



BUSINESS PAPER

ORDINARY MEETING OF COUNCIL

To be held on

Wednesday, 13 December 2023
4pm

at

Armidale Council Chambers

Members

Councillor Sam Coupland (Mayor)
Councillor Todd Redwood (Deputy Mayor)
Councillor Paul Gaddes
Councillor Jon Galletly
Councillor Susan McMichael
Councillor Steven Mephram
Councillor Debra O'Brien
Councillor Margaret O'Connor
Councillor Paul Packham
Councillor Dorothy Robinson
Councillor Bradley Widders

AGENDA

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15.1 Provision of Recyclables Collection and Processing Services: Tender Recommendation

(General Manager's Note: *The report considers commercial pricing provided in the tender schedules. and is deemed confidential under Section 10A(2)(d) of the Local Government Act 1993, as it deals with commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the Council; or (iii) reveal a trade secret).*

15.2 Kempspey Road - Delivery Strategy and Procurement Plan

(General Manager's Note: *The report considers the procurement for Kempsey Road and is deemed confidential under Section 10A(2)(d) of the Local Government Act 1993, as it deals with commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the Council; or (iii) reveal a trade secret).*

16 Close of Ordinary Meeting

Ethical Decision Making and Conflicts of Interest

A guiding checklist for Councillors, officers and community committees

Oath or Affirmation of Office

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

Ethical decision making

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

Conflict of interest

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

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

The test for conflict of interest

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

Identifying problems

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

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

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

Local Government Act 1993 and Model Code of Conduct

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

Disclosure of pecuniary interests / non-pecuniary interests

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

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

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

Item:	5.1	Ref: AINT/2023/30614
Title:	Minutes of Previous Meeting held 22 November 2023	Container:
	ARC16/0001-8	
Responsible Officer	General Manager	
Author:	Melissa Hoult, Executive Officer	
Attachments:	1. Draft OCM Minutes - 22 November 2023	

RECOMMENDATION:

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

Item:	7.1	Ref: AINT/2023/30617
Title:	Council Actions Report January 2022 - November 2023	Container: ARC16/0001-8
Responsible Officer	General Manager	
Author:	Melissa Hoult, Executive Officer	
Attachments:	1. Action Items Report - 13 December 2023 OCM	

1. Purpose

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

2. OFFICERS' RECOMMENDATION:

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

3. Background

This is a standard monthly report.

4. Discussion

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

5. Implications

5.1. Strategic and Policy Implications

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

5.2. Risk

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

5.3. Sustainability

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

5.4. Financial

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

6. Consultation and Communication

This report informs Councillors and the community and increases transparency.

7. Conclusion

The information is for noting only.

Item:	8.1	Ref: AINT/2023/29706
Title:	Amendment to 2023/24 Fees & Charges (within Revenue Policy) for Renewable Energy Waste	Container: ARC23/5895
Responsible Officer	Chief Financial Officer	
Author:	Robert McGinness, Revenue Coordinator	
Attachments:	Nil	

1. Purpose

The purpose of this report is to update the 2023/24 Fