections. As such, the actual costs paid by the Ex-Services Club was purely for the diversion works required to facilitate their development itself.

Whilst the works undertaken by ARC were for the purpose of diverting the sewer main from being beneath the proposed new Motel development to connect to the existing line to the north of the site, any costs and/or private works undertaken are not related to the payment of DSP charges which are largely collected to fund the future provision and augmentation of these services. As such, it is considered DSP charges should not be used as an avenue to seek a refund for the sewer diversion works.

Given the above, and in consideration of intergenerational equity that we don't burden future ratepayers of ARC financial with decisions made today, it is considered that the request to waive the DSP charges in this instance would not be in the public interest and it is therefore strongly recommended that Council does not resolve to waive these charges in this instance.

3. Implications

3.1. Strategic and Policy Implications

This report and subsequent recommendation to Council is made after consideration the Community Strategic Plan specifically:

Goal:

L2 – Council exceeds community expectations when managing its budget and operations;
and

Principal activity:

L2.1 - Financial sustainability is maintained through effective short, medium, and long term financial management. Includes an application to IPART for an SRV at a rate determined through community consultation for the specific purpose of creating revenue to fund asset maintenance and renewals; and

L2.4 - Manage operations to ensure delivery of value for money services for our community and customers

3.2. Risk

Legislative Risk: Any waiver of fees would be required to be comply with Section 356 of the *Local Government Act 1993*.

Financial Risk: any waiver of fees would negatively impact the financial sustainability of Council's Water and Sewer funds, which have substantial infrastructure works requiring funding over the next five years, and would represent an amount that would then need to be recouped from ratepayers.

3.3. Sustainability

The waiving of the fees would be considered to impact the current and long term financial position of Council's water and sewer funds.

3.4. Financial

Budget Area:	Water and Sewer						
Funding Source:	Developer Servicing Plan charges						
Budget Ref: (PN)	Description	Approved Budget	Actual	Committed	Proposed	Total Forecast Revenue	Remaining Budget
280022.2. 3370.165. 1870	Water Developer Servicing Charges Revenue	0	(362,915)	0	0	(362,915)	(362,915)
260023.3. 2650.165. 1880	Sewer Developer Servicing Charges Revenue	0	(324,333)	0	0	(324,333)	(324,333)

Planning Considerations

There are no financial implications resulting from the report recommendation to refuse the Applicant's request for the waiver of the Developer Services Plan charges, from a planning perspective.

Additionally, the financial position and the profitability of an organisation/business is not a planning consideration.

Considerations under Section 356 of the Local Government Act 1993

If Council were to consider waiving charges it must also consider Section 356(2) of the *Local Government Act 1993* which states:

A proposed recipient who acts for private gain is not ineligible to be granted financial assistance but must not receive any benefit under this section until at least 28 days' public notice of the council's proposal to pass the necessary resolution has been given.

At this time, the Financial Controller must also approve any requests proposed to be made under section 356 of the Act.

Given Councils precarious financial situation it should not, under any circumstances, be waiving developer service plan charges. Doing so undermines the financial sustainability goals of the council and cost shifts, longer term, onto the other users of the services.

Furthermore, prior to considering the waiver of any developer servicing charges, it is suggested that Council should have regard to the Applicants current financial position, to determine whether any waiver is appropriate in the circumstances of the case and is justified under section 356 of the *Local Government Act 1993*.

In this regard, the following information for the 2019 financial year, is available on the Clubs website:

- *The club is a company limited by guarantee (not an incorporated community org), therefore for-profit;*
- *From the CEO's report – profit from operations = \$612,069;*
- *From the P&L statement:*
 - *Surplus from discontinued operations \$1.76M;*
 - *Sales Revenue \$2.8M;*
 - *Other revenue \$4.85M (from poker machines = \$4.625M)*

It is assumed that the motel development itself is intended to make a profit and the reason for the sewer re-diversion works in the first instance, was to enable the motel to be erected on the site. These works were not required for any other reason.

The Ex-Services Club advised Council that the estimated cost of the development is \$6 million. The DSP Charges of \$133,519.99, represents approximately 2.23% of the total development cost and the development application for the club was approved approximately one month prior to the adoption of Council's section 7.12 contributions and as such, the Club was not levied these contributions.

4. Consultation and Communication

The modification was not required to be notified under Councils Community Participation Plan. As the report is not recommending the fees be waived public notice of the waiver in accordance with Section 356(2) has not been undertaken. Should Council seek to grant this modification to waive the Water and Sewer DSP charges, compliance with Section 356(2) would need to be undertaken first.

5. Conclusion

Council collects DSP contributions to maintain, renew and upgrade its utilities. Waiving fees burdens future ratepayers with infrastructure costs that should have been provided for by today's users of these assets.

It is recommend modification DA-118-2020/D to waive the Developer Services Plan charges for the development at 141 Dumaesq Street Armidale should be refused for reasons of equity and asset management of its utilities.

Item:	10.3	Ref: AINT/2021/14569
Title:	DA-104-2019/B - Construction of a Service Station - (Consent Modification) at 19 Kia-Ora Rd & 10558 New England Highway Container: DA-104-2019/B	
Responsible Officer	Director Businesses and Services	
Author:	John Goodall, Coordinator Development	
Attachments:	Nil	

1. Proposal/ Development Summary

DA Number	DA-104-2019/B
Proposed Development	Service Station – (Consent Modification)
Street Address	19 Kia-Ora Road & 10558 New England Highway Armidale
Applicant/Owner	Applicant: Formline Group Owner: Sorenta Pty Ltd & Mr Peter Maguire
DA Lodgement Date:	8/4/2021
Number of Submissions	Nil
Names and Address of Submitters	<ul style="list-style-type: none"> N/A
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> State Environmental Planning Policy No 64 – Advertising and Signage; Armidale Dumaresq Local Environmental Plan 2012; Armidale Dumaresq Development Control Plan
List all documents submitted with this report for the Council's consideration	<ul style="list-style-type: none"> Architectural Plan drawn by D & C Projects; Project No. 20193; Sheet No. DA31; dated 9/2/21
Estimated Construction Value of Development:	\$2.6m

2. Executive Summary

Proposal:

The current proposal submitted for Council's consideration is a request by the Applicant to modify DA-104-2019/A to include the erection of a 12 metre high x 3.6 metre wide pylon sign and review of the DSP charges calculated for the development, **refer Figure 1** below.

Key Issues:

Under Chapter 2.10 'Signage' of Armidale Dumaresq Development Control Plan 2012, it states that pylon signage within the IN2 Light Industrial zone, must have a maximum height above ground level of 9 metres and have a maximum advertising area on 20m² (ie 10m² per side for a double-sided sign).

The pylon sign for the service station is proposed to have a maximum height above ground level of 12m² and will have a maximum advertising area of 68.4m² (ie 34.2m² each side).

The Developer Servicing Plan (DSP) charges for the development have been calculated in accordance with Council's Policy POL181- Utilities. Under POL181 the DSP charges for service stations are calculated on the number of lanes proposed for the refuelling of vehicles. In this regard, Council's Development Engineer has calculated the charges based on the availability of 11 lanes within the development.

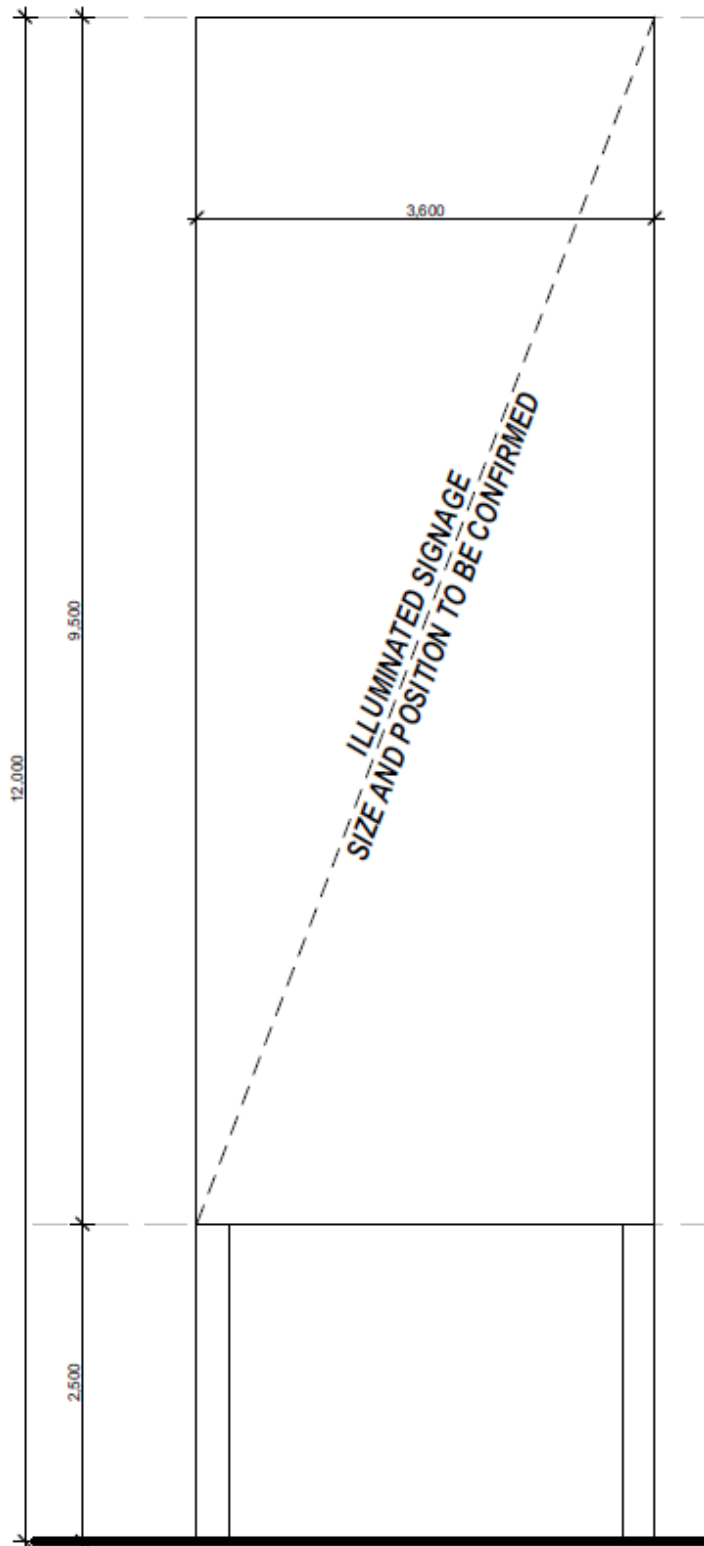


Figure 1 – Proposed Pylon Sign

Subject site and locality:

The site is known as 19 Kia-Ora Road and 10558 New England Highway which is located to the south west of Armidale CBD and opposite the Armidale Regional Airport, refer **Figure 2** below.

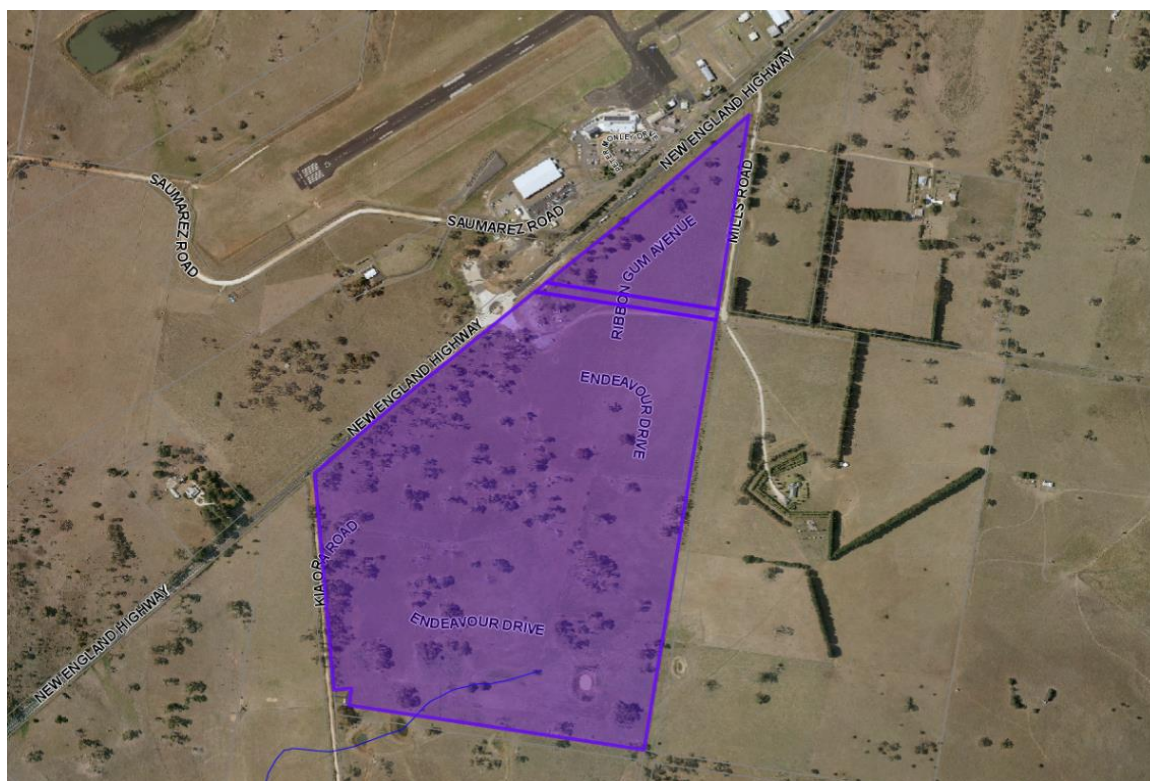


Figure 2 – Site Locality Plan

The site is subject to a 77 lot Industrial subdivision which was approved under DA-29-2019 on 4 October 2019 and modified on 3 April 2020. The site of the service station is to be located on proposed Lot 1 as shown in the modified approved subdivision plan in **Figure 3**, below.

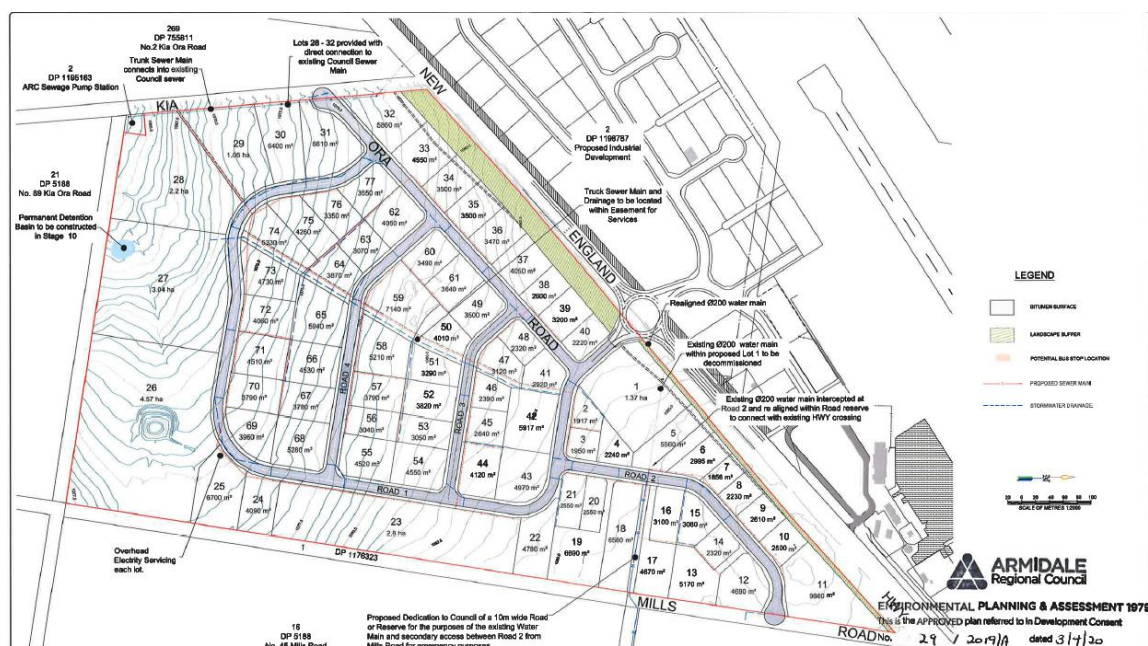


Figure 3 – Modified Approved Subdivision Plan

Permissibility:

The proposed development being for the erection of a service station and associated business identification signage on land located within the IN2 Light Industrial zone, is permissible subject to consent.

Council has previously received the following applications:

- DA-104-2019, for the construction of a Service Station and Associated Ancillary Infrastructure, Take-Away Food and Drink Premises and Signage, was granted a deferred commencement consent by Council on 27 February 2020.
- DA-104-2019/A, was a modification to DA-104-2019, which reduced the floor area of the retail building footprint and satisfied the deferred commencement conditions. An operative consent was granted by Council on 11 February 2021.

3. OFFICERS' RECOMMENDATION:

That Council having regard to the assessment of DA-104-2019/B for the erection of a pylon sign and review of the DSP charges previously calculated for the development:

- a. **Grant consent to the development subject to the conditions as set out below.**
- b. **Note that the DSP charges for the development have been calculated in accordance with POL181.**

Proposed Conditions:

PRESCRIBED CONDITIONS

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

98 EP&A Regs 2000: Compliance with Building Code of Australia

- (1) For the purposes of section 4.17 (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,

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. To ensure this development is consistent with Council's consent, the development must take place in accordance with the approved modified plans (bearing the Armidale Regional Council approval stamp); and all other documents submitted with the application, and subject to the consent conditions in this notice. In the event of any inconsistency between the approved plans and the conditions of this consent, the conditions shall prevail.

The approved plans are attached to this consent notice and are listed below:

Plan Drawer	Plan Numbers / Revision	Date
D & C Projects	Project No: 20193, Sheets DA00, DA10, DA11, DA20, DA30, DA31 & DA40; REV 5	9/2/21

ADVISING: Further consent may be required for any change, enlargement or intensification of the premises or land use, including the display / erection of any new structure such as signage, partition walls or building fit-out (unless the proposed work is exempt from the need for consent). Please check with Council before commencement.

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. Existing native trees located within the landscape easement along the western boundary of the lot adjoining the New England Highway, are to be retained and incorporated within the landscape plan/area, to provide habitat for native species. Such trees are to be protected from damage during work on the site to maintain the visual amenity of the locality and no utility service mains are to be installed within 3 metres of the trunks of these trees, so as not to prejudice their future retention.
4. In accordance with the provisions of Section 6.6 and 6.7 of the *Environmental Planning and Assessment Act 1979*, construction works approved by this consent must not commence until:
 - a) a Construction 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 in writing of the appointment.
 - c) at least two days notice, in writing 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, the Building Code of Australia and the relevant Australian Standards.
5. Separate authorisation is required from SafeWork NSW for the installation/ operation of any fuel storage facilities on the site, to address employee and public safety issues.
 6. No mechanical plant/equipment is to be mounted/attached to the roof of the building/canopies to minimise any adverse visual impacts on the locality. All plant/equipment is to be ground mounted and screened from direct view.

BEFORE RELEASE OF CONSTRUCTION CERTIFICATE

7. The plans accompanying the Construction Certificate for the development are to demonstrate compliance with the Building Code of Australia (BCA).

Plans and documents are to be submitted to the Principal Certifying Authority for the authentication of BCA compliance and issue of a Construction Certificate.

Note - Should the configuration of the building be modified as a result of achieving BCA compliance, the plans accompanying this development consent must also be modified.

The Building Code of Australia, part of the National Construction Code series, is now available online at abcb.gov.au

8. Prior to the issue of a construction certificate for the development, detailed plans must be provided that demonstrate that the food preparation and service area will comply with *AS4674 Design and Construction of Food Premises*. Plans must provide information in relation to the following areas:

- *Waste storage areas*
- *Cool rooms / Freezers*
- *Handwashing basins / equipment sinks*
- *Finishes to walls and floors*
- *Floor waste sinks*
- *Service and dining areas*
- *Cooking and exhaust ventilation equipment.*

The design and construction of food premises must:

- be appropriate for the purposes for which they are used
- provide adequate space for food production and equipment
- facilitate cleaning, sanitising and maintenance
- prevent access by and harbourage of pests
- keep out dust, dirt, fumes, smoke and other contaminants.

be in accordance with the Food Standards Australia New Zealand (FSANZ) *Food Safety Standards 3.2.3 Food Premises and Equipment*, to ensure the public health and safety of patrons and staff.

Documents are to be submitted and approved by the Accredited Certifier before the issue of a Construction Certificate.

Advice: A copy of the Standards can be downloaded from the FSANZ website www.foodstandards.gov.au

9. The preparation of an Erosion and Sediment Control Plan (ESCP) and accompanying specifications for the construction phase of the works shall be submitted to and approved by the relevant certifying authority before the issue of a Construction Certificate for each stage of the development.

The approved ESCP controls shall be implemented, inspected and approved prior to the commencement of any site works and maintained for the life of the construction period and until revegetation measures have taken hold. The ESCP shall include, but not be limited to:

- Provision for the diversion of runoff around disturbed areas;
- Location and type of proposed erosion and sediment control measures;
- Location of and proposed means of stabilisation of site access;
- Approximate location of site sheds and stockpiles;
- Proposed staging of construction and ESCP measures;
- Clearance of sediment traps on a regular basis and after major storms;
- Proposed site rehabilitation measures, including seeding of all bare un-grassed areas and turfing where erosion or scouring is likely to occur;

Standard construction drawings for proposed erosion and sediment control measures.

10. An all-weather, nuisance-free surface for pedestrians and vehicles is to be provided throughout the site, including parking areas and driveways.

The surface shall be provided with effective edge support / drainage control and landscaped areas adjacent to kerbing to be self-draining to the kerb.

Car parking facilities, including all internal parking and manoeuvring areas, are to be designed and constructed in accordance with Australian Standards AS/NZS 2890.1 (current edition): Off-street car parking, AS/NZS 2890.2 (current edition): Off-street commercial vehicle facilities and AS/NZS 2890.6 (current edition): Off-street parking for people with disabilities, and Council's Development Control Plan 2012.

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

ADVISING: Bitumen sealed compacted gravel pavement or reinforced concrete to current best practice standards, will satisfy the above requirement. Alternatively, segmental paving may be used provided it is installed as part of a pavement design in accordance with the Cement & Concrete Association of Australia's "Guide to Design and Construction" for Interlocking Concrete Road Pavements, July 1986.

11. The fuel dispensing forecourt areas shall be sealed with reinforced concrete and appropriately graded to limit pooling. This area is to be suitably bunded to prevent storm water inflows to this area. The bunding shall be at least 60mm in height and 300mm wide. In addition, the forecourt area shall be suitably roofed with a canopy. The canopy must have an overhang of at least 10 degrees to prevent rainfall from entering the dispensing forecourt area.

Details to be shown on construction plans with an application for a Construction

Certificate.

12. All spills and liquids captured within the forecourt area must be directed to a bunded and covered forecourt wastewater collection pit. The wastewater collection pit capturing liquid waste from the forecourt area must be emptied on a regular basis as necessary to prevent overflows. A fitted alarm indicator will indicate when the collection pit is at capacity.

The liquid waste must be collected by an authorised liquid waste contractor and records of all pump outs must be kept onsite for review.

Details and specifications of the abovementioned system must be provided prior to the issue of a construction certificate.

13. The submission of a detailed Construction Management Plan for the approval of the relevant Certifying Authority, prior to the issue of a Construction 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.
- Site access for construction vehicles and equipment.
- Storage and removal strategies for construction wastes.
- Construction Traffic Management Plan.
- 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.

Advising: The chief contractor involved in the development should contact Council's Local Traffic Committee and Rangers Team Leader if they wish to make arrangement for temporary parking arrangements for the duration of the building work.

14. The proposed development is to be landscaped to enhance its appearance and provide shade and environmental benefits.

In this regard, significantly dense landscaping of the development within the site and setback areas is to be undertaken to help visually integrate the development within the local environment.

The landscape plan needs to include some vertical elements within the design such as a mix of small/medium/large deciduous & non deciduous trees that will grow once established to a height consistent with the bulk and scale of the building and area of the site and substantially dense plantings are to be undertaken along the street frontages and site boundaries to soften the proposed development when viewed from the roadways. Some suitably advanced trees/vegetation are to be included in the landscaping plan and planted prior to the issue of a final occupation certificate to help integrate the development immediately on completion. Additionally, the plan should include the following:

- Incorporation of landscaping around the service area adjoining the building to provide visual relief/softening to this area of the site. Such landscaping is to extend along the full extent of this area.
- Retention and inclusion of any existing native trees greater than 5m in height which are already located within the landscaping area, to provide habitat for local fauna and maintain the visual amenity of the locality.
- Additional trees/larger shrubs are to be incorporated within the landscape area along the northern and eastern boundaries of the development area to provide additional vertical elements to help soften the bulk and scale of the overall development.

Details to be indicated on plan to the satisfaction of the Certifying Authority before the issue of a Construction Certificate for the development. Detailed landscaping plans to indicate the proposed species to be used (which must be appropriate for the New England climate), height and spread at maturity, and a specification for soil preparation, drainage, weed control, watering, fertilising and general maintenance during establishment.

New tree planting to be a minimum of 3m horizontal distance from the line of buildings or underground services to reduce risk of future damage by limbs, roots, etc. Approved landscaping is to be maintained at all times to the satisfaction of the Manager Development & Regulatory Services or nominee.

15. 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 of appropriate arrangements for payment, which must be made before the issue of the Construction Certificate, Council will issue a Certificate of Compliance, pursuant to s.64 of the Local Government Act 1993, and Division 5 of Part 2 of Chapter 6 of the Water Management Act 2000.

ADVISING: At the date of determination of this application the applicable contributions

are \$87,920.00. 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 Council's website (select the SELF SERVICE tab then 'Application Payments' under the 'Pay for it' heading).

16. Dangerous Goods Site Layout Plan for proposed fuel system and prepared by a suitably qualified and accredited dangerous Goods Consultant is to be submitted to the satisfaction of the Certifying Authority prior to the release of a Construction Certificate for the development.

All equipment must be designed and installed in accordance with the submitted Preliminary Hazard Analysis and Summary, prepared by Myros Design Pty Ltd, and utilising the latest technology and techniques available at the date of certification.

17. Details of materials and their finishes/colours, which are to be selected to blend with the surrounding landscape and which are not to be reflective in nature, ***are to be submitted for all structures including signage***, to the approval of the relevant Certifying Authority before the release of the Construction Certificate, to ensure that the building is visually integrated with its environment and locality.

18. Full details of all proposed internal and external lighting for the development, which is to be prepared by a suitably qualified consultant, is to be submitted to the satisfaction of the Certifying Authority prior to the release of a Construction Certificate.

Any lighting structures or fixtures are to be designed to comply with the current standards of AS/NZS 1680 and be installed in accordance with the requirements of the Civil Aviation Safety Authority (CASA) standards for "Lighting in the Vicinity of Aerodromes", and comply with AS 4282 – Control of the obtrusive Effects of Outdoor lighting, to protect the amenity of the locality.

19. A Stormwater Management Plan (SMP) is to be prepared by a suitably qualified engineer. The SMP is to be designed and constructed in accordance with AS3500 standards and should be supplemented by Armidale Regional Council's suite of Engineering Codes where applicable. Stormwater quality measures are to be incorporated into the SMP to ensure current best practice stormwater quality standards are met.

Plans showing compliance with these requirements are to be submitted to the satisfaction of the relevant Certifying Authority prior to the issue of a Construction Certificate.

Works are to be completed in accordance with the approved plans prior to the release of any Occupation Certificate for the development.

ADVISING: Where the industrial subdivision does not account for 100% impervious area across the entire estate, additional detention measures must be undertaken by the developer to ensure pre-development discharge flows are achieved and that the public stormwater infrastructure system is not overloaded by the additional stormwater flows generated by the development.

20. Council's approval must be obtained by a detailed application under the Local Government Act 1993, for the discharge of any trade waste or chemical material into

Council's sewerage system, to prevent any unauthorised use of the system.

An approved grease trap/arrestor is to be incorporated in the internal drainage to ensure no site wastewater enters Council's sewer without prior grease removal.

Additionally, an approved oil separator/separators is/are to be incorporated in the internal drainage to ensure no site wastewater from collection wells in the two forecourt fuel pump areas enters Council's sewer without prior oil and fuel removal

A hydraulic design reflecting the above and all current (2019) Australian Standards for Trade Waste systems, and prepared by a suitably qualified consultant, must be submitted for approval prior to the issue of a Construction Certificate for the development.

21. Details of a suitable CCTV camera network to be installed throughout the development, is to be provided to the satisfaction of the relevant Certifying Authority prior to the release of a Construction Certificate. In this regard, the CCTV network must be designed in accordance with the current standards under AS 4806 and be capable of achieving satisfactory surveillance of the entire complex, including but not limited to the fuel bowser areas for cars/heavy vehicles for number plate recognition and internal/external areas of the building for night worker protection and surveillance.

Additionally, the following comments/recommendations have been received from the local NSW Police following their CPTED assessment of the development and which is encouraged to be taken into consideration during the design of the CCTV network and finalising of construction drawings for the development, to reduce opportunities for anti-social and criminal behaviour.

- Restriction measures should be placed on the rear access door on the northern elevation of the building (near the amenities). This can be done either by CCTV in combination with a locked door and buzzer. Customers wanting access can use the buzzer/doorbell system, while staff can see and control access to the building, particularly at night and/or outside peak hours of activity.
- Door control measures and systems should be installed on the front entrance doors to enable staff to restrict access at night. At this time night workers are more vulnerable during periods of low patron turnover when the risk of serious crimes are more likely to occur.

Advising:

Given that the above condition is a recommendation of the NSW Police Force following a CPTED review of the proposed development, it is recommended that discussions be undertaken with the Police to clarify any matters regarding the suitability of any system to be installed and the coverage areas.

22. Approval is required from Council for the following activities pursuant to Chapter 7, Section 68 of the Local Government Act 1993 for:
- Water supply work,
 - Sewerage work,
 - Stormwater drainage work ,

Where relevant, approvals must be obtained prior to the issue of a Construction Certificate for the development.

DURING CONSTRUCTION

23. Approval from Council under the Plumbing and Drainage Act 2011 and Regulations 2012 and the Plumbing Code of Australia (NCC 2016) to carry out plumbing and drainage work defined as -

- Water Services (cold water, heated water, non-drinking water, fire-fighting water)
- Sanitary plumbing, and drainage
- Stormwater drainage (roof drainage, surface and subsurface drainage)

A Plumbing and Drainage Permit must be obtained by a licensed plumber prior to plumbing work commencing.

ADVICE: This is an online service for the plumbing industry - go to www.armidaleregional.nsw.gov.au

24. 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 installation of property vehicular accesses (driveway cross-over), and any footpath paving and/or stormwater disposal to kerb work.

The approval is to be obtained through a s138 application prior to any such works being undertaken within the road reserve, confirming that the works will meet Council's Driveway Handbook and standard drawings, which can be found on Council's website (www.armidaleregional.nsw.gov.au).

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

25. 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.
26. Non-slip materials complying with AS 3661 (current edition) Slip resistance of pedestrian surfaces - Guide to the reduction of slip hazards and AS 4586 (current edition) Slip resistance classification of new pedestrian surface materials, are to be used for the paving of public areas within the development, to ensure safe public use of these areas.
27. Pipes, stack work and vents (below the roof line) are to be concealed to prevent their deterioration and improve the aesthetics of the building.
28. 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.

29. Materials must not be burned on-site. All waste generated on site must be disposed of at Council's Waste Disposal Depot or Waste Transfer Station, to protect the amenity of the area and avoid the potential of air pollution.
30. 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).

31. The hours of building 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 building 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 Infraction Notice or prosecution.

32. Toilet facilities are to be provided at, or in the vicinity of the work site, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be connected to an accredited sewage management facility approved by the council or some other sewage management facility approved by the council.
33. The development must be carried out in accordance with *Managing Urban Stormwater: Soils & Construction* (4th edition, Landcom, 2004), commonly referred to as the "Blue Book" and as in force at the date of this consent; to maintain public and environmental safety and amenity, and prevent erosion and sedimentation.

ADVISING: Failure to take effective action may render the developer liable to prosecution under the NSW Protection of the Environment Operations Act.

34. A hoarding or fence must be erected between the work site and any public place if the work is likely to cause traffic (pedestrian or vehicular) in a public place to be obstructed or otherwise inconvenienced. The erected hoarding is to comply with AS 4687 (current edition) -

Temporary fencing and hoardings to sufficiently prevent any substance from or in connection with the work falling into the public place. The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place. The hoarding, fence or awning is to be removed once the work has been completed.

35. Roof and surface stormwater from paved and impervious areas is to be collected and directed to a legal point of discharge, to protect the site and adjoining property from effects of flooding. Relevant work to be carried out immediately following the

installation of the roof and guttering and completion of hard stand surface areas.

36. Arrangements are to be made with the Airport Reporting Officers for the issuing of any Notices to Airmen (NOTAMs) when any crane is operating with a boom height which may infringe on the OLS for the various runways. A minimum of 24 hours' notice is required to allow the issuing of the NOTAM.

BEFORE OCCUPATION / WHEN WORKS ARE COMPLETED

37. Before the issue of an Occupation Certificate, the Accredited Certifier shall be provided with a copy of the Council Certificate issued to the Plumbing Contractor confirming that the contractor has had approval to do the work and has also had the required mandatory inspections completed and the required mandatory documentation submitted to the regulator as stipulated in the *Plumbing and Drainage Act 2011*.

38. The relevant Occupation Certificate must be obtained before the approved use commences, in accordance with the *Environmental Planning & Assessment Act 1979* and to ensure the health and safety of the building's occupants.

ADVISING: Failure to obtain an Occupation Certificate is an offence under the legislation (Penalties do not apply to uses detailed in 109M and 109N; i.e. crown projects, or as detailed for certain temporary structures).

39. Construction of the food premises is to be completed in accordance with the approved design and inspected by Council's Environmental Health Officer prior to the issue of an Occupation Certificate, to ensure the public health and safety of patrons and staff.

40. A written notice is to be provided to Council prior to the issue of an Occupation Certificate, advising of the commenced use of the food premises, in accordance with the *Food Act 2003* and to ensure the business is placed on Council's register of food premises.

41. All proposed driveways must be constructed to meet Council's Driveway Handbook clause D1.37 Internal Driveways and clause D1.38 Private Access ways within Specification D1.

Driveways are to be wide enough to allow for two-way vehicle movements. The driveway servicing heavy vehicles is to be a minimum of 18m wide to ensure unobstructed two-way vehicular movement across the crossover.

Driveway construction approval is to be determined by Council through submission of a s138 application. Driveway construction to be completed prior to release of any Occupation Certificate for the development.

42. The property number is to be provided in a visible place on or near the entrance for the convenience of visitors, emergency services and postal services prior to the issue of a Final Occupation Certificate. Numbers shall be 100mm high x 50mm wide (minimum) and of a colour contrasting with the surface to which they are affixed.

43. Access/facilities for people with disabilities is to be provided in accordance with the Building Code of Australia before the issue of an Occupation Certificate for the development, and maintained thereafter.

ADVISING: The applicants/property owner should note that the Commonwealth Disability Discrimination Act 1992 provides opportunity for public complaint potentially leading to legal action if access to premises by people with disabilities or their carers is precluded. The Australian Human Rights Commission has released Advisory Notes on current Premises Standards which are available from Council on request. The Commission can also provide further information on this issue (1300 369 711). In addition to human rights considerations, as a substantial proportion of the community suffer from mobility handicaps, provision of good access to premises is also good business practice.

44. Provision of on-site car parking and heavy vehicle spaces, loading/unloading areas to serve the development (as shown on the approved plans for the development and in accordance with Council's Development Control Plan 2012, Chapter 2.9) is to be completed before the issue of an Occupation Certificate, to ensure these facilities are available before the use commences.

Approved parking bays, including spaces allocated for people with disabilities, are to be clearly identified by appropriate pavement markings prior to the issue of a Final Occupation Certificate.

Bicycle facilities to serve the proposed development are to be completed before the issue of an Occupation Certificate. Provision of facilities to be in accordance with Council's Parking Code.

ADVISING: Provision of parking spaces and dimensions of spaces to be in accordance with Council's Development Control Plan 2012, Chapter 2.9. Spaces adjacent to walls (or other obstructions which may affect the opening of a car door or vehicle manoeuvring) are to be widened by 300mm on the side of the obstruction(s), to facilitate safe use of these spaces.

45. All conditions of this consent requiring any of the following to be carried out:

- Earthwork,
- Stormwater drainage work,
- Landscaping work,
- Erosion and sedimentation control work,
- Excavation work,
- Mechanical work,
- Structural work,
- Hydraulic work,
- Work associated with driveways, hard stand surface areas and parking bays,
- Any matter that relates to the external finish of a building,

are to be satisfied and inspected by the relevant Certifying Authority, before the issue of the relevant Occupation Certificate for the development.

46. A Fire Safety Certificate covering each of the essential fire and other safety measures installed in the building must be provided to the Certifying Authority before the issue of an Occupation Certificate for any part of the building, to ensure the safety of the occupants in the case of an emergency.

A copy of the certificate is to be given to the NSW Fire Brigades to afss@fire.nsw.gov.au and an additional copy to be displayed in a prominent location within the building, in accordance with clause 172 of the Environmental Planning and Assessment Regulation 2000.

47. The design and installation of the underground petroleum storage system (UPSS) is to comply with AS 4897-2008 and meet the minimum requirements of the *Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2019*, and where required the *Protection of the Environment Operations (Clean Air) Regulation 2010*. The new system must not operate until the Principal Certifying Authority has been provided with a evidence of the following matters, to the satisfaction of the appropriate regulatory authority:

- The UPSS is designed, installed and commissioned to meet relevant industry standards and specifications, by a duly qualified person.
- Design of the UPSS must include mandatory pollution protection equipment in accordance with the Regulation, and installed by a duly qualified person.
- Design and installation of groundwater monitoring wells and preparation of an installation report in accordance with the Regulation requirements by a duly qualified person (including six-monthly monitoring);
- An Environment Protection Plan, including loss monitoring, detection and incident management procedures has been prepared and is in place.
- Include 'as-built' drawings of the system;
- An equipment integrity test must be conducted by a duly qualified person before the UPSS is commissioned and a certificate must accompany the results of the test.

Details of the qualifications and experience of the duly qualified person are to be submitted in support of all of the above information.

48. Prior to the issuing of an Occupation Certificate for the development a commissioning certificate must be provided confirming that the mechanical exhaust ventilation equipment servicing the food preparation and service area, has been installed in accordance with AS 1668 Parts 1 & 2 (*The use of ventilation and air-conditioning in buildings*).

49. All equipment in connection with the fuel outlet is to be installed in accordance with the manufacturer's specifications and must comply with all relevant standards and recommendations contained within the Multi-Level Risk Assessment and Appendices prepared by Myros Design Pty Ltd for the development.

Written evidence of compliance with this, is to be provided by a suitably qualified and accredited consultant prior to the release of an Occupation Certificate.

50. SafeWork NSW Dangerous Goods Notification is to be provided to the PCA prior to the release of an Occupation Certificate.

51. Prior to the release of an Occupation Certificate for the development, written evidence is to be provided confirming that all relevant inspections and certification works in relation to the installation of all underground tanks and all ancillary equipment, including but not limited to pipe work, fittings, pumps, leak detectors, dispensers etc have been satisfactorily undertaken and that they fully comply with all relevant legislation and Australian Standards.

52. Landscaping is to be completed in accordance with the approved landscape plan prior to the issue of a Final Occupation Certificate for the development.

Given the current drought conditions and water restrictions, the landscaping of the site is to be completed in accordance with the approved landscape plan within 12 months of occupation of the building, or within such timeframe as approved by Council if the drought conditions continue.

- 52a The proposed development relies on the completion of civil and subdivision works approved under DA-29-2019 and the creation of Lot 1 on which the development is to be erected. In this regard, prior or to the issue of any Occupation Certificate, evidence is to be provided to the satisfaction of the Certifying Authority, that the subdivision certificate to create the subject lot has been registered with Land Registry Services (LRS) and that the Lot has been legally created on separate Title.

OPERATIONAL MATTERS

53. A Fire Safety Statement shall be provided to Council at least once every 12 months as required, to ensure that the required fire safety measures for the building are being properly maintained.

A copy of the Statement is also to be forwarded to the NSW Fire Brigades(afss@fire.nsw.gov.au) and an additional copy to be displayed in a prominent location within the building, in accordance with clause 172 of the Environmental Planning and Assessment Regulation 2000.

54. All loading and unloading being carried out on-site or in the loading bay, to provide for safe off-street loading and unloading of vehicles servicing the site and prevent interference with the use of the public road by vehicles and pedestrians.
55. All vehicles are to enter and leave the site in a forward direction, to ensure traffic/pedestrian safety.
56. ***Any lighting used on site in connection with the development is to comply with AS 4282 – “Control of the Obtrusive Effects of Outdoor Lighting” (current version), and be installed and maintained in accordance with the requirements of the Civil Aviation Safety Authority (CASA) standards for “Lighting in the Vicinity of Aerodromes” for the life of the development, to protect the amenity of the locality and the ongoing safety and operation of the airport.***
57. Approved landscaping is to be maintained to the satisfaction of Manager Development & Regulatory Services or nominee, for the life of the development.
58. Storage facilities for waste and recyclables sufficient for the maximum accumulation between collections shall be provided in a secure location screened from public view, to protect the amenity of the locality.
59. All Hazard Prevention Equipment and Hazard Response Procedures detailed in the Preliminary Hazard Analysis prepared by Myros Design Pty Ltd and dated 10 May 2019,

are to be implemented for the life of the development, to ensure that the risk of an incident to the subject site, patrons and adjoining property is minimised.

60. The residual area of proposed Lot 1 which is not shown on the approved plans for the service station development, is not to be used for any purpose in connection with the development, such as but not limited to parking, loading/unloading, vehicle manoeuvring, storage, until such time as this area of the site has been constructed and sealed in accordance with the approved construction plans, to ensure that vehicles are not using unsealed surfaces and preventing further erosion of this area and the tracking of soils/materials onto public roads.
61. ***All signage on site is to be maintained in a good and effective manner to the satisfaction of Council for the life of the development.***

S4.55 (1A) Assessment

Relevant Planning History:

Council has previously received the following applications:

- DA-104-2019, for the construction of a Service Station and Associated Ancillary Infrastructure, Take-Away Food and Drink Premises and Signage, was granted a deferred commencement consent by Council on 27 February 2020.
- DA-104-2019/A, was a modification to DA-104-2019, which reduced the floor area of the retail building footprint and satisfied the deferred commencement conditions. An operative consent was granted by Council on 11 February 2021.

Current application:

The current proposal submitted for Council's consideration is a request by the Applicant to modify DA-104-2019/A to include the erection of a 12 metre high pylon sign and review of the DSP charges calculated for the development.

EP&A Act Heads of consideration - s4.55

EP&A Act s4.55(1A) Modifications involving minimal environmental impact

A consent authority may modify a development consent if:

- (a) it is satisfied that the proposed modification is of minimal environmental impact, and
- (b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and
- (c) it has notified the application in accordance with:
 - (i) the regulations, if the regulations so require, or
 - (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and
- (d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.

Comments:

The current application is for Council's consideration for the erection of a pylon sign and review of the DSP charges calculated for the development. The application is considered to be able to be assessed under s4.55(1A).

EP&A Act 4.15 Evaluation (1) Matters for consideration—general In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

(a) the provisions of:

(i) any environmental planning instrument,

SEPP No 64 – Advertising and Signage:

Aims, objectives etc

(1) This Policy aims—

(a) to ensure that signage (including advertising)—

(i) is compatible with the desired amenity and visual character of an area, and

(ii) provides effective communication in suitable locations, and

(iii) is of high quality design and finish, and

(b) to regulate signage (but not content) under Part 4 of the Act, and

(c) to provide time-limited consents for the display of certain advertisements, and

(d) to regulate the display of advertisements in transport corridors, and

(e) to ensure that public benefits may be derived from advertising in and adjacent to transport corridors.

The proposed pylon signage for the service station is considered to be best defined as business identification signage rather than advertising, as it indicates the nature of the business carried out at the site and relates directly to the activity being undertaken and does not involve any advertising relating to a person who does not carry on business at the premises.

Business identification signs are defined under the Standard Instrument LEP as:

business identification sign means a sign—

(a) that indicates—

(i) the name of the person or business, and

(ii) the nature of the business carried on by the person at the premises or place at which the sign is displayed, and

(b) that may include the address of the premises or place and a logo or other symbol that identifies the business,

but that does not contain any advertising relating to a person who does not carry on business at the premises or place.

Clause 8 - Granting of consent to signage:

A consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied—

(a) that the signage is consistent with the objectives of this Policy as set out in clause 3 (1) (a), and

(b) that the signage the subject of the application satisfies the assessment criteria specified in Schedule 1.

An assessment of these matters has been undertaken below:

(a) to ensure that signage (including advertising)—

(i) is compatible with the desired amenity and visual character of an area:

The proposed signage is to be erected within the site of a service station in a new industrial estate to which Council has granted approval. The subject site is zoned IN2 Light Industrial and will adjoin other light industrial developments on the eastern side of the New England Highway opposite the Armidale Regional Airport, which itself has also been granted Council approval for a light industrial subdivision of land to the south of the existing terminal building.

Given this, it is considered that the proposed new pylon sign is compatible with the desired amenity and visual character of the area in which it is proposed to be erected.

(ii) provides effective communication in suitable locations

The new pylon sign is proposed to be erected on the south western corner of proposed Lot 1 in the new light industrial subdivision, immediately adjacent to the entrance to the new round-about. The location of signage for service stations is particularly important in alerting oncoming vehicles of the availability of fuel and the relevant prices, as there can sometimes be considerable distance before the next fuel stop becomes available.

As such, it is considered that the signage is appropriate for the location and will provide effective communication for oncoming vehicles of the availability of fuel.

(iii) is of high quality design and finish,

The proposed pylon sign will be typical of similar signage erected at services stations elsewhere. Additional detail can be obtained for the sign prior to the release of any construction certificate, but Council can also impose a condition requiring that any such signage is to be maintained to the satisfaction of Council for the life of the development.

(b) to regulate signage (but not content) under Part 4 of the Act,

Signage is regulated under the Act to ensure that it satisfies the assessment criteria under Schedule 1 of SEPP No 64 and that it provides clear effective communication, is of high quality and does not result in a proliferation of signage on the site.

In this regard, signage has previously been approved for the development and is summarised below:

- 2 x wall signs 3.25m x 0.6m attached to the south western elevation of the service station building,
- 2 x signs attached to the south western and 1 x sign to the north western fascia/awning of the car canopy measuring 3.8m x 0.75m;
- 1 x sign attached to the south western and 1 x sign attached to the south eastern elevations of the fascia/awning of the truck canopy measuring 3.8m x 0.75m;

The signage approved is considered to be satisfactory for the scale and type of development and the inclusion of a pylon sign will not result in excessive signage at the site.

SEPP 64 – Assessment:

Schedule 1 – Assessment Criteria	Comment
1 Character of the area <ul style="list-style-type: none"> Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located? Is the proposal consistent with a particular theme for outdoor advertising in the area or locality? 	<p>Satisfactory given current zoning of the land and locality.</p> <p>Satisfactory for industrial type development.</p>
2 Special areas <ul style="list-style-type: none"> Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas? 	<p>No</p>
3 Views and vistas <ul style="list-style-type: none"> Does the proposal obscure or compromise important views? Does the proposal dominate the skyline and reduce the quality of vistas? Does the proposal respect the viewing rights of other advertisers? 	<p>No</p> <p>Unlikely</p> <p>Satisfactory</p>
4 Streetscape, setting or landscape <ul style="list-style-type: none"> Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape? 	<p>Satisfactory given scale and type of development it is promoting.</p>
Schedule 1 – Assessment Criteria	Comment
continued	
<ul style="list-style-type: none"> Does the proposal contribute to the visual interest of the streetscape, setting or landscape? Does the proposal reduce clutter by rationalising and simplifying existing advertising? Does the proposal screen unsightliness? Does the proposal protrude above buildings, structures or tree canopies in the area or locality? 	<p>Satisfactory</p> <p>N/A</p> <p>N/A</p> <p>The structure is comparable to the existing pylon sign opposite and will not protrude above established tree canopies with the locality.</p>
5 Site and building <ul style="list-style-type: none"> Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located? Does the proposal respect important features of the site or building, or both? Does the proposal show innovation and imagination in its relationship to the site or building, or both? 	<p>The size and scale of the sign is considered to be compatible with the overall development of the site.</p> <p>Satisfactory</p> <p>Satisfactory</p>

<p>6 Associated devices and logos with advertisements and advertising structures</p> <ul style="list-style-type: none"> Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed? 	<p>It is assumed that the logo of the relevant petrol station will be displayed on the sign</p>
<p>7 Illumination</p> <ul style="list-style-type: none"> Would illumination result in acceptable glare? Would illumination affect safety for pedestrians, vehicles or aircraft? Would illumination detract from the amenity of any residence or other form of accommodation? Can the intensity of the illumination be adjusted, if necessary? Is the illumination subject to a curfew? 	<p>Unlikely given location of site.</p> <p>Unlikely, any consent to include condition that any lighting structures or fixtures for the proposed development are to be installed in accordance with the requirements of the Civil Aviation Safety Authority (CASA) standards for "Lighting in the Vicinity of Aerodromes".</p> <p>Unlikely given zoning and adjoining uses.</p> <p>Can be included in any condition</p> <p>No</p>
<p>Schedule 1 – Assessment Criteria</p> <p>continued</p>	<p>Comment</p>
<p>8 Safety</p> <ul style="list-style-type: none"> Would the proposal reduce the safety for any public road? Would the proposal reduce the safety for pedestrians or bicyclists? Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas? 	<p>No</p> <p>No</p> <p>No</p>

Armidale Dumaresq Local Environmental Plan 2012:

Business identification signs which is a type of signage, is permissible within the IN2 Light Industrial zone with consent.

(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and

Not Applicable.

(iii) any development control plan,

Armidale Dumaresq Development Control Plan 2012:

2.10 – Signage:

This objectives of this policy are:

0.1 To protect areas and buildings, especially areas of heritage significance or special character, from the adverse impacts of intrusive signage and advertising material.

0.2 To ensure signs are of a type, number, size, scale, character and location appropriate to the host premises and the locale.

0.3 To ensure signs do not create visibility and safety hazards to road users and pedestrians.

Under Chapter 2.10 'Signage' of Armidale Dumaresq Development Control Plan 2012, it states that pylon signage within the IN2 Light Industrial zone, must have a maximum height above ground level of 9 metres and have a maximum advertising area on 20m² (ie 10m² per side for a double-sided sign).

The pylon sign for the service station is proposed to have a maximum height above ground level of 12m² and will have a maximum advertising area of 68.4m².

Contrary to the height of pylon signage in the IN2 zone, such signage within the B3 and B4 business zones in the Armidale CBD can have a maximum height above ground level of 15 metres. It is understood that this height was previously amended by Council to permit fast food signage such as for KFC and McDonalds.

Signage outside the CBD within the IN1 and IN2 industrial zones has largely not exceeded the 9 metre height in the past largely due to the location of industrial estates within the City with are located to the west and south east of the CBD and on local streets.

Signage along Marsh Street, which is a classified road, has a higher height limit to largely alert drivers and provide advanced warning pf oncoming commercial outlets.

Likewise, the new industrial estates along the New England Highway will rely on effective communication signage particularly for service stations to alert oncoming vehicles that there is a fuel stop with food and amenities available.

The Applicant has further argued that the proposed signage is similar to other service station outlets and to that across the road adjoining the airport, as shown below.

Following a review of the old Dumaresq Council files for the Airport development, the pylon sign shown on plans has a height of 10.692 metres and width of 3.664 metres. As there is no signage for the first approximately 2 metres, it is considered that the signage display area is approximately 63.7m².



In this regard, it is considered that whilst the signage as proposed exceeds both the height and advertising area for the zone, it is considered as acceptable in the circumstances of the case given the type of development on the site. Furthermore, as there would only be expected to be a limited number of services stations within the new industrial estates, any variation to the signage policy as proposed, is unlikely to create an undesirable precedent.

Chapter 5.2 – Industrial Development:

Part 9 - Utility Infrastructure

The Applicant has requested that Council review the DSP charges that have been previously calculated for the development.

In this regard, Council's Development Engineer reviewed and amended the DSP charges for the development following the assessment of DA-104-2019/A which decreased the overall footprint of the proposal.

DSP charges are calculated in accordance with POL181 – Utilities. Under this Policy service stations are calculated on the number of lanes proposed at the following rate:

Water per lane – 0.6ET

Sewer per lane – 0.9ET

Following his assessment, Council's Development Engineer has calculated the DSP charges as:

The following ET's were calculated using the categories; Service Station:		
ET's Generated:		
Water ET's = (0.600ET's/lane x 11 lanes)		
Water ET's = 6.60ET's		
Sewer ET's = (0.900ET's/lane x 11 lanes)		
Sewer ET's = 9.901ET's		
ET's Credited:		
Water ET's = 1.00ET's/lot x 1 lot (industrial lot)		
Water ET's = 1.00ET's		
Sewer ET's = 1.00ET's/lot x 1 lot (industrial lot)		
Sewer ET's = 1.00ET's		
TOTAL ET's (Generated – Credited):		
Water ET's = 6.60ET's – 1.000ET's		
Water ET's = 5.60ET's		
Sewer ET's = 9.90ET's – 1.000ET's		
Sewer ET's = 8.90ET's		
\$6,800.00 × 5.60 ET's	= \$38,080.00 Total Water Contribution	
\$5,600.00 × 8.90 ET's	= \$49,840.00 Total Sewer Contribution	
Total		= \$87,920.00 Total Contribution

The DSP charges have been reviewed and have been calculated in accordance with Council's Policy.

(iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and

Not Applicable

(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),

Not Applicable

that apply to the land to which the development application relates,

(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,

Satisfactory.

(c) the suitability of the site for the development,

Satisfactory for the locality.

(d) any submissions made in accordance with this Act or the regulations,

Not Applicable

(e) the public interest.

The proposal is not considered to be detrimental to the public interest.

Recommendation:

That DA-104-2019/A be amended to grant consent to the proposed pylon sign.

Council confirms to the Applicant that the DSP charges for this application have been reviewed and are correct for the type of development.

Item:	10.4	Ref: AINT/2021/05736
Title:	Interim actions on air quality	Container: ARC16/0864
Responsible Officer	Director Businesses and Services	
Author:	Mandy McLeod, Sustainability Officer	
Attachments:	Nil	

1. Purpose

The purpose of this report is to provide Council with information on actions being undertaken in relation to the transmission of air quality information in Armidale.

2. OFFICERS' RECOMMENDATION:

That Council note the actions being undertaken on air quality in Armidale and the amendment to the Budget to deliver the goal of making air quality data accessible in a cost effective manner.

3. Background

Air quality in Armidale during winter months can exceed the National Air Quality Standards and is attributed to wood smoke generated during cold nights with temperature inversions impacting air movement.

The Wood Smoke Working Group was formed in late 2018 by the Mayor to review information about Armidale's air pollution and wood heating and to clearly define what Council's role should be in addressing this issue. Recommendations from this report where relevant were included in EcoARC Air:

Strategic initiatives: Conduct a new survey to determine the community's level of awareness, perception and understanding of the wood smoke issue.

Education: The existence and nature of the air quality problem (including setting up a community dashboard to warn the community when pollution levels are high, so they can choose to avoid outdoor activities and polluted areas and reporting data at highly visible locations for instance on Light Emitting Diode (LED) screens in Armidale).

In the Operational Plan for 2020 – 2021 funding of \$20,000 was allocated for Air Quality Action items above. As outlined below, due to final costings, technological changes and Budget constraints, Council is recommending changes to the methodology of delivering the action items.

4. Discussion

As winter is approaching, the following is being undertaken by Council staff to seek to improve air quality in Armidale over the winter months:

- Installation of an interactive graphic (widget) onto Council's website that will extract live data from the Department of Planning, Industry and Environment Armidale air quality monitoring station which will provide a direct link to hourly air quality information and general health advice and recommended actions by colour code category.
- The Climate Emergency Action Plan included support for Sustainable Living Armidale's project of community education on household efficiency program to reduce their carbon footprint. The community education workshops will provide information to residents to improve their understanding of how to improve thermal comfort at low

cost, and to provide a guide to energy usage of household appliances, including different forms of heating.

- Update and distribute information on Councils electronic media platforms in relation to NSW Environment Protection Authority (EPA) information on reducing wood smoke, health impacts of wood smoke, etc.
- Radio advertising of NSW EPA wood smoke and health information. Regular 2AD Council news from regular weekly Councillor Interview segment.
- Market stalls with Council staff in mid-April (and possibly through to June 2021 in Armidale at different markets depending on resources), to provide:
 - “hands on” education to the general public in regard to how to reduce potential smoke problems by operation of their solid wood heater;
 - educational material containing information on why wood smoke is an important issue in Armidale, potential health effects and what owners/operators of wood heaters can do to reduce this, as well as what other residents can do;
 - information on different types of wood, how to “age” wood, collection of wood and use of moisture meters;
 - other options for heating and increasing thermal comfort in a home;
 - protection of biodiversity if collecting own wood and information on illegal collection of firewood;
- Inclusion of air quality monitoring parameters from the Department of Planning, Industry and Environment Armidale air quality monitoring station onto the Disaster Dashboard pilot website.

5. Implications

5.1. Strategic and Policy Implications

Community Strategic Plan 2017-2027

Environment and Infrastructure: Community Outcome 1

“Partner with stakeholders to develop strategies and provide programs which improve air quality across the region, including the reduction of smoke pollution by using alternative energy sources.”

The Delivery Program 2018 – 2021 states the following in relation to air quality:

E1.2. Partner with stakeholders to develop strategies and provide programs which improve air quality across the region, including the reduction of smoke pollution by using alternative energy sources.

The Operational Plan for 2020 – 2021 for E1.2 has the below actions and funding of \$20,000 was allocated for Air Quality Action items which arose from the Wood Smoke Advisory Group report *Cosy Home Clean Air*.

- Undertake a community survey to assess perceptions and understanding of air quality on health, in partnership with UNE;

- Implement air quality priority actions as detailed in the EcoARC strategy: Install 4 LED screens displaying PM2.5µg.

Research is ongoing as to how this survey could be undertaken using current Council resources, however it is unlikely to be able to be undertaken this financial year.

Initial costings to utilise outside LED screens to display air quality information was undertaken by Council staff and indicative costings for a single outdoor LED screen measuring 1m x 2m or 2m x 1m single-sided is approximately \$35,000 - \$45,000 (Buy LED Screens, Australia). This is not feasible in the current budget environment.

Council is now proposing to install interactive graphic (widget) on Councils website that will extract live data from the on line air quality monitoring from the Department of Planning, Industry and Environment Armidale air quality monitoring station which will provide a direct link to hourly air quality information and (general health advice and recommended actions) colour code category. The website developers cost to produce the widget is estimated to be \$2070 plus GST.

This is expected to be live by the end of May 2021.

In addition the Disaster Dashboard pilot website will include air quality monitoring parameters from the Department of Planning, Industry and Environment Armidale air quality monitoring station and the details of this site will be provided to the community.

5.2. Risk

EcoARC Air speaks to the need to reduce the impact of wood smoke on health and air pollution in Armidale and to achieve National Air Quality Standards.

Council are able to educate and advocate in relation to wood smoke and the items in this report provide information on actions taken in relation to the Operational Plan 2020- 2021.

5.3. Sustainability

EcoARC, Councils 'Green print' strategy for environmental sustainability, was prepared as part of Councils commitment to the Community Strategic Plan 2017 – 2027.

The change in the Action Item from the Operational Plan 2020- 2021 for LED screens to an interactive graphic (widget) onto Councils website, promotes a more cost effective and improved service delivery through innovation and utilisation of existing Council resources.

5.4. Financial

Budget Area:	Sustainability						
Funding Source:	Operational						
Budget Ref: (PN)	Description	Approved Budget	Actual	Committed	Proposed	Total Forecast Expenditure	Remaining Budget
250203	Consultants	Initially \$20,000. Reduced to \$5,000	\$2,070			\$2,070 + GST	\$2,930

The budget for the Operational Plan for 2020 – 2021 funding Air Quality Action items of \$20,000 has been reduced to \$5,000 following assessment of the cost and efficacy of LED screens (and other options) and the identification of cost effective means of utilising existing Council infrastructure.

The ARC website developer's cost to produce the interactive graphic (widget) onto Council's website that will extract live data from the on line air quality monitoring from the Department of Planning, Industry and Environment air quality monitoring station is expected to be \$2070 plus GST.

6. Consultation and Communication

Extensive consultation with ARC staff has been undertaken to determine how to achieve the Air Quality action items from the Operational Plan in the most cost effective and accessible means for the community.

Research with different companies has been undertaken in relation to the utilisation of public LED screens and other cost effective options to convey this information.

7. Conclusion

This report provides an update on projects under the Operational Plan 2020 – 2021 Air Quality Action items as well as information on actions being undertaken by Council staff to seek to improve air quality in Armidale over the winter months. It includes a budget amendment to reflect a more cost effective strategy to provide real time Department of planning data on air quality in Armidale.

Item:	10.5	Ref: AINT/2021/14126
Title:	Malpas Dam Upgrade Assessment Report	Container: ARC18/2622
Responsible Officer	Director Businesses and Services	
Author:	Mark Byrne, Manager Utilities	
Attachments:	1. Malpas dam upgrade options assessment Engineers' brief 2. PWA Malpas upgrade options report April 2021 3. secure yield modelling Oct 2020 (4)	

1. Purpose

To receive reports from NSW Public Works Advisory on Malpas Dam Upgrade Options Assessment; NSW Urban Water Services Armidale Yield Study (Progress Report #4) and the Malpas Dam Upgrade Assessment by Council staff.

The Report recommends Council approve the proposed option to raise the Malpas Dam spillway by 6.49 metres and proceed to commission further design work and Business case.

Request approval to seek funding for preliminary concept design & investigation works from DPIE Safe and Secure Funding Programmed (SSWP) or other appropriate State Government funding source and assign delegation to the General Manager to execute a suitable Deed.

2. OFFICERS' RECOMMENDATION:

That Council:

- a) Note the reports from NSW Public Works Advisory on Malpas Dam Upgrade Options Assessment; NSW Urban Water Services Armidale Yield Study (Progress Report #4) and the Malpas Dam Upgrade Assessment by Council staff.
- b) Seek funding for concept design and investigation works from NSW DPIE Safe and Secure Funding Programme (SSWP) or other suitable funding source.
- c) Assign delegation to the General Manager to approve and execute a grant offer for funding of the concept design and investigation studies.
- d) Adopt the recommendation from Public Works Advisory and Council staff to proceed with the option to raise the Malpas Dam spillway by 6.49metres (plus associated works).
- e) Note the project cost of \$25,723,979 is a high level, preliminary estimate and is subject to further concept design, scoping and investigation.
- f) Note Council should commence the preparation of a Business case for this project including clarity on funding source, impact on Council's financial sustainability, impact on operating costs and affordability (including willingness to pay) for residents and businesses.
- g) Note this option is projected to increase the storage of Malpas Dam from 12.2GL to 27.6GL.
- h) Note upgrading the storage of Malpas Dam to 27.6GL does not meet the projected town water dry year demand for Armidale and Guyra in 30 years in the 1C climate warming scenario. Meeting a secure yield for the LGA will require further options assessment for water supply.

- i) Note that a Request for Quotation will be released in June calling for quotations to develop an Armidale Regional Council Catchment Water Quality Strategic Plan.
- j) This Strategic Plan will encompass a 10 year plan to elevate water quality in Council's storages and improve catchment health to enable higher water quality entering and being stored in Council's storages.
- k) The proposed budget for 2021-2022 for this project is \$100,000.

3. Background

The Armidale LGA was impacted by severe drought conditions in 2019 resulting in nil inflows into storages and the lowest level of water supply in Council's dams since their construction. Level 5 water restriction (the highest level) were in force for a year in Guyra and Armidale. In response, Council is working with DPIE Water to upgrade and expand its water infrastructure to enhance water security in the region as a part of the Integrated Water Cycle Management (IWCM) Strategy which Council is developing in accordance with NSW Government's guidelines. Resolution of the water security issue is the most significant issue of the IWCM strategy and the following are the current undertakings:-

- Feasibility options to increase the water storage capacity of Malpas Dam;
- Investigating different alternative dam sites and pump station sites to supplement existing storages;
- Undertaking Secure Yield studies of Malpas Dam (raising supply levels at different levels) and other sources;
- Securing water access licences for the water bores recently developed in Guyra;
- Developing options to increase water security of the region.

In March 2020 Public Works Advisory were appointed to assist Council in identifying options to upgrade the storage capacity of the dam, taking into account the requirements of Australian National Committee On Large Dams (ANCOLD) and Dams Safety New South Wales. Public Works were asked to provide options and cost estimates to upgrade the dam by raising the water level in Malpas Reservoir by 3.0 and 6.49 metres respectively and identify: -

- The preferred options to achieve the required increase in reservoir water levels from an engineering perspective and
- Any environmental and/or social issues that will need to be addressed.

In addition they were asked to develop a new hydrological computer model and calibrate it both to previous events outlined in the URS 2006 risk assessment study and to the 2011 large flood event. This would provide an estimate of the current probability and magnitude of the dam crest flood and the probable maximum precipitation flood for those dam augmentation options.

At the same time the planning (Water Utilities) section of Public Works Advisory were working on a Secure Yield analysis of the Malpas Reservoir in order to determine the amount of increased capacity needed to meet the Armidale region's water demands for the next 30 years. As an integral part of this process they are also investigating alternative dam sites and sources that could be used to provide the additional water that might not be available from the Malpas Reservoir catchment at the higher levels of future water demand. At least three short listed options will be assessed as a part of IWCM options assessment on the triple bottom line basis of social, environmental and economic considerations.

A Malpas Dam Options Progress Report (NOT25112020SR_50) was endorsed at the November OCM 25/11/2020.

Council is proposing to develop a 10 Year Strategic Plan to improve raw water quality in its storages - Armidale Regional Council Catchment Water Quality Strategic Plan. The aim of the project in 2021/2022 will be to develop a Plan that identifies improving water quality in its storages as an important strategy to protect public health; reduce treatment costs; collaborate with catchment communities and improve the Malpas, Guyra and Puddledock ecosystems. Council's stored water quality is often challenged by Algal blooms that are attributed to a range of factors including excessive nutrients in runoff into the dams. The Plan will identify all factors impacting on water quality and propose strategies to manage the drivers of stored water quality. It will have a focus on collaboration with all stakeholders.

4. Discussion

The Malpas Dam Upgrade Options Report dated March 2021 from Public Works provided an updated analysis of the three options from their interim 2020 report, these were:

- Upgrade with existing Full Storage Level (FSL);
- Upgrade with FSL raised by 3.00 metres and
- Upgrade with FSL raised by 6.49 metres.

Following discussions with Public Works and in line with the recommendation of the secure yield analysis, it was decided that Council should focus on the third option, raising the FSL by 6.49 metres. A detailed analysis by NSW Public Works Advisory has determined that this is the most economic and technically feasible option for increasing the full storage level of Malpas Reservoir.

Whilst this will not provide the full secure yield required over the 30 year time frame it will significantly increase the available stored volume and add sufficient capacity to accept pumped inputs from as yet to be determined catchments.

The preliminary cost estimate for this work is \$25.8million including all ongoing investigation and design costs. However, it should be emphasised that this cost is an initial estimate which includes a 40% contingency as normally recommended at this stage. A more accurate figure will be presented on conclusion of the concept design, currently estimated to be available early in 2022. It should also be noted that this estimate is dependent on the dam break analysis, to be undertaken during the concept design phase, resulting in the dam's consequence category remaining as 'High C'. Malpas Dam is a 'declared' dam under Dams Safety NSW (formerly NSW Dams Safety Committee) guidelines and has been assessed as having both a Flood Consequence Category and a Sunny Day Consequence Category of High C. Should it increase to 'High B' the spillway's capacity would have to be substantially increased at considerable cost.

The estimate does not include the cost of a transfer system (pipe and pumps) to supplement Malpas source.

5. Implications

5.1. Strategic and Policy Implications

This Report aligns with Armidale Regional Council's Community Strategic Plan 2017-2027

Environment and Infrastructure: Community Outcome #3

"Develop a strategy to ensure that water and sewer utilities are maintained to an acceptable standard, and to ensure that the community has access to water supply even in the times of drought."

5.2. Risk

Economic Risk.

- Cost increase as a result of dam classification changed to 'High B' or dam wall needing stabilisation works identified during concept design.
- Council, water customers, community and businesses may be impacted by higher whole of life costs of the new infrastructure (including higher maintenance and depreciation costs).

Social Risk.

- Restricted recreational use of dam during upgrade works.
- Maintaining positive relations with property owners in the Malpas catchment. Including those landowners that may have land acquired in the project.

Operational Risk.

- Inability to extract water from Malpas Dam during construction of the upgrade project.

Reputational Risk.

- Material project variations including scope, cost and time.

Environmental

- The project will impact on the environs of Malpas Dam wall, spillway, Gara River, inundated lands and broader catchment. The environmental impact of the project will have to be carefully assessed.

5.3. Sustainability

The IWCM is a Local Water Utility's (LWU's) resourcing strategy for the provision of appropriate, affordable, cost-effective and sustainable urban water services that meet community needs and protect public health and the environment. A LWU's IWCM Strategy:

- Sets the objectives, performance standards and associated performance indicators for the water & sewer business;
- Identifies the needs and issues based on evidence and sound analysis;
- 'Right sizes' infrastructure;
- Determines the investment priority in consultation with the community and stakeholders; and
- Identifies the 'best value 30-year' IWCM scenario on a triple bottom line (TBL) basis.

Secure Yield as defined by the DPIE guidelines, is the maximum possible average annual demand that can be extracted from the water system with 5% duration of restrictions, 10% frequency of restrictions and 10% severity of restrictions, generally known as the 5/10/10 rule.

5.4. Financial

Budget Area:	Utilities – Water
Funding Source:	a) 2021/2022 Proposed Water Capital + 50% Grant Funding – DPIE Safe and Secure Funding Programme (SSWP) b) 2021/2022

Budget Ref: (PN)	Description	Approved Budget	Actual	Committed	Proposed	Total Forecast Expenditure	Remaining Budget
280750	Capex: Water Security Project	\$500,000 (additional \$500,000 to be funded by SSWP)	Nil	Nil	\$1,000,000	\$1,000,000	Nil
280010	Water Business	\$100,000	Nil	Nil	\$100,000	\$100,000	Nil

There is a proposed budget of \$500,000 in the 2021/2022 Water Capital program for Water Security Project. Council has received an indicative quotation of \$910,000 for preliminary concept design and investigation works. Council staff will seek funding for from DPIE Safe and Secure Funding Programmed (SSWP) and State Government.

The 2021/2022 Budget includes \$100,000 for the proposed Armidale Regional Council Catchment Water Quality Strategic Plan.

6. Consultation and Communication

NSW Public Works in consultation with DPIE Water officers and NSW Urban Water Services have provided the information and options for Council's consideration. Community consultation will be required in the future.

7. Conclusion

The finding of the secure yield assessment is that increasing the Malpas Reservoir water supply level by 6.49 metres at the spillway (increasing storage from 12.2GLs to 27.6GLs) would provide water security under historical climate conditions for the planning period of 30 years from 2018. However, it is not enough to meet the future unrestricted demand under climate change conditions.

The advice from Public Works Advisory is that raising of the Malpas Dam spillway by 6.49 metres is the most cost effective option of increasing storage levels, however supplementary storage will need to be considered.

This report recommends Council approve the option recommended to raise the Malpas Dam spillway by 6.49 metres (plus associated works) and proceeds to commission further design, project and business case analysis.

Item:	10.6	Ref: AINT/2021/15419
Title:	Local Roads and Community Infrastructure Phase 1 - Reallocation of proposed projects	Container: ARC17/2177-6
Responsible Officer	Manager Financial Services	
Author:	Scot MacDonald, Director Businesses and Services	
Attachments:	Nil	

1. Purpose

Council received \$1,429,701 from the Australian Government for Local Roads and Community Infrastructure (LRCI) program (Phase 1) in 2020. This report proposes a reallocation of the funding committed to the Guyra Community Precinct in order to minimise the risk of loss of external funding.

2. OFFICERS' RECOMMENDATION:

That Council:

- a) Apply to the Federal Department of Infrastructure, Transport, Regional Development and Communications to vary its proposed projects in Phase 1 of the Local Roads and Community Infrastructure program and request an extension to complete the projects by the 31 December 2021;
- b) Note the variation proposed is not to proceed with the Guyra Community Precinct project allocation of \$985,000; and
- c) In place of the Guyra Community Precinct, request that funds be reallocated to the 2021/22 renewal program for Council assets including Kerb and Guttering, Footpaths, Urban road reseals, Rural road reseals, Gravel road resheeting, stormwater drainage improvements and Building renewals.

3. Background

Council is reviewing the project scope, design, budget, service delivery model, business case and funding sources for the proposed Guyra Early Childhood Learning Centre. To support this project, it was proposed to complete ancillary works including the car park under the Guyra Community Precinct project and this was to be funded from LRCI Phase 1 funding.

However, the Guyra Early Childhood Learning Centre is not a fully funded project and there is a risk with proceeding with works at this time when the overall project is not fully scoped.

LRCI Phase 1 funding and projects were to be completed and acquitted by the 30 June 2021.

To avoid forgoing this funding, it is recommended that other deliverable projects are proposed.

4. Discussion

At the Ordinary Council meeting of the 28 October 2020, Council resolved 266/20:

- a) Note that the Local Roads and Community Infrastructure Program funding application has been successful in obtaining funding \$1,429,701 for:

- i. Guyra Community Precinct (complimentary to the Guyra Early Learning Childhood Centre Stage 1) \$985,000
 - ii. Central Business District Revitalisation Project \$423,100
 - iii. Council Owned Community Facility Renewal \$6,601
 - iv. Ebor Local Area Committee – Community Initiatives \$15,000
- b) Endorse the work schedule attached for the Central Business District Revitalisation project, which aligns with the adopted Mall Vibrancy Plan 2017 – 2021

The LRCI grant guidelines require the projects be completed by the 30 June 2021. Given the review of the proposed Early Childhood Learning Centre project including the carpark and associated works is ongoing, it is necessary to request a variation proposing alternative projects that can be delivered with an extended deadline of 31 December 2021.

Council has a large backlog of asset renewal including urban and rural roads and buildings. Reallocating the \$985,000 will meet the LRCI guidelines; assist Council address its Infrastructure maintenance backlog and stimulate the local economy.

5. Implications

5.1. Strategic and Policy Implications

Armidale Regional Council's Community Strategic Plan 2017-2027 states:

Environment and Infrastructure: Our infrastructure makes daily life possible, and it is essential that our roads, footpaths, bridges, kerb and gutter and other infrastructure are maintained in a way which enables us to function in an effective and efficient manner as a community.

5.2. Risk

Financial Risk: Council risks losing funding allocated under LRCI Phase 1 if it cannot receive approval from the funding body to vary its proposed projects and extension of expected completion date. This risk will be mitigated by timely request for project and delivery variation.

5.3. Financial

Budget Area:	2021/22 Draft Capital Program						
Funding Source:	Unspent Grants Reserve						
Budget Ref: (PN)	Description	Approved Budget	Actual	Committed	Proposed	Total Forecast Expenditure	Remaining Budget
Capital Program	Capital Renewal Works – Transport & Buildings	\$5,790,738			\$5,790,738	\$5,790,738	\$0

Due to the size of the capital program, Council will still aim to deliver the same level of overall capital renewal work as a result of this proposed amendment that is forecast in the draft 2021/22 budget.

6. Consultation and Communication

On approval from the funding body for a variation of projects, the community will be advised of the revised works plan and their prioritisation (e.g. regulatory compliance projects).

7. Conclusion

Council had proposed \$985,000 to the Guyra Community Precinct project in Phase 1 of the Federal Government's LRCI program. The proposed Early Childhood Learning Centre is undergoing a comprehensive review. As this review is ongoing, it is prudent to identify projects that be delivered in a timely process.

To comply with the LRCI program guidelines it is recommended the funding body be requested to approve a reallocation of works to the renewal of Council's assets focusing on roads and buildings.

Item:	10.7	Ref: AINT/2021/14372
Title:	Policy for Food Vans	Container: ARC16/1132
Responsible Officer	Director Businesses and Services	
Author:	Ambrose Hallman, Manager Development and Regulatory Services	
Attachments:	Nil	

1. Purpose

This report seeks to address the Notice of Motion (152/21) adopted by Council at its Ordinary Council meeting held 28 April 2021.

2. OFFICERS' RECOMMENDATION:

That Council

- a) Note the current legislative framework relating to Food Vans (Mobile Food and Drink Outlets), which permit them opening and operating either without approval in certain circumstances or with approval, subject to owners consent;
- b) Include a fee for the operation of Food Vans (Mobile Food and Drink Outlets) on Council land in the 2021/22 fees and charges;
- c) Undertake community consultation on the introduction of a new fee in the 2021/22 fees and charges; and
- d) Allow its consent as the property owner for the operation of Food Vans (Mobile Food and Drink Outlets) on land that Council owns.

3. Background

At its Ordinary Council Meeting held 28 April 2021, Council resolved the following (Minute No. 152/21):

"That the GM be requested to develop a policy for the deployment of coffee and food vans at various events and locations in the LGA where a need or market is demonstrated and there is no safe and/or practicable fixed outlet for coffee and food of a similar type."

4. Discussion

The operation of a Food Van, also known as Mobile Food and Drink Outlet, has the following three elements Council should consider:

- Legislation;
- Property Ownership; and
- Commercial Competition.

Each of these elements is discussed below:

Legislation:

Food Vans are subject/governed by the following pieces of legislation:

- *Environmental Planning and Assessment Act 1979* (EPA Act);

- *Local Government Act 1993* (LG Act);
- *Roads Act 1993*; and
- *Food Act 2003*.

Environmental Planning and Assessment Act 1979

Mobile food and drink outlets (food vans) are a type of development and as such require development consent to setup and operate.

The EPA Act defines mobile food and drink outlets as:

“the carrying out of the retail sale of food, drinks and related products on land from a mobile outlet such as a food truck, van, cart or other similar vehicle.”

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, specifies the following exemptions for the setup and operation of a mobile food and drink outlets:

2.54A Specified development

The carrying out of the retail sale of food, drinks and related products on land from a mobile outlet such as a food truck, van, cart or other similar vehicle is development specified for this code.

2.54B Development standards

The standards specified for that development are that the development must—

- (a) have the consent of the owner of the land on which the development is carried out or, if a council or public authority has the control and management of the land, the consent, in writing, of the council or public authority, and*
- (b) not restrict any vehicular or pedestrian access to or from the land or entry to any building on the land, and*
- (c) not obstruct the operation of, or access to, any utility services on the land or on adjacent land, and*
- (d) not be located within the canopy of, or result in damage to, any tree growing on the land or on adjacent land, and*
- (e) not result in any damage to public property on the land or on adjacent land, and*
- (f) if carried out on land within or immediately adjacent to a residential zone—only be carried out between 7.00 am and 7.00 pm on any day, and*
- (g) if located on a public place—have any approval required under section 68 of the Local Government Act 1993, and*
- (h) if located on private land—be limited to 1 development on that land and not contravene any conditions of a development consent for any other use carried out on the land.*

Note—

A registrable vehicle within the meaning of the Road Transport (Vehicle Registration) Regulation 2007, or a cart, bicycle cart or the like must operate in accordance with the Guidelines for mobile food vending vehicles (NSW/FA/F1055/1302) published by the NSW Food Authority in February 2013, and any requirements of the Food Act 2003.”

The development must also satisfy the broad exclusions under Clause 1.16

Provided the mobile food and drink outlet can satisfy the above exemptions, a development application is not required in Armidale Regional Local Government Area.

In the event that the mobile food and drink outlet cannot satisfy the above exemptions, the operator can lodge a development application and Council will assess the application on the planning merits.

As such, Council requires no new policy change to facilitate food vans commencing operation on Council land.

Local Government Act 1993 (LG Act);

Section 68 of the Local Government Act requires an activity approval under Parts D1 *“Engage in a trade or business”* and F7 to *“Use a standing vehicle or any article for the purpose of selling any article in a public place”*.

At its Ordinary Council Meeting held 25 September 2019, Council adopted a Local Approvals Policy for Street Trading.

This policy outlines Councils requirement including any exemption for approvals under Section 68 of the Local Government Act 1993.

In particular this policy defines the following two types of Food Van:

- a. *Standing Vehicle - this includes any vehicle, whether registered or not, which is stopped on a public road for the purpose of selling any article.*
- b. *Mobile Vehicle - this includes a registered vehicle on public streets and making brief intermittent stops to sell ice-cream, confectionary etc. These exemptions include the following related to the mobile food and drink outlets (food van)*

This policy outlines the following exemption provisions for mobile food and drink outlets:

- (i) *The operation of the vending vehicle and all ancillary articles must not restrict access along a footway or obstruct vision to other vehicular traffic on the road;*
- (ii) *The vending vehicle shall display a sign requesting patrons not to loiter around the vehicle;*
- (iii) *Litter bins are to be provided for the convenience of customers and rubbish disposed to a licenced facility;*
- (iv) *Wastewater shall be contained within the vehicle for later disposal to the sewerage system;*
- (v) *The vending vehicle shall not operate within 100 metres of a retail food premise open for trading and within 100 metres of any licensed premises;*
- (vi) *The vehicle must be removed from its location within 15 minutes of closure and the area around the vending vehicle must be left in a clean and litter-free state;*

- (vii) *Mobile vehicles are not to use chimes or like devices to attract attention between the hours of 8.00pm and 8.00am or within 90 metres from any hospital, schools during school hours, or churches in service.*

Provided the mobile food and drink outlet can meet the above exemptions, an application under Section 68 is not required. In the event that the mobile food and drink outlet cannot satisfy the above exemptions, a Section 68 application can be submitted and assess on its merits.

Roads Act 1993

Street vending requires the consent of the Roads Authority under Divisions 3 of the Roads Act. There are no exemption provisions for street vending under the Roads Act. Should a mobile food and drink outlet propose to locate within the road reserve, then approval under the Roads Act is required from Council (as the Roads Authority). In the event the mobile food and drink outlet wished to set up on state-controlled road, ie: Marsh Street, the concurrence of the Transport for NSW (TfNSW) is required.

Food Act 2003

The operation of the mobile food and drink outlet is required to comply with the provisions of the Food Act to ensure public health and safety is maintained.

Council requires the registration of mobile food and drink outlet to ensure Council's Environmental Health Officer can undertake regular food shop inspections to ensure public health and safety.

Legislative Summary:

Council's current legislative policy position allows mobile food and drink outlets to be either undertaken as exempt development, or if the proposal can not meet the exemptions, the would-be operator can lodge the necessary application seeking approval.

The current legislative framework would allow a mobile food and drink outlet to set up and operate on the majority of Council owned land.

Property Ownership

A foundation element of NSW legislation is that the property owners' consent has been obtained prior to the activity commencing.

In the past, Council has not provided consent (as the property owner) to allow the operation of mobile food and drink outlets on Council land. This fact has prevented operators of mobile food and drink outlets from being exempt or allow them to lodge a valid application to the Development and Regulatory team to assess.

To facilitate the operation of food and drink outlets on Council property, often all that is required is Council's consent, as the property owner.

There are currently no fees in the Fees and Charges for the operation of food and drink outlets on Council land. These fees would need to be included in the new fees and charges for the 2021/22 year. This will allow wide community consultation with the operators of food shops, mobile food and drink outlets and the general community.

Competitive Competition

Competition is not a planning consideration, however Council as the property owner should be aware of potential competition.

The operation of a mobile food and drink outlet may have less overheads and operational costs when compared to a traditional bricks and mortar retail food and drink outlet. In the past, when a mobile food and drink outlet wished to set up and operate on Council land, Council's Property and Parks Manager has not provided the required consent, possibly so that Council is not seen to provide a competitive advantage compared to other food and drink outlets. As such, no mobile food and drink outlet has been allowed to lodge an application, set up and/or operate from Council owned land.

Council has received some correspondence from an existing shop owners, concerned about the operation of mobile food and drink outlets in Armidale. It is for this reason, this report is recommending a new fee be introduced in the 2021/22 Fees and Charges commencing 1 July 2021, which will facilitate community consultation.

5. Implications

5.1. Strategic and Policy Implications

G4 - Economic development is supported through new initiatives, innovation and additional resources to assist growth of business and industry

G4.3 - Encourage new business investment in the Armidale region.

G4.4 - Support businesses across the region with resources and events.

5.2. Risk

- Economic Risk:

The purpose of the introduction of new fees and charges and subsequent community consultation is to provide the ability for the wider community to comment and attempt to provide an equitable environment for both existing fixed food outlets and mobile food and drink outlets to operate.

- Legislative and Regulatory Risk:

There is considered to be very low legislative risk for Council in the operation of mobile food and drink outlets due to the considerable amount of state legislation covering this activity.

5.3. Sustainability

The introduction of a new fee should assist with Council's financial sustainability however mobile food and drink outlets may have an operational impact on the parks themselves (see financial impact below).

5.4. Financial

Budget Area:	Roads and Parks						
Funding Source:	Operational						
Budget Ref: (PN)	Description	Approved Budget	Actual	Committed	Proposed	Total Forecast Expenditure	Remaining Budget
N/A		Nil	Nil	Nil	Nil	Nil	Nil

No financial implications have been considered for the 2021-2022 Budget as the proposed Fee and Charge will be considered by the public and it is not feasible to estimate the future demand for mobile food and drink vans on Council land.

The introduction of new fees and charges to allow mobile food and drink outlets to operate from Council owned land may have an operational impact as they may result in damage to the park surface, result in rubbish that is required to be cleaned. These factors should be considered in the development of fees and charges for the new financial year.

6. Consultation and Communication

The adoption of new fees and charges for the 2021/22 financial year should be widely exhibited and meaningful consultation undertaken with the stakeholders prior to the new fees and changes being implemented. This should all occur prior to allowing food and drink outlets to operate on Council land.

7. Conclusion

The planning and regulatory policy of Council currently allows the operation of mobile food and drink outlets from Council land.

It is recommended Council introduce a new fee/charge for mobile food and drink outlets and consult with the community for the use of public land for commercial gain in competition with other businesses and that Council, provide its consent as landowner for this activity to occur.

Item:	10.8	Ref: AINT/2021/12503
Title:	Public Exhibition of Events on Public Roads Policy ARC17/1759	Container:
Responsible Officer	Director Businesses and Services	
Author:	Ben Smith, Manager Roads and Parks	
Attachments:	1. Draft POL086 Events on Public Roads	

1. Purpose

The purpose of this report is to place the draft Events on Public Roads Policy (POL086) on public exhibition. This policy outlines Council requirements for events on public roads.

2. OFFICERS' RECOMMENDATION:

That Council:

- a. Endorse the draft Events on Public Roads Policy (POL086) for public exhibition until Monday 28 June 2021.
- b. Recognise the inclusion of the Delegated functions related to the Roads Act 1993 and the requirement for endorsement by the Traffic Advisory Committee and Council.
- c. Receive a further report at the conclusion of the exhibition period.

3. Background

The objective of this policy is to provide guidelines and conditions for all events held on public roads within the Armidale Regional Council LGA.

4. Discussion

- This policy has been updated to include of the Delegated functions related to the Roads Act 1993 and the requirement for endorsement by the Traffic Advisory Committee and Council.
- To replace Armidale Dumaresq Council with Armidale Regional Council and reformatting the document into the new policy format.

5. Implications

5.1. Strategic and Policy Implications

Adoption of this draft policy will support adherence to legislative requirements for Council and provide continued guidance to members of the community.

5.2. Risk

This policy is considered to not present a significant risk to Council or the community. This policy should also assist in reducing Council potential public liability

5.3. Sustainability

No sustainability implications are evident with the adoption of this Policy.

5.4. Financial

Budget Area:	Roads and Parks						
Funding Source:	Nil						
Budget Ref: (PN)	Description	Approved Budget	Actual	Committed	Proposed	Total Forecast Expenditure	Remaining Budget
	Nil	Nil	Nil	Nil	Nil	Nil	Nil

6. Consultation and Communication

The policy will be placed on public exhibition for a period not less than 28 days, seeking input from the community.

7. Conclusion

The public exhibition of this policy will invite community input into the revision of the existing policy. Once the exhibition period is finished a further report will be submitted to Council.

Item:	10.9	Ref: AINT/2021/12504
Title:	Public Exhibition of Mall Market Operations Policy ARC17/1772	Container:
Responsible Officer	Director Businesses and Services	
Author:	Ben Smith, Manager Roads and Parks	
Attachments:	1. Draft POL078 Mall Market Operations Policy	

1. Purpose

The purpose of this report is to place the draft Mall Market Operations Policy (POL078) on public exhibition. This policy outlines Council's requirements for the operation of the monthly Beardy Street Mall markets.

2. OFFICERS' RECOMMENDATION:

That Council:

- a. Endorse the draft Mall Market Operations Policy (POL078) for public exhibition until Monday 28 June 2021.
- b. Receive a further report at the conclusion of the exhibition period.

3. Background

This policy was developed to provide guidance to the community, stallholders and the licensee concerning the monthly markets in the Beardy Street Mall.

The objectives of this policy are to:

1. Outline Council's policy position on the operation of Markets in the Mall;
2. Outline the requirements and responsibilities of Stallholders and the Licensee.

4. Discussion

This policy has been updated to replace Armidale Dumaresq Council with Armidale Regional Council and reformatting the document into the new policy format.

5. Implications

5.1. Strategic and Policy Implications

Adoption of this draft policy will support adherence to legislative requirements for Council and provide continued guidance to members of the community.

5.2. Risk

This policy is considered to not present a significant risk to Council or the community. This policy should also assist in reducing Council's potential public liability.

5.3. Sustainability

No sustainability implications are evident with the adoption of this Policy.

5.4. Financial

Budget Area:	Roads and Parks						
Funding Source:	Nil						
Budget Ref: (PN)	Description	Approved Budget	Actual	Committed	Proposed	Total Forecast Expenditure	Remaining Budget
	Nil	Nil	Nil	Nil	Nil	Nil	Nil

6. Consultation and Communication

The policy will be placed on Public Exhibition for a period not less than 28 days, seeking input from the community.

7. Conclusion

The public exhibition of this policy will invite community input into the revision of the existing policy. Once the exhibition period is finished a further report will be submitted to Council.

Item:	10.10	Ref: AINT/2021/12506
Title:	Public Exhibition of Grazing Permits on Road Reserves Policy	Container: ARC17/1762
Responsible Officer	Director Businesses and Services	
Author:	Ben Smith, Manager Roads and Parks	
Attachments:	1. Draft POL094 Grazing Permits On Road Reserves	

1. Purpose

The purpose of this report is to place the draft Grazing Permits on Road Reserves Policy (POL094) on public exhibition. This policy outlines Council requirements for events on public roads.

2. OFFICERS' RECOMMENDATION:

That Council:

- a. Endorse the draft Grazing Permits on Road Reserves Policy (POL094) for public exhibition until Monday 28 June 2021.
- b. Receive a further report at the conclusion of the exhibition period.

3. Background

The objectives of this policy is to detail the conditions Council, as the Roads Authority, requires on any grazing permit issued by Local Lands Services (LLS) for the grazing of road reserves. Local Lands Services are responsible for issuing road side grazing permits and this policy facilitates a more efficient process as LLS permits can be issued subject to the requirements of this policy.

4. Discussion

This policy has been updated to replace Armidale Dumaresq Council with Armidale Regional Council and reformat the document into the new policy format.

5. Implications

5.1. Strategic and Policy Implications

Adoption of this draft policy will support adherence to legislative requirements for Council and provide continued guidance to members of the community.

5.2. Risk

This policy is considered to not present a significant risk to Council or the community. This policy should also assist in reducing Council potential public liability.

5.3. Sustainability

No sustainability implications are evident with the adoption of this Policy.

5.4. Financial

Budget Area:	Roads and Parks						
Funding Source:	Nil						
Budget Ref: (PN)	Description	Approved Budget	Actual	Committed	Proposed	Total Forecast Expenditure	Remaining Budget
	Nil	Nil	Nil	Nil	Nil	Nil	Nil

6. Consultation and Communication

The policy will be placed on Public Exhibition for a period not less than 28 days, seeking input from the community.

7. Conclusion

The public exhibition of this policy will invite community input into the revision of the existing policy. Once the exhibition period is finished a further report will be submitted to Council.

Item:	10.11	Ref: AINT/2021/13532
Title:	Public Exhibition of road closure of Mills Road ARC17/2196	Container:
Responsible Officer	Director Businesses and Services	
Author:	Ambrose Hallman, Manager Development and Regulatory Services	
Attachments:	Nil	

1. Purpose

This report seeks to place the proposed closure of the intersection of Mills Road and the New England Highway and diverting Mills Road to connect via the new Airport Roundabout on public exhibition.

2. OFFICERS' RECOMMENDATION:

That Council:

- a) Place the closure of the Mills Road connection point to the New England Highway and subsequent diversion to connect Mills Road to the eastern leg of the new airport roundabout on public exhibition for a minimum of 28 days.
- b) Formally advise the Transport for NSW of this closure seeking their agreement.
- c) Refer the road closure to the Local Traffic Committee for comments.

3. Background

At its Ordinary Council Meeting held 27 February 2019 Council resolved (Minute No. 17/19):

"c) That Council enter into a Voluntary Planning Agreement (VPA) (amended as detailed in this report) for the contribution towards the roundabout currently under construction, closure and reconnection of Mills and Kia Ora Roads through the new roundabout, NBN extension, Embellishment of Open Space, Bio Banking Offsets for the land the subject of the Planning Proposal No 7 opposite the Armidale Regional Airport."

On 20 June 2019, the Planning Agreement between Council and the Developer (Peter Maguire and Sorenta Pty Ltd) was signed requiring the closure of the intersection of Mills Road and New England Highway and reconnecting Mills Road to the New England Highway via the new airport roundabout.

On 12 July 2019, Planning Proposal No.7 was gazetted which included a Planning Agreement containing the requirement to close Mills and Kia Ora Roads. These closures were a requirement of Transport for NSW (TfNSW) to improve public safety along the New England Highway by redirecting Mills and Kia Ora Roads to connect via the airport roundabout.

On 8 October 2019, Council granted development consent for an 84 Lot industrial subdivision, including a design to close Mills Road New England Highway intersection and reconnection via the airport roundabout. Construction of the subdivision has commenced and progressing with an estimated completion of the first stage being September 2021.

The closure of the Mills Road intersection could not occur in 2019, because the connecting road to the New England Highway was not built. As the new connection road is being constructed as part of the Stage 1 subdivision work, Mills Road can now be closed.

4. Discussion

To facilitate the requirement of the Planning Agreement and road closure, Council is required to follow the road closure process as defined under the Part 4 of the Roads Act 1993. Part 4 that contains the following section heading:

38A When council may close council public road

38B Notification of proposal to close council public road

38C Public submissions and formal objections

38D Decision of proposal

38E Effect of notice of closure

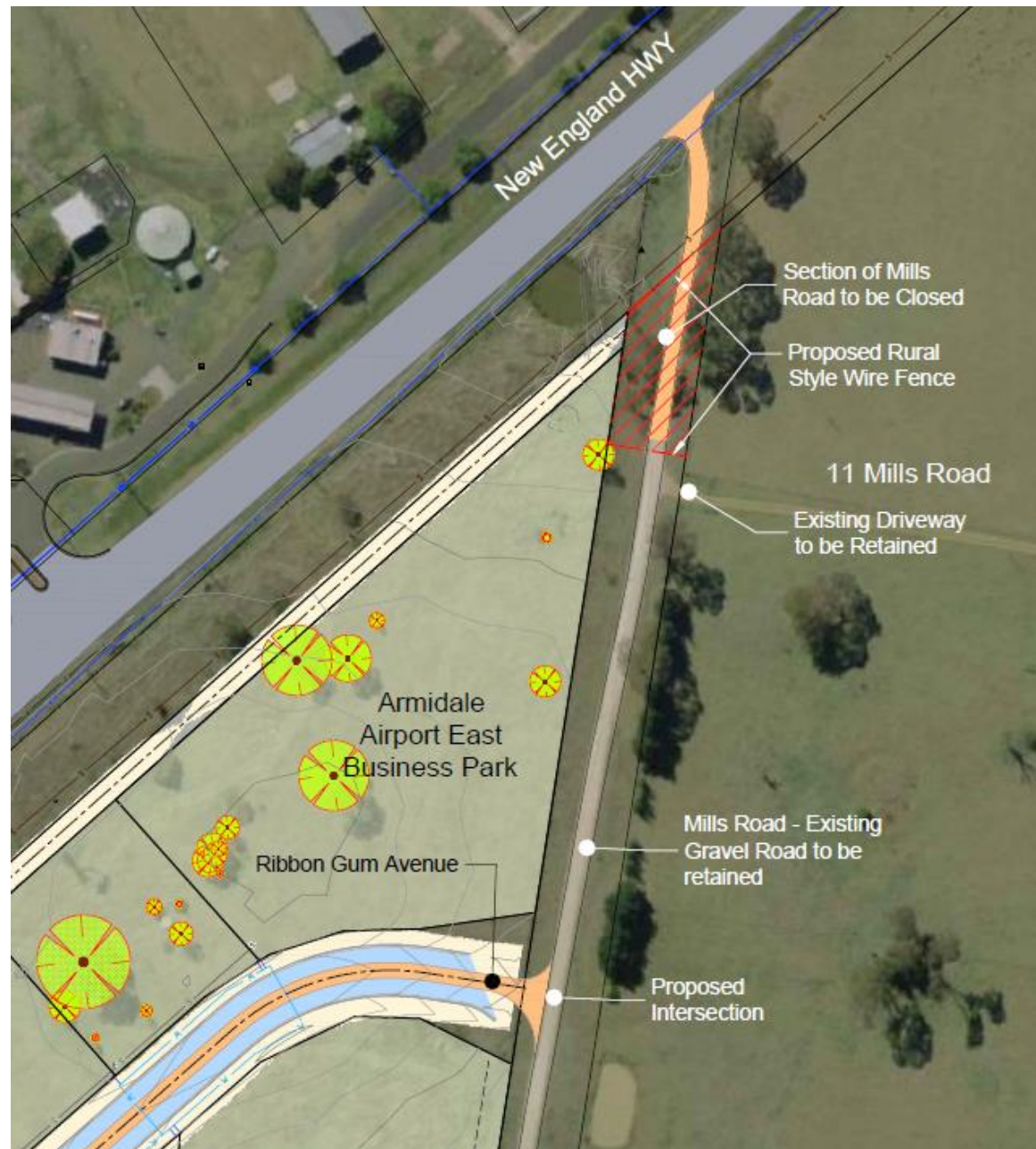
38F Appeals to Land and Environment Court against closure decision

The closure of Mills Road is considered to satisfy Section 38A which states:

“A council may propose the closure of a council public road for which it is the roads authority if—

- (a) the road is not reasonably required as a road for public use (whether for present or future needs), and*
- (b) the road is not required to provide continuity for an existing road network, and*
- (c) if the road provides a means of vehicular access to particular land, another public road provides lawful and reasonably practicable vehicular access to that land.”*

Mills Road is a public road and Council is the roads authority. The road intersection with the New England Highway is not reasonably required for public use once Mills Road is redirected to connect with the airport roundabout. This would also satisfy the requirement of the Planning Agreement. A plan showing the proposed closure and redirection is shown below.



5. Implications

5.1. Strategic and Policy Implications

The adoption of the recommendation within this report should contribute to the following elements of the Integrated Planning and Reporting Framework.

- E4 - The community has access to transport which enables connectivity both locally and outside of the region.
- E4.1 - Maintain safe and effective traffic facilities on the road network, through appropriate resourcing, including applying for a Special Rate Variation to maintain and renew roads and bridges to expected service levels.

5.2. Risk

TfNSW requested the closure of Mills Road as part of the first stage of the industrial subdivision, during the consultation on the rezoning of the land from RU4 to IN2 (Planning Proposal No. 7). This closure was included in the Planning Agreement for the rezoning and subsequent industrial subdivision. The reason underpinning this requirement from TfNSW is to reduce the number of road intersections along major highway to potentially reduce traffic conflicts and accidents.

The risk of not closing Mills Roads is that the legal planning agreement between Council and the Developer would not be fulfilled. This may result in a legal challenge if the planning agreement is not implemented or require an amendment to the planning agreement. An amendment to the Planning Agreement requires the agreement of the developer and would need to follow the process defined under the Environmental Planning and Assessment Act 1979.

5.3. Sustainability

This road closure is not considered to have any major impact from a sustainability perspective.

5.4. Financial

Budget Area:	Development and Regulatory						
Funding Source:	Operational						
Budget Ref: (PN)	Description	Approved Budget	Actual	Committed	Proposed	Total Forecast Expenditure	Remaining Budget
250100	Advertising	500	0	0	200	200	300

The road closure will need to be notified to adjoining land owners and advertised. The physical road closure works are the financial responsibility of the developer under the Planning Agreement.

6. Consultation and Communication

The Planning Proposal including the accompanying Planning Agreement were publicly exhibited from 15 November 2018 to 14 December 2018 and referred to the Office of Environment and Heritage (OEH) and TfNSW. Four submissions were received - one from each government agency and two from members of the public.

At its Ordinary Council held 27 February 2019 Council considered the submissions including the following:

- The closure of Mills Road and its rerouting through and industrial estate.
Comment:
This matter is a requirement of Transport for NSW and integral to the operation of the roundabout currently under construction.

The process of closing a road requires further public consultation with the community. In addition, further consultation will be required with TfNSW as the road closure will require work to be undertaken within the New England Highway road reserve.

7. Conclusion

Given the first stage of the industrial subdivision is nearing completion it is timely to commence the formal process to close Mills Road connection with the New England Highway and redirect Mills Road to connect with the airport roundabout.

Item:	10.12	Ref: AINT/2021/13555
Title:	Public Exhibition of Planning Proposal (LEP Amendments) Policy Container: ARC17/1882	
Responsible Officer	Director Businesses and Services	
Author:	Shili Wang, Strategic Planner	
Attachments:	1. Draft POL 231 - Regulatory - Fees for Planning Proposal (LEP Amendments)	

1. Purpose

The purpose of this report is to place the Fees for Planning Proposal (LEP Amendment) – POL 231 on public exhibition. This existing policy governs any Planning Proposal in the Local Government Area, and has been updated to reference relevant legislation.

2. OFFICERS' RECOMMENDATION:

That Council:

- a. Endorse the Draft POL231 Planning Proposals (LEP Amendments) for public exhibition until 25 June 2021; and
- b. Receive a further report at the conclusion of the exhibition period.

3. Background

The NSW Department of Planning does provide for the amendment of a Council's Local Environment Plan (LEP). This policy revision clarifies that any proposal to amend the LEP incurs expenses that are the responsibility of the proponent. These costs will include internal expenses incurred by Armidale Regional Council.

4. Discussion

This policy has been updated to replace Armidale Dumaresq Council with Armidale Regional Council, to remove additional notes in Table 1 regarding additional time recording for planning proposal and to reformat the document into Council's new policy template.

5. Implications

5.1. Strategic and Policy Implications

The proposed Policy aligns with Community Strategic Plan 2017-2027

Leadership for the region: Community Outcome 2

"Financial sustainability is maintained through effective short and long term financial management."

This policy will amend the existing policy to ensure relevant reference to legislation is current and will contribute to sound governance across Council.

5.2. Risk

The policy will contribute to the reduction of risk and will form part of Council's efforts to reduce and manage the implication associated with risk.

5.3. Sustainability

No identified sustainability implications are associated with this policy.

5.4. Financial

Budget Area:	Strategic Planning						
Funding Source:	Operational						
Budget Ref: (PN)	Description	Approved Budget	Actual	Committed	Proposed	Total Forecast Expenditure	Remaining Budget
	Strategic Planning		Nil	Nil	Nil	Nil	Nil

No identified financial implications are associated with this revised policy.

6. Consultation and Communication

The Planning Proposal Policy will be placed on public exhibition for a period of 28 days from 28 May 2021 to 25 June 2021. A Council report will be prepared to address any submissions received from the community.

7. Conclusion

The intent of the Planning Proposal Policy (LEP amendments) is to enhance Council's level of openness and transparency. The Policy clarifies any expenses associated with a change in Council's LEP is the responsibility of the proponent.

The public exhibition of this policy will invite community input into the revision of the existing policy.

Item:	10.13	Ref: AINT/2021/14127
Title:	Public Exhibition of Water Supply Policy	Container: ARC18/2622
Responsible Officer	Director Businesses and Services	
Author:	Mark Byrne, Manager Utilities	
Attachments:	1. Draft Water Supply Policy - May 2021	

1. Purpose

The purpose of this report is to place the Draft Water Supply Policy on public exhibition. This policy outlines the Council's responsibilities for management of Town Water Supply in a safe and secure manner.

2. OFFICERS' RECOMMENDATION:

That Council:

- a. Endorse the draft Water Supply Policy for public exhibition until Monday 28 June 2021.
- b. Receive a further report at the end of the exhibition period.

3. Background

Armidale Regional Council is the Local Water Utility (LWU) for the Armidale Regional Council Local Government Area. As the LWU, Council's primary objectives is to provide water supply services which comply with the levels of service required by customers in a safe, sustainable, cost-efficient, environmentally sustainable manner and which meets all statutory requirements.

4. Discussion

The revised policy reflects the integration of Guyra and Armidale town water supply operations.

The focus of the policy is adherence to NSW Government Public Health regulations and Australian Drinking Water Guidelines. Provision of safe and secure potable water is one of Council's primary responsibilities. This service requires a high level of regulatory accountability from staff and elected Councillors; skilled and qualified staff; adequate operational resources and capacity to equitably fund, plan and deliver fit for the future water infrastructure.

5. Implications

5.1. Strategic and Policy Implications

This Policy aligns with the Community Strategic Plan 2017-2027.

Environment and Infrastructure: Community Outcome #3

"Develop a strategy to ensure that water and sewer utilities are maintained to an acceptable standard, and to ensure that the community has access to a water supply even in times of drought."

Note: Fees and Charges are contained in the Revenue Policy.

This policy provides general information and does not take precedent over Water Services Association Australia (WSAA) Water Supply Code WSA 03-2011 and Council's supplementary Engineering Design & Construction Code Specification Code D11.

This Policy complements Council's Engineering Code D11.

5.2. Risk

Public Health – The public can be at risk if there are failures in operations, infrastructure integrity and governance. The risk arises from failures in the treatment process and can lead to the despatch of water into the potable network that is a danger to human health. Managing these risks requires effective policies and management processes. The risks can be identified and mitigated with skilled, qualified staff; training and accountability from staff and elected Councillors; financial management that enables effective operations and fit for the future infrastructure.

Regulatory – Licence breaches can lead to significant penalties that could impact on Council's budget. This risk is mitigated with comprehensive training, accountability from staff and elected Councillors and the water business unity that is resourced to operate efficiently with suitable infrastructure.

Financial – Council is exposed to disruptions from drought and consequent reduced water supply; higher operational costs and reduced water revenue. A key risk is to not generate sufficient revenue to meet operational needs, future capital works and emergency costs. The risk is mitigate with sustainable financial management including cost control; adequate fees and revenue generation; maintaining adequate water fund reserves; and planning infrastructure that can service future demand.

Environmental – The water network and infrastructure are distributed across the LGA. Operational and infrastructure failure could have a significant impact on the environment. This risk is managed with sound operational processes; trained staff; supportive communities to report emerging issues; assets and infrastructure that are managed, assessed and renewed.

5.3. Sustainability

Council is committed to supplying high quality drinking water which consistently meets or exceeds the Australian Drinking Water Guidelines 2011 (ADWG), our customer's expectations and regulatory requirements.

5.4. Financial

Budget Area:	Water						
Funding Source:	Water Fund						
Budget Ref: (PN)	Description	Approved Budget	Actual	Committed	Proposed	Total Forecast Expenditure	Remaining Budget
Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil

The Water Access Charge is a fixed annual fee levied as a quarterly amount for each connection to the reticulated water supply. It is charged in advance. All residential properties are levied an Access Charge.

All properties that have a frontage to a water main, and to which a water service can be provided, will be levied the water supply 'Access Charge', including Vacant land regardless of whether the property is connected or not. It accounts for the ability to access and draw from the water supply network.

6. Consultation and Communication

The policy will be placed on Public Exhibition for a period not less than 28 days, seeking input from the community.

7. Conclusion

The public exhibition of this policy will invite community input into the revision of the existing policy. Once the exhibition period is finished a further report will be submitted to Council.

Item:	10.14	Ref: AINT/2021/14568
Title:	Public Exhibition of Draft Reduction of Water Consumption Charges Due to Undetectable Leakage Policy	Container: ARC16/0350
Responsible Officer	Director Businesses and Services	
Author:	Mark Byrne, Manager Utilities	
Attachments:	1. DRAFT - Reduction of Water Consumption Charges Due to Undetectable Leakage - May 2021	

1. Purpose

The purpose of this report is to place the draft Reduction of Water Consumption Charges Due to Undetectable Leakage Policy on public exhibition. This policy outlines the Council's responsibilities for managing (on a case by case basis) claims from water customers that their water account is abnormally high due to a leak in their internal pipework that went undetected.

2. OFFICERS' RECOMMENDATION:

That Council:

- a. Endorse the draft Reduction of Water Consumption Charges Due to Undetectable Leakage Policy for public exhibition until Monday 28 June 2021.
- b. Receive a further report at the end of the exhibition period.

3. Background

This Policy provides capacity for adjustment of water charges in circumstances where excess water consumption is recorded and Council staff accept there are exceptional circumstances that warrant a partial or full waiver.

4. Discussion

Once water has passed through any water meter it becomes the responsibility of the person to whom the property is rated.

This policy applies to all metered water supply services provided by Council to properties within Armidale Regional Council. It provides for a reduction of water consumption charges on the property in the event of an undetectable leak in the property water supply service.

This policy applies only to the leakage of water for which the person(s) to whom the property is rated would have been charged. It therefore applies only to water lost once it has passed through the water meter provided by Council.

5. Implications

5.1. Strategic and Policy Implications

CSP Fiscal Responsibility – L2.4 – Manage operations to ensure delivery of value for money services for our community and customers

Infrastructure – E3.2 – Supply water and waste water services to meet the community needs in Armidale and Guyra, as well as environmentally appropriate impoundment, distribution and disposal infrastructure

Fees and Charges are contained in the Revenue Policy.

5.2. Risk

Financial Risk: The waiver of a Council Fee or Charge is a reduction of revenue to provide for goods or services supplied by Council. Any reduction of a charge undermines Council's budget and ability to provide services. Generally a waiver of a charge requires a higher burden on other ratepayers or reduction of services. A fee or charge waiver should only be granted in exceptional circumstances. Financial hardship is not a criteria that qualifies as exceptional circumstances. Refer to Council's Hardship Policy for those circumstances.

This risk will be mitigated by clear Policy intent that the provision of full or partial waiver is only to be provided in exceptional circumstances relating to the customer's private water infrastructure. Financial hardship is not an exceptional circumstance. A customer requesting a reduction in a water charge for hardship reasons should apply under the Hardship Policy and those guidelines.

5.3. Sustainability

Support, where practical, government policy objectives in relation to regional development, employment, public health and welfare.

Council is committed to supplying high quality drinking water which consistently meets or exceeds the Australian Drinking Water Guidelines 2011 (ADWG), our customer's expectations and regulatory requirements.

5.4. Financial

Budget Area:	Utilities - Water						
Funding Source:	Water Fund						
Budget Ref: (PN)	Description	Approved Budget	Actual	Committed	Proposed	Total Forecast Expenditure	Remaining Budget
Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil

It is not feasible to estimate Council's exposure to unplanned and undetectable leaks on private property. The resident will be requested to pay the normal historical bill amount for that period. It is not possible to forecast future claims for waivers.

Usage charge (\$/kL) recovers those costs that vary with demand in the long-term (ie. long-run marginal cost), through a usage charge. These costs should include licence and extraction fees from external regulatory agencies and should reflect the indirect costs (ie. externalities) associated with these demands. Residential Usage charge must be set to recover at least 75% of residential revenue.

6. Consultation and Communication

The policy will be placed on Public Exhibition for a period not less than 28 days, seeking input from the community.

7. Conclusion

The public exhibition of this policy will invite community input into the revision of the existing policy. Once the exhibition period is finished a further report will be submitted to Council.

Item:	10.15	Ref: AINT/2021/13309
Title:	Public Exhibition of Urban Watercourse Revegetation Policy	Container: ARC17/1797
Responsible Officer	Director Businesses and Services	
Author:	Richard Single, Project Officer	
Attachments:	1. Urban Watercourse Revegetation Policy POL204 final	

1. Purpose

The purpose of this report is to endorse the reviewed and updated Urban Watercourse Revegetation POL204 and to place the Policy on public display.

2. OFFICERS' RECOMMENDATION:

That Council :

- a) Endorse the reviewed Urban Watercourse Revegetation Policy (POL204) for public exhibition until Monday 28th June 2021.
- b) Receive a further report at the conclusion of the exhibition period.

3. Background

The Urban Watercourse Revegetation Policy was initially adopted by Council on the 23rd of March 2009. This policy is largely operational in nature and lacked an overarching approach to urban watercourse management.

The purpose of the reviewed policy is to provide a consistent, environmentally responsible approach to revegetation within the riparian corridor of the urban reaches of Dumaresq Creek and other urban streams within the LGA. The policy ensures compliance with current regulatory requirements associated with land and water management. The reviewed policy states that revegetation projects are to be undertaken in accordance with Council's revegetation guidelines. The existing 'Guidelines for the Urban Reaches of Dumaresq Creek' were previously adopted as POL204 and now serves as the principle guiding operational document for urban watercourse revegetation work under the policy. The guidelines document will be updated in due course to ensure relevance with all urban streams within the LGA.

This policy (POL204) now provides the overall policy stance that will apply to all Council owned and managed urban watercourses across the LGA.

4. Discussion

The key policy wording and provisions previously incorporated into the 'Revegetation Guidelines for the Urban Reaches of Dumaresq Creek' have been removed from the guidelines to form the Urban Watercourse Revegetation Policy POL204. In addition, references to Armidale Dumaresq Council have been replaced with Armidale Regional Council and the policy wording reformatted into the new format.

The intent of the previously adopted Revegetation Guidelines for the Urban Reaches of Dumaresq Creek was not altered during the review process.

The existing policy was reviewed and updated to ensure:

- The policy includes Guyra and villages within the LGA.
- The document wording and layout improved readability and that it was easier to access required information.
- Revegetation work complies with the 'Guidelines for the Revegetation of the Urban Reaches of Dumaresq Creek' (previously adopted as policy 204).
- Revegetation efforts improve riparian habitat.
- A consistent approach to vegetation maintenance and management is maintained.
- Environmental values integrate with surrounding aesthetic and scenic values.
- The integrity of adjacent land use is maintained for both passive and active recreation.
- The opportunities for vandalism and other unsocial behaviour are minimised through safety by design and other considerations.
- Community involvement in revegetation work, and to support volunteer groups.
- Revegetation works are well coordinated and undertaken at approved locations.

5. Implications

5.1. Strategic and Policy Implications

The Urban Watercourse Revegetation Policy links to the Community Strategic Plan 2017-2027: Environment and Infrastructure.

E1: Ensuring that the unique climate, landscape and environment of the region is protected, preserved and made accessible.

E1.1 Maintain and improve local waterways, lagoons and creek lands in partnership with community groups and other agencies.

E1.4 Protect and enhance the natural environment to promote and support biodiversity.

E3.3 Regular review of open space related Asset Management Plans to ensure parks, sportsgrounds, water recreation facilities and other open space meets community needs and is provided to an acceptable level of service and accessibility standards.

5.2. Risk

The Urban Watercourse Revegetation Policy ensures compliance with current legislation and provides clear principles of action that minimises risk.

Legislative risk:

The policy refers to the existing guidelines that are consistent with current legislation.

Social Risk:

Addresses the need to maintain and integrate works with existing or planned adjacent land use.

Reputational Risk:

Demonstrates Council's commitment to the improvement of the urban environment in line with community expectations.

Economic risk:

Encourages community driven and funded projects, reducing costs to Council.

5.3. Sustainability

The Urban Watercourse Revegetation Policy addresses sustainability:

- Aligns with the principles of Urban forest management for waterways.
- By the responsible interaction with the environment to avoid degradation of water resources and protection of surrounding land (erosion control).
- Builds upon and improves habitat for the regions unique flora and Fauna.
- Contributes to long-term environmental water quality within the catchment.
- Meets legislative and regulatory requirements.

5.4. Financial

The adoption of this policy does not require an increase in the current budget.

Budget Area:	NIL						
Funding Source:	NIL						
Budget Ref: (PN)	Description	Approved Budget	Actual	Committed	Proposed	Total Forecast Expenditure	Remaining Budget
Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil

6. Consultation and Communication

Community consultation was undertaken in association with the policy in 2009. The current review will be placed on public exhibition.

7. Conclusion

The Urban Watercourse Revegetation Policy is a key Policy within Armidale Regional Council's, Public and Town Spaces portfolio. In tandem with the existing and soon to be expanded guidelines, the policy demonstrates Council's environmentally responsible commitment to managing watercourses within the urban environment in accordance with relevant legislation, best practice and community expectations.

The policy ensures relevance with Councils strategic planning and now applies across the Regional Council LGA.

Item:	10.16	Ref: AINT/2021/14214
Title:	Public Exhibition - Aquatic Centres Patron Code of Conduct Container: ARC17/1793	
Responsible Officer	Director Businesses and Services	
Author:	Richard Morsley, Coordinator Public and Town Spaces	
Attachments:	1. POL135 Aquatic Centres Patron Code of Conduct 2021 review	

1. Purpose

The purpose of the policy is clarify safety issues and the expected behaviour standards of patrons at Armidale Regional Council's aquatic centres.

2. OFFICERS' RECOMMENDATION:

That Council

- a. Endorse the draft Aquatic Centres patron Code of Conduct Policy (POL135) for public exhibition until Monday 28 June 2021.
- b. Receive a further report at the conclusion of the exhibition period.

3. Background

The Aquatic Centres Patron Code of Conduct Policy was first adopted in 2004 following the development of the Monckton Aquatic Centre Operational Procedures in consultation with Royal Life Saving Society NSW, who recommended that this policy be developed and adopted.

The policy was reviewed regularly, endorsed by Council and placed on public exhibition at each review until 2012.

4. Discussion

Guidelines and rules for patrons are displayed at the each aquatic Centre, however Council's adoption of these requirements as Policy assists with enforcement and is consistent with Royal Life Saving Society NSW' Risk Management Guidelines.

Council's intent and commitment is to provide an open, welcoming and safe environment for all patrons who visit our aquatic centres.

The main objectives of this policy are to:

1. Implement recommendations from the Royal Life Saving Society Risk Management Audit in relation to safety requirements by patrons attending Council's Aquatic Centres.
2. Outline Council's requirements for patrons using the Aquatic Centres, in particular regarding the supervision of children and appropriate patron behaviour when using the facility.

This policy has been updated to include the following sections:

- Health and hygiene
- Photography
- Maintain physical boundaries

In addition the following wording has been included under the heading Monckton Aquatic Centre Patron Code of Conduct

Everyone attending Armidale Regional Council Aquatic Centres (including staff, trainees, students, children, parents and visitors) must be aware and abide by the following code of conduct.

- Respect the rights and dignity of others
- Be a positive role model to all children
- Promote and deliver quality, safe and enjoyable aquatic activities
- Maintain a duty of care towards others and be accountable for your action

5. Implications

5.1. Strategic and Policy Implications

The policy links to E3 of the Community Strategic Plan where

‘The community is provided with the essential and resilient infrastructure it requires for daily life.’

E3.3 - Regular review of open spaces to ensure parks, sportsgrounds, water recreation facilities and other open space meet community needs and are provided to an acceptable level of service and accessibility

Adoption of this draft policy will support adherence to legislative requirements and provide continued guidance to members of the community.

This policy is allied to the current 2020 Operations Manuals for the Armidale and Guyra aquatic centres approved by Royal Life Saving NSW. (AINT/2020/32922 and AINT/2020/32924)

5.2. Risk

This policy is considered to not present a significant risk to Council or the community.

The policy enforces risk management and safety requirements that addresses potential liability for Council in those areas. Breaches of the code of conduct are policed and addressed on site with those affected and reported via incident reporting procedures.

The CCTV network at the Monckton Aquatic centre can provide evidence for police in the event of reported incidents unseen by pool staff.

5.3. Sustainability

No sustainability implications are evident with the adoption of this Policy.

5.4. Financial

Budget Area:	Nil						
Funding Source:	Nil						
Budget Ref: (PN)	Description	Approved Budget	Actual	Committed	Proposed	Total Forecast Expenditure	Remaining Budget
Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil

6. Consultation and Communication

The policy will be placed on Public Exhibition for a period not less than 28 days, seeking input from the community.

7. Conclusion

The Aquatic Centres Patron Code of Conduct Policy outlines Council's intent and commitment to provide an open, welcoming and safe environment for all patrons who visit our aquatic centres.

The policy clarifies safety issues and the expected behaviour standards of patrons at Armidale Regional Council's aquatic centres.

The public exhibition of this policy will invite community input into the revision of the existing policy. Once the exhibition period has concluded a further report will be submitted to Council.

Item:	10.17	Ref: AINT/2021/11528
Title:	Gates and Stock Grids on Council Roads - For Adoption (Post Public Exhibition)	Container: ARC16/0652
Responsible Officer	Director Businesses and Services	
Author:	Sharn Woolnough, Project Officer	
Attachments:	1. Stock grids and gates on public roads - GHD public consultation Meeting Notes 2. Gates and Stock Grids on Public Roads - POL087 - v6	

1. Purpose

To seek Council endorsement of Gate and Stock Grid Policy and associated transition to implementation. This policy harmonises the grid and gate policy across the Armidale Regional Council local government area. The intent of the policy is to align the expense and responsibility of grids and gates with the primary and private beneficiary of the assets which is the landowner. The grids and gates are installed on public infrastructure.

2. OFFICERS' RECOMMENDATION:

That Council;

- a. Adopt the revised Gates and Stock Grids on Council Roads Policy to come into effect 1st July 2021 for all grids and gates on Council roads.
- b. Permit a period of no more than 12 months for council staff to determine ownership of existing grids and gates on Council roads where ownership is uncertain. At the end of that period, Council may remove a grid or gate where ownership has not been clarified.
- c. Permit a transition period of 12 months from the 1st July 2021 for existing grid and gate owners to upgrade, repair, remove or replace non-compliant grids and bring them into compliance with the updated policy POL087. All associated costs are the responsibility of the grid or gate owner.

3. Background

In the former Guyra Shire Council, there were 80 stock grids on public roads, and the property owner was responsible for installation and maintenance of the grid and associated signs plus maintenance of the road for a distance of 20 metres on both sides of the grid.

In the former Armidale Dumaresq Council, there were 205 stock grids on public roads and the owner was required to pay for the installation of a grid, but Armidale Dumaresq Council was responsible for maintenance of the road and the grid. Where grids were found to be no longer required, they were removed from the road by Council, and in some cases given to the landowner if they wanted to reuse them on their own land.

Cattle grid policies at other rural councils have been reviewed and discussed with the relevant Shire Engineers, including Walcha, Mid-Western, Inverell, Tamworth, and Uralla Councils

Council is required to harmonise the former Guyra Shire LGA and Armidale Dumaresq LGA policies and provide a consistent policy for the responsibility and maintenance of grids for the

Armidale Regional Council LGA. Council staff arranged consultation with the Armidale and Guyra branches of the NSW Farmers Association that was undertaken by GHD. A draft policy was prepared and there was an extended public consultation period of the draft policy between 10th Dec 2020 and 1st March 2021.

4. Discussion

The attached policy outlines the requirements for installation and management of stock grids on Council maintained public roads. It proposes that the land owner be responsible for the cost of installation of a new cattle grid or gate if approved, and for maintenance of the grid and associated fences and gates, signs and adjacent pavement.

Council staff would conduct an audit of all 285 cattle grids to determine ownership. It is proposed there is an assessment of each grid in the presence of the land owner, to check the condition of the structure for conformance to Council's standard, and to confirm whether the grid is still required.

Council will agree to leave all grids and associated pavement in a serviceable state prior to handover to a private owner.

Where it is agreed that cattle grids can be removed, a program will be developed to remove those grids. The landowner will be responsible for removal expenses and any associated costs. If the grid was purchased or installed at the land owner's expense, the removed grid will be offered to the land owner for reuse on their own property.

5. Implications

5.1. Strategic and Policy Implications

The 2020-2021 Operational Plan includes:

Environment and Infrastructure E3 Infrastructure –

Revaluation, maintenance and rehabilitation of roads, stormwater, bridges, footpath and related assets.

The 2017-2027 Community Strategic Plan includes

Community Outcome #3 "Regular review of Asset management Plans to ensure that prioritisation of resources are allocated in the most effective and efficient manner"

The Community Strategic Plan and Operational Plan require Council to manage its assets including its roads in the most efficient manner. This requires Council to not spend resources where the primary beneficiary is a private landowner. Grids benefit the landowner and therefore the ownership, acquisition cost, maintenance and any liability must rest with the landowner. This policy gives effect to those principles and harmonises Council's policy across the local government area.

5.2. Risk

Operational risk: There is potential risk to Roads and Parks rural maintenance crews if additional fencing is installed by landowners. There exists the potential for additional mowing/slashing operations due to lack of grazing in unfenced road corridors.

Council monitors over 26 different asset classes, including stock grids and gates on public roads. Inspection timeframes and maintenance intervention thresholds are incorporated within the proprietary program Reflect. Reflect is utilised by over 135 Local Governments across Australia

for defect tracking and assigning routine or reactive maintenance and builds on the asset management and risk management doctrines as stipulated in ISO 31000:2009 - Risk management – Principles and guidelines. The program allows Council to improve public safety, preserve and improve organisational reputation, reduce maintenance backlog and provide more rigour and surety around forward works planning. The intrinsic reduction in risk is tangible and measurable.

Legal risk: A number of council rural roads do not exist on designated road reserves. Hence, there could be legal liability to fence private land.

5.3. Sustainability

Promoting more efficient and improved services through consistency and safer grid standards.

Improved accessibility along rural roads through adoption of wider grids. This aligns with Councils CSP for improved access for transport and ongoing improvements to roads.

5.4. Financial

2021-2022 Budget – For adoption

Budget Area:	Construction and Maintenance – Internal Customers						
Funding Source:	General Fund						
Budget Ref: (PN)	Description	Approved Budget	Actual	Committed	Proposed	Total Forecast Expenditure	Remaining Budget
270400	Salary/Wages	\$2,227,482	0	0	\$7,000	\$2,234,482	\$2,227,482

During the first 12 months of adoption council could see a minor increase in costs of up to \$7,000 for Council staff to undertake an assessment of existing grids and their ownership. The cost of this works will be funded within roads maintenance budget.

Council would also see an increase of up to \$2,300/per grid removal if Council's Roads and Parks Manager decides to remove unclaimed grids from the road network. Council's current expenditure on grid maintenance will remain unchanged until the end of the transition period at approximately \$8,300/per month.

Following the transition period, Council's Roads and Parks department would only be undertaking maintenance and installation of grids on behalf of grid owners based on fees and charges for these services. Council's annual grid maintenance cost would be reduced by >\$90,000.

There exists a risk that future drainage maintenance and mowing costs along some roads could increase due to adoption of fencing rather than grids by land owners.

6. Consultation and Communication

Consultation with NSW Farmers Association (Armidale and Guyra branches) was undertaken by GHD on behalf of Council on 19th October 2020. Feedback from this consultation shaped the

original draft policy which was sent for public consultation between 10th Dec 2020 and 1st March 2021 as a result of Council support in the December 2020 Council meeting.

A summary of the feedback from the exhibition period is attached to this report.

Staff propose to publicly advertise adoption of a new Gates and Stock Grids policy on Council's Website and social media. It also aims to engage with NSW Farmers during the transition phase. Letters will be provided to all existing stock grid owners and future owners in the former Armidale Dumaresq LGA.

Commencement and ending of the transition phase will be publicly advertised and grid owners provided with notice of the end of the transition period.

7. Conclusion

This report recommends that Council approve the Gates and Stock Grids policy POL087, the proposed auditing/ assessment period of 12 months and transition of all existing grids to the new policy over an additional 12 months.

This policy harmonises the grid policy across the local government area. The former LGAs had conflicting grid policies.

The burden of grid ownership and maintenance will rest with the landowner who is the primary beneficiary of the infrastructure installed on Council's public road network.

Item:	10.18	Ref: AINT/2021/15243
Title:	Correspondence Report: Mining in Clarence River Catchment	
	Container: ARC16/1331	
Responsible Officer	General Manager	
Author:	Jessica Bower, Executive Officer	
Attachments:	1. Letter from Clarence Valley Council - 12 May 2021	

OFFICERS' RECOMMENDATION:

That Council consider its position in relation to the request from Clarence Valley Council for a moratorium on mining and mining exploration in the Clarence River Catchment.

Executive Summary

Armidale Regional Council received correspondence from Clarence Valley Council on 12 May 2021. The correspondence is in response to a resolution that Clarence Valley Council:

“write to the adjoining councils that have responsibility for areas draining into the Clarence River Catchment requesting that they support council’s stand and ask them to pass resolutions to oppose mining in areas affecting the Clarence River Catchment.”

A copy of the correspondence is attached. A response will be provided back to Clarence Valley Council advising of Armidale Regional Council’s position on this matter.

Item:	11.1	Ref: AINT/2021/12950
Title:	Community Connectivity Grants	Container: ARC21/4528
Responsible Officer	Acting Director Organisational and Corporate Services	
Author:	Sally Schofield, Coordinator People and Community Services	
Attachments:	Nil	

1. Purpose

To seek Council endorsement of the recommended Community Connectivity Assistance Grant recipients that have been set forth by the assessment panel of staff and a Councillor. The program provides assistance to community groups to create avenues for greater connection between user groups and the greater community.

2. OFFICERS' RECOMMENDATION:

That Council:

- a. Approve the successful applicants provided in this report for the Community Connectivity Grants program.
- b. That the remaining balance of \$35,316.05 be reallocated to projects as determined by the General Manager that meet the goals of the grants program, being to support local economic stimulus and social positivity post bushfire disaster.

3. Background

The Community Connectivity Grants were as a result of the Bushfire recovery funding provided by the Federal Government to assist groups in the community increase their connection to the greater community through a wide variety of means and platforms. These grants would allow Council to assist communities recover from the isolation and devastation of the droughts, fires, floods and covid-19.

4. Discussion

The recommended successful applicants are as follows, including amounts requested:

1. Order of Australia Association Armidale Group	\$	1,000.00
2. Bangladesh Cultural Society of New England	\$	2,400.00
3. No lights No Lycra	\$	2,400.00
4. Armidale Iranian Community	\$	2,000.00
5. High Country Theatre	\$	2,400.00
6. Armidale Crafty Quilters	\$	1,725.00
7. 2nd Armidale scout Group	\$	1,500.00
8. Martins Gully Pony Club	\$	2,400.00
9. Black Mountain Rural Fire Brigade	\$	1,398.95
10. Lower Creek LAC	\$	2,260.00

11. Wards Mistake Local Area Committee	\$	2,400.00
12. Bald Blair Centennial Celebrations Committee	\$	2,400.00
Total	\$	24,283.95

In addition the committee recommends that the Armidale Iranian Community application be provided with funds to cover the in-kind request for the hire of the Town Hall up to the value of \$400. Increasing the overall total to **\$24,683.95**.

All applications that were submitted were approved by the assessment group.

5. Implications

5.1. Strategic and Policy Implications

5.2. Risk

Reputational Risk: Assessment of the applications was undertaken by two staff and one Councillor to ensure impartiality and transparency.

5.3. Sustainability

This round of grants will enable groups to resume activities, events programs and initiatives that will create more sustainable community connections.

5.4. Financial

Budget Area:	People and Community Services							
Funding Source:	\$60,000 was allocated in the Federal Bushfire recovery funding for the Community Connectivity grants. Of this we are proposing the aforementioned \$24,683.95 leaving \$35,316.05.							
Budget Ref: (PN)	Description	Approved Budget	Actual	Committed	Proposed	Total Forecast Expenditure	Remaining Budget	
270558.1.1305.333.2394	Federal Bushfire recovery grant	60,000.			24,683.95		35,316.05	

6. Consultation and Communication

Council consulted with all Local Area Committees and promoted the grants through media channels and via direct email to LACs.

7. Conclusion

The above list of recommended recipients meet the requirements of the selection criteria and is recommended by the assessment panel for approval by Council.

Item: 11.2 **Ref:** AINT/2021/14566
Title: Arts and Culture Small Grants 2020/21 **Container:** ARC16/0443-5
Responsible Officer Acting Director Organisational and Corporate Services
Author: Aimee Hutton, Coordinator Libraries, Museums and Visitor Information Centre
Attachments: Nil

1. Purpose

To seek approval from Council for the funding of the eligible and desirable projects under the Arts and Culture grants program.

2. OFFICERS' RECOMMENDATION:

That Council approve funding of \$20,000 under the Arts and Culture Grants program for the following projects:

Applicant	Project	Funding Amount
The Armidale Playhouse	Purchase of audio visual equipment	\$3,000
Lizzie Horne Creative	Purchase of mobile printmaking studio	\$3,000
Leah Bullen	Artist residency at the Museum of Printing at NERAM	\$3,000
The Musicians of Armidale	Live at Black Gully – Payment of musicians for the Black Gully Music Festival	\$3,000
Mike Terry	Interactive Photographic Exhibition of Hillgrove Photography collection	\$2,200
Helena Pastor	Creation of a sample chapter and audio recording about life on the Silver City Mission in East Armidale in collaboration with Anaiwan elder Aunty Kerry Moran.	\$3,000
Mad Proppa Deadly Indigenous Corporation	Purchase of PA and DJ controller and artists fees for Mad Proppa Deadly Live – a music event in collaboration with local young Koori artists	\$2,800
	TOTAL	\$20,000

3. Background

At an Extraordinary Meeting of Council on 13 May 2020, Council resolved to allocate \$20,000 to an annual Arts & Culture Grants Program.

On 1 April 2021 artists and arts organisations within the Armidale Regional Council Local Government Area were invited to apply for grants of up to \$3,000.

4. Discussion

To be eligible to receive funding, applicants had to: -

- be based within the Armidale Regional Council Local Government Area,
- be an individual artist or arts based organisation, and
- the project had to be a clearly defined arts and culture activity.

Applicants were also asked to align their project to the Arts & Culture Strategic Plan objectives which are: -

- Engaged Communities: Deepen community and visitor engagement in the creative and cultural life of the region.
- Places and Spaces: Establish and develop dynamic, creative and cultural public spaces.
- People and Diversity: Promote and celebrate the region's Aboriginal, pioneering and multicultural heritage.
- Connections and Collaborations: Support and encourage arts and cultural connections, networks and collaborations
- Creative Industries: Foster and support the region's Cultural and Creative Industries.

Following the closure of the application period, a panel consisting of a Council officer, a Councillor and a member of the Arts Culture and Heritage Advisory Committee, reviewed the applications to assess eligibility and determine the projects that aligned most with the Arts & Culture Strategic Plan and benefited the region most.

Consideration was also given to the applicant's capacity to deliver the project, the viability of their budget and also their overall plan.

Of the 18 applications received, the seven recommended projects were deemed to be the most suitable for funding.

5. Implications

5.1. Strategic and Policy Implications

This grants program and the projects recommended support Our People and Community, Community Outcome 2, in the Community Strategic Plan:-

Events and cultural activities provide the community with an opportunity to celebrate the unique culture and lifestyle of the region.

5.2. Risk

There is a small risk that some applicants may fail to deliver the projects they have proposed. This will be mitigated Council officers and Arts North West providing support and assistance to the applicants wherever possible.

Should a project not proceed, the funding will need to be returned to Council, so financial risk is minimal.

5.3. Sustainability

There are no sustainability issues to consider in relation to this report.

5.4. Financial

Budget Area:	Libraries, Museums and Visitor Information Centre						
Funding Source:	Operational						
Budget Ref: (PN)	Description	Approved Budget	Actual	Committed	Proposed	Total Forecast Expenditure	Remaining Budget
220650.1.1380.333.2394		20,000	0	0	20,000	20,000	0

A maximum of \$20,000 was budgeted for the delivery of this grants program.

6. Consultation and Communication

Grant applications were invited from local artists and local arts and culture organisations from 1 April 2021 to 21 April 2021.

7. Conclusion

Council are asked to approve funding for the seven projects nominated in the officer's recommendation of this report.

Item:	11.3	Ref: AINT/2021/14125
Title:	Anaiwan Language Revival Program Office Accommodation - Lease of Kent House Office	Container: ARC16/0605
Responsible Officer	Acting Director Organisational and Corporate Services	
Author:	Darren Schaefer, Manager Strategic Communications and Marketing	
Attachments:	Nil	

1. Purpose

This report has been prepared in response to a Council resolution from the Ordinary Council Meeting held on 27 January 2021, that the General Manager provide a report on the request for office space from the Nēwara Aboriginal Corporation.

2. OFFICERS' RECOMMENDATION:

That Council:

- a) Agrees to enters into a 12 month lease agreement with the Nēwara Aboriginal Corporation for office space at the Kent House Facility at 141 Faulkner Street, Armidale.
- b) It is proposed that the rental amount be set at the peppercorn rate of \$557.70 per annum, which is based on the amounts set by Crown Lands.

3. Background

Nēwara is a non-profit Aboriginal community organisation was first established the group in 2016. Financially, they rely heavily on fundraising activities and donations. As such, they have made numerous representations to Council since 2017 (*Ref AINT/2017/10540*) seeking office space from Council to lease at a peppercorn rental arrangement.

4. Discussion

After a review of Council staff accommodation, it has been determined that a vacant office space in Kent House at 141 Faulkner Street and has been determined suitable by Nēwara to store material and conduct their affairs. The office space has been vacant for the last 3 years and is presently available.

Included in the office will be the use of Council property such as desk, chairs and perhaps filing cabinets. Any further use of other Kent House rooms and facilities will be charged at the standard community rates. This would encompass the hire of rooms for ad-hoc use for Board meetings and small scale language workshops.

5. Implications

5.1. Strategic and Policy Implications

- Section 356 of the *Local Government Act 1993* prescribes requirements when councils provide financial assistance to others (including charitable, community and sporting organisations and private individuals). To ensure compliance with *Section 356 of the Local Government Act 1993*, Council will need to give at least 28 days public notice of a proposal to pass a resolution to grant financial assistance prior to doing so.
- Aligns with the Armidale Regional Council Delivery Program:

- P2.4 Support and empower the community to deliver community initiatives that improve the lives of residents and visitors to the region
- P4.3 Provide Aboriginal services and programs
- A formal lease agreement will need to be prepared if recommendation is supported.

5.2. Risk

- Staff Office Accommodation: Reduces the opportunity to utilise the space for an expanding Council project teams
- Financial: Limits the opportunity to lease the office at commercial rates
- Security: Tennants will have access to the Kent House building, with an access key isolated to the proposed office only - no other offices could be accessed. This will also mean that they will require to be set up (via Triton Security) to use the alarm key pad for the Kent House building. The Kent House facility contains audio visual equipment and kitchen facilities that the community groups will hire with the rooms. Any tenant in the office will need to consider the needs of these groups in their operations.

5.3. Sustainability

There is no impact to Council in relation to sustainability. However, the community will benefit from the work the Nēwara Aboriginal Corporation is doing to preserve and maintain the Anaiwan language of our local Aboriginal people in the longer term.

5.4. Financial

- An independent valuation by a local real estate agent has revealed that the potential revenue for the office space could yield as much as \$5,200 for Council if leased out at commercial rates. If it were to attract a commercial tenant, a small amount of works would be required.
- A small amount of staff time and cost will be required to set up the office which is currently being used as a storage room. This will include a clean out, room painting (the last of the rooms to undergo a paint in Kent House), replacement of lighting (LED) and the provision of 2 desks and chairs.
- Use of other Kent House rooms and facilities will incur an additional cost for the tenant, and will provide additional revenue for Council. This would encompass the hire of rooms for ad-hoc use for Board meetings and small scale language workshops. This is small and unpredictable, therefore not included in the below table.

Budget Area:	Facilities						
Funding Source:	To be recorded as ongoing revenue in the Council Facilities budget.						
Budget Ref: (PN)	Description	Approved Budget	Actual	Committed	Proposed	Total Forecast Expenditure	Remaining Budget
	Kent House Leasing of office space	NIL	\$500 for a coat of paint.	\$0.00	(\$557.70) revenue p/a	\$500	(57.70)

6. Consultation and Communication

- Nēwara has inspected the premises and have agreed that it is suited to their needs.
- Staff in Kent and Hughes House have also been consulted.

7. Conclusion

That Council recommendation to proceed formalise a lease agreement with Nēwara Aboriginal Corporation at \$557.70 p/a.

Item:	11.4	Ref: AINT/2021/15686
Title:	Reimbursement of petrol costs for carting hay to flood affected Mid North Coast communities	Container: ARC20/4360
Author:	James Roncon, General Manager	
Attachments:	Nil	

1. Purpose

Council is being asked to reconsider its resolution of March 2021 to provide hay to flood ravaged areas of NSW that was predicated on an offer from a local carrier to cart said hay on behalf of council, for free. Further information has been requested to explain the request for reimbursement. At the time of writing this report I have only received the invoice / receipt relating to the matter.

2. OFFICERS' RECOMMENDATION:

That Council determine its position.

3. Background

At the Ordinary Council meeting of 24 March 2021 it was resolved (141/21):

That Council:

- a. Consider donating any available hay produced by the sewer farm to the communities of the mid north coast affected by the floods.
- b. Delegates the General Manager the authority to action the donation.
- c. Accept the offer from a local carrier to cart the hay for free.

Moved Cr Galletly

Seconded Cr O'Connor

4. Discussion

At the March 2021 meeting of Council the above motion from the floor of Council was adopted. Council made the hay available from its sewer works supply on the basis that a local carrier had offered to cart the hay for free; this is spelt out at point C.

The carrier has now made contact through Cr Galletly seeking reimbursement for the fuel component on the carting which is contrary to the resolution of Council.

Council is now being asked to reconsider its position on this matter. Should it seek to do so, the following recommendation should ensue:

That Council:

- a. Rescind resolution 141/21, point C – 'Accept the offer from a local carrier to cart hay for free'.

- b. Give public notice for a period of 28 days in accordance with section 356 of the *Local Government Act 1993* of its intention to reimburse Fotza Pty Ltd \$477.66 for the cost of petrol to cart hay donated to communities of the Mid North Coast impacted by flooding;
- c. A further report be presented back to Council following the conclusion of the public notice period to address any matters raised during the exhibition period.

This is because as per s356 of the Act, any non-budgeted expenditure item must be properly advertised and considered.

Media accompanying the decision of council as follows:

Tuesday 30 March 2021

Council to donate hay to flood affected regions

Armidale Regional Council will donate 40 bales of hay to neighbouring regions affected by devastating floods, to help the farming communities suffering the loss and damage of silage and winter stocks.

A motion put forward by Councillor Galletly to provide the goodwill gesture to flood affected communities on the mid-north coast, after a transport company approached him with a willingness to donate the haulage of the hay, was unanimously supported at the March Ordinary Council Meeting.

Armidale Regional Council Mayor Ian Tiley said Council is one of few which grows and stores its own hay and is in a fortunate position at present to have 40 large bales of Lucerne to donate to farmers who've lost fodder and are struggling to save their stock after the recent floods.

"The devastating impacts of flooding can be overwhelming and several natural disaster events have really taken a toll on farming communities over recent years."

"Flooding severely impacts farming production and harvesting, it ruins infrastructure, can submerge and kill crops and pastures, and spoil produce" said Mayor Tiley.

"This small contribution is a gesture by Council on behalf of the local community to flood affected areas and recognises the generosity shown to our community when it was in need," said Mayor Tiley.

Council is working with Local Land Services to manage the distribution of the fodder.

5. Implications

5.1. Strategic and Policy Implications

As mentioned above, if council are of a mind to wish to change its position from the March meeting and reimburse the fuel costs it will need to first adhere to the requirements of s356 of the Act.

5.2. Risk

Council made a decision from the floor of the council meeting and accepted an offer from a haulage company to cart the hay free of charge. Council may wish to consider the message this might send more broadly.

5.3. Sustainability

Nil.

5.4. Financial

Budget Area:							
Funding Source:	Nil at this time, subject to council decision.						
Budget Ref: (PN)	Description	Approved Budget	Actual	Committed	Proposed	Total Forecast Expenditure	Remaining Budget

As no budget items exists for the requested reimbursement, s356 of the Act will apply and any decision to reimburse advertised for 28 days.

6. Conclusion

Council is being asked to reconsider its resolution of March 2021 to provide hay to flood ravaged areas of NSW that was predicated on an offer from a local carrier to cart said hay on behalf of council, for free. Further information has been requested to explain the request for reimbursement. At the time of writing this report I have only received the invoice / receipt relating to the matter.

Item:	11.5	Ref: AINT/2021/14739
Title:	Public Exhibition of Community Engagement Policy	Container:
	ARC17/1884	
Responsible Officer	Acting Director Organisational and Corporate Services	
Author:	Darren Schaefer, Manager Strategic Communications and Marketing	
Attachments:	1. Draft Community Engagement Policy 17.05.2021	

1. Purpose

The purpose of this report is to update Council's Community Engagement Policy, setting out principles and defining how Council will conduct community engagement in line with the Community Strategic Plan. This policy will establish clear direction and inform guidance for community consultation and Council decision making in order to achieve Council's strategic goals and the community needs.

2. OFFICERS' RECOMMENDATION:

That Council:

- a. Endorse the Community Engagement Policy for public exhibition of 28 days.
- b. Receive a further report following public exhibition on the feedback received.

3. Background

Council is undertaking a review of all council policies and this process involves reviewing and amending existing policies, identifying policy gaps and developing new policies where none have existed. The Community Engagement Policy was last adopted by Council 28th June, 2017 and required updating.

4. Discussion

This policy has been reformatted to reflect current branding and formatting guidelines. It now contains a set of principles and engagement standards for which Council will conduct Community Engagement throughout the region moving forward.

5. Implications

5.1. Strategic and Policy Implications

Community Strategic Plan 2017-2027

- Leadership for the Region Community Outcome 1 – The community is engaged and has access to local representation supporting strategies.

5.2. Risk

The quality and standard of community consultation and has a strong influence on good democratic decision making. Should Council not conduct engagement in a way that is of a high standard, there is a high risk that a loss of trust between the community and the governing body will occur and the Council reputation will suffer as a result.

5.3. Sustainability

There are no sustainability impacts or outcomes with implementing this policy.

5.4. Financial

Much of the financial impacts centre on staff resourcing, although there are costs associated depending on the levels of engagement required. Most of the day-to-day community engagement will be funded from the individual project budgets, or in the case of utilities, from the water and sewer funds. The collective dollar amount allocated across the organisation to all projects is dependent on project complexity and is difficult to ascertain.

With respect to resourcing, the Communications team will generally coordinate engagement for all projects. If engagement is of an organisational nature, this will also be funded by the Communications department. For example, \$12,000 has been set aside for community engagement around Councillor Elections, in 2021-2022 budget.

More generally, as communication forms one part of engagement (i.e. informing), a case could be made that the entire Communications budget is dedicated to Council engagement. In the 2021-2022 budget there is \$623,791 allocated to Communications including all salaries, advertising, postage and materials. It should be noted that there are four other stages of engagement as outlined in the Engagement Policy – consult, involve, collaborate and empower (see IAP2 Framework in policy). These stages are all dependent on project complexity and will be resourced on a case by case basis.

Budget Area:	Communications						
Funding Source:	Communications						
Budget Ref: (PN)	Description	Approved Budget	Actual	Committed	Proposed	Total Forecast Expenditure	Remaining Budget
	Communications	\$623,791	0	0	\$623,791	\$623,791	0

6. Consultation and Communication

It is recommended that this policy be placed on public exhibition for a period not less than 28 days to seek input from the community, and submissions be considered before the final policy is returned to Council for adoption.

7. Conclusion

Adoption of this policy will help to ensure a high standard of community engagement across the region.

Item:	11.6	Ref: AINT/2021/14219
Title:	Library Collection Development Policy - For Adoption (Post Public Exhibition)	Container: ARC20/4249
Responsible Officer	Acting Director Organisational and Corporate Services	
Author:	Aimee Hutton, Coordinator Libraries, Museums and Visitor Information Centre	
Attachments:	1. Library Collection Development Policy	

1. Purpose

The purpose of this report is to recommend to Council to formally adopt the Library Collection Development Policy

2. OFFICERS' RECOMMENDATION:

That Council adopt the Library Collection Development Policy.

3. Background

At its March 2021 Ordinary Council Meeting, Council resolved to place the Draft Library Collection Development Policy on public exhibition.

Immediately following this meeting the Draft Library Collection Development Policy was placed on public exhibition for 28 days. During this time no submissions were received.

4. Discussion

This policy was reformatted to reflect Armidale Regional Council branding and formatting guidelines. It was also amended to include both libraries within the Armidale Regional Council Local Government Area.

The objective of this policy is to provide guidelines for Library staff in the development and management of library collections.

5. Implications

5.1. Strategic and Policy Implications

Adoption of this policy will support adherence to industry standards around library collection development and will ensure budget is used effectively, and the collection is developed in line with community needs and expectations.

5.2. Risk

This policy will assist with ensuring budget allocations are managed responsibly and will be utilised for the benefit of the community.

5.3. Sustainability

The adoption of this policy ensures budget allocations are spent effectively on good quality materials.

5.4. Financial

Budget Area:	Libraries, Museums & Visitor Information Centre						
Funding Source:	Capital Budget – Untied Revenue						
Budget Ref: (PN)	Description	Approved Budget	Actual YTD	Committed	Proposed	Total Forecast Expenditure	Remaining Budget
220506	Capex: Library Books & AV materials	125,000	86,324	0	38,676	125,000	0

6. Consultation and Communication

The Draft Library Collection Development Policy was placed on public exhibition for a period of 28 days. No submissions were received during this time.

7. Conclusion

Adoption of this policy will direct Council staff in the ongoing development and management of our library collections.

Item:	11.7	Ref: AINT/2021/14497
Title:	Library Community Information Display Policy - For Adoption (Post Public Exhibition)	Container: ARC20/4249
Responsible Officer	Acting Director Organisational and Corporate Services	
Author:	Aimee Hutton, Coordinator Libraries, Museums and Visitor Information Centre	
Attachments:	1. Library Community Information Display Policy	

1. Purpose

The purpose of this report is to recommend to Council to formally adopt the Library Community Information Display Policy.

2. OFFICERS' RECOMMENDATION:

That Council adopt the Library Community Information Display Policy.

3. Background

At its March 2021 Ordinary Council Meeting, Council resolved to place the Draft Library Community Information Display Policy on public exhibition.

Immediately following this meeting the Draft Library Community Information Display Policy was placed on public exhibition for 28 days. During this time no submissions were received.

4. Discussion

This policy was reformatted to reflect the current branding and formatting guidelines. It is now reflective of the new Armidale Regional Council Local Government Area and the management of both libraries within the LGA.

5. Implications

5.1. Strategic and Policy Implications

Adoption of this policy will ensure proper consideration is given to all community notices put on display. It will also ensure uniformity across all community noticeboards and display areas.

5.2. Risk

This policy will assist with managing the risk of ensuring information provided to the community is consistently available to all residents across the region.

5.3. Sustainability

There are no sustainability implications to be considered in relation to the adoption of this policy.

5.4. Financial

Budget Area:	Nil						
Funding Source:							
Budget Ref: (PN)	Description	Approved Budget	Actual	Committed	Proposed	Total Forecast Expenditure	Remaining Budget

There are no financial implications to consider in the adoption of this policy.

6. Consultation and Communication

The Draft Library Community Information Display Policy was placed on public exhibition for a period of 28 days. No submissions were received during this time.

7. Conclusion

Adoption of this policy will ensure the responsible and uniform management of all community noticeboards and public display spaces within Council's libraries.

Item:	11.8	Ref: AINT/2021/14528
Title:	Library Use and User Code of Conduct Policy - For Adoption (Post Public Exhibition)	Container: ARC20/4249
Responsible Officer	Acting Director Organisational and Corporate Services	
Author:	Aimee Hutton, Coordinator Libraries, Museums and Visitor Information Centre	
Attachments:	1. Library Use and User Code of Conduct Policy	

1. Purpose

The purpose of this report is to recommend to Council to formally adopt the Library Use and Code of Conduct Policy

2. OFFICERS' RECOMMENDATION:

That Council adopt the Library Use and Code of Conduct Policy.

3. Background

At its March 2021 Ordinary Council Meeting, Council resolved to place the Draft Library Use and Code of Conduct Policy on public exhibition.

Immediately following this meeting the Draft Library Use and Code of Conduct Policy was placed on public exhibition for 28 days. During this time no submissions were received.

4. Discussion

This policy has been reformatted to reflect current branding and formatting guidelines. It is also now reflective of the new Armidale Regional Council Local Government Area and the management of both libraries within the LGA.

The main objectives of this policy are to facilitate an atmosphere of enjoyment and relaxation within our libraries and to empower staff to enforce compliance with the Regulation and the Library Code of Conduct.

5. Implications

5.1. Strategic and Policy Implications

Adoption of this policy will support the administration of provisions of the Library Regulation 2018 Part 3: Use of libraries and library materials. In particular the policy will provide guidelines to assist staff in implementing the provisions of the Library Regulation 2018 Clause 17 which concerns asking a person to leave the library premises.

5.2. Risk

Operational Risk – could possibly exist if staff are not empowered to prevent damage to our collections, buildings and facilities as reasonably possible.

Reputation Risk – could possibly exist if staff are not empowered to facility a safe and enjoyable environment.

Health & Safety Risk – potential risk to staff health and safety if they are not empowered to manage disruptive and potentially harmful behaviour within our libraries.

5.3. Sustainability

No sustainability implications are evident with the adoption of this policy.

5.4. Financial

Budget Area:	Nil						
Funding Source:							
Budget Ref: (PN)	Description	Approved Budget	Actual	Committed	Proposed	Total Forecast Expenditure	Remaining Budget

No financial implications are evident with the implementation of this policy.

6. Consultation and Communication

The Draft Library Use and Code of Conduct Policy was placed on public exhibition for a period of 28 days. No submissions were received during this time.

7. Conclusion

Adoption of the recommendation will facilitate an atmosphere of enjoyment and relaxation at our libraries and provide a framework for the enforcement actions available to library staff.

Item:	12.1	Ref: AINT/2021/13617
Title:	Community Wellbeing Committee - Minutes of meeting held 29 April 2021	Container: ARC16/1052
Responsible Officer	Acting Director Organisational and Corporate Services	
Author:	Darren Schaefer, Manager Strategic Communications and Marketing	
Attachments:	1. Draft Meeting Minutes Community Wellbeing Committee 29.04.21	
	2. CWAC Meeting Appendix Combined	

RECOMMENDATION:

That the Minutes of the Community Wellbeing Committee meeting held on 29th April be noted.

That the following recommendations of the Committee be considered by Council:

- a. Recognise and endorse the demands in the March for Justice Petition in the form of a supporting letter to State and Federal members (see appendix for petition demands).
- b. Provide an update to the Committee as to the status of the Crime Prevention Plan and Working Group.

Item:	12.2	Ref: AINT/2021/14041
Title:	Traffic Advisory Committee - Minutes of meeting held 4 May 2021 Container: ARC16/0168-6	
Responsible Officer	Director Businesses and Services	
Author:	Belinda Ackling, Personal Assistant	
Attachments:	1. Minutes - Traffic Advisory Committee 4th May 2. Agenda - Traffic Advisory Committee 4 May 2021 3. Late Item Agenda 4th May 2021	

RECOMMENDATION:

That Council:

- a. Note the Minutes of the Traffic Advisory Committee meeting held on 4th May 2021.
- b. Endorse the recommendation of one half hour parking space on Barney Street at the intersection with Markham Street, to provide a safe place for elderly residents attending the U3AA facility who require time to unload and make drop offs.
- c. Endorse the recommendation to maintain the current 15 tonne load limit on the Kempsey Armidale Rd.
- d. Note the advice provided in two (2) Notices of Intentions to hold a public assembly that have been provided by Police. Both events will be on the footpath and will not interfere with traffic, both events have been endorsed by Police and reminded of COVID19 health restrictions and social distancing requirements.
 1. The annual Reconciliation Bridge Walk to promote Aboriginal – Non Aboriginal harmony walk, as part of Reconciliation Week occurring 30th May 2021 in Curtis Park.
 2. School Strike 4 Climate Change occurring 21 May in Curtis Park.

Item:	12.3	Ref: AINT/2021/14247
Title:	Economic Development Committee - Minutes of meeting held 21 April 2021	Container: ARC19/3530
Responsible Officer	Acting Director Organisational and Corporate Services	
Author:	Will Winter, Principal Advisor Economic Development	
Attachments:	1. Minutes - Economic Development Committee - 21 April 2021	

RECOMMENDATION:

That the Minutes of the Economic Development Committee meeting held on 21 April 2021 be noted, and that the following recommendations of the Committee be considered by Council:

- a) That prior to the next meeting, the latest version of the DRAFT Tourism Strategy be circularised for consideration by the Committee, and that this be placed on the agenda for discussion with technical officers at the next meeting.
- b) That prior to next meeting, the latest version of the Economic Development Strategy be circularised for consideration by the Committee, and that this be put on the agenda for the next meeting.
- c) That prior to the next meeting, that the latest version of Council's water policy be also circularised and tabled for discussion
- d) That, in recognition of concerns raised regarding the adequacy of electricity supply and distribution networks within the Armidale LGA, the Committee requests Armidale Regional Council to identify emerging supply-demand deficits in the Region, with a view to informing stakeholder groups and effectively advocating for improvements where Council deems this necessary.

Item:	12.4	Ref: AINT/2021/14413
Title:	Sports Council - Minutes of meeting held 5 May 2021	Container: ARC16/0330
Responsible Officer	Director Businesses and Services	
Author:	Amy Biggs, Sport & Recreation Development Officer	
Attachments:	1. Agenda - Sports Council - 5 May 2021 2. Minutes - Sports Council - 05 May 2021	

RECOMMENDATION:

That the Minutes of the Sports Council Committee meeting held on 5 May 2021 be noted and they include:

- a. To amend the current Sports Council Priority List to have the extension of the Armidale District Cricket Association clubhouse in priority position number 1 and to move the renovation of the grass cricket pitch at Moran Oval to priority position number 4 on the 'Medium' projects list (projects \$50,000 and under)
- b. To amend the current Sports Council Priority list to have the Rologas Cricket Storage Shed project in first priority position and the Guyra Tennis Clubhouse security improvement project moved to priority position number 2 on the minor projects list (projects \$20,000 and under)
- c. To combine the Jack Vallance field renovation project with the Jack Vallance Oval lighting installation project to form one large project rather than 2 individual projects.
- d. To create a project priority list that does not categorise projects based on cost (currently categorised as 'Major', 'medium' and 'minor').
- e. To create a project list of all projects on the Sports Council Priority List that have current applications submitted for grant funding opportunities.
- f. That Council note the Sports Council grant application preferences to be considered for the Stronger Country Communities Fund round 4 grant opportunities as follows:
 - a) Armidale District Cricket Association to apply for \$110,000 for stage 4 of the Armidale Cricket Indoor Training Facility project.
 - b) Armidale Regional Council to apply for:
 - Newling Oval field lighting installation - \$400,000
 - Jack Vallance Oval upgrade including field lighting installation and field surface renovation - \$400,000
 - Lynches Road Netball Courts lighting installation - \$380,000.

DISCUSSION:

Council acknowledges the opportunity under the NSW Government's Stronger Country Communities Round 4 to upgrade a broad range of community infrastructure.

Council will seek expressions of interest community groups to nominate projects that meet the program guidelines; an application can be submitted by the deadline; are in alignment with

Council's asset renewal priorities and Community Strategic Plan and can be delivered on time and on budget without recourse to Council resources. Council notes the priority projects submitted by the Sports Council.

Item:	14.1	Ref: AINT/2021/15528
Title:	Questions on Notice - Cr Robinson	Container: ARC16/0033
Author:	Dorothy Robinson, Councillor	
Attachments:	Nil	

1. Purpose

The purpose of this report is to provide a response to submitted Questions on Notice as provided by Cr Robinson.

2. OFFICERS' RECOMMENDATION:

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

Performance Improvement Order – s356

The Minister's Performance Improvement Order states:

7. There is an apparent failure to comply with statutory obligations that attach to procedures relating to section 356 of the Local Government Act 1993.

Please provide more information to councillors and the community about this apparent failure.

Background Support Information:

Although some councillors asked about this, no information has yet been provided, but it is something that both councillors and the community should know.

General Manager's Comment

Any Councillor/s concerned with the Minister's Performance Improvement Order should seek to address such with the Minister directly. I do not believe that I am in a position to respond on the Minister's behalf.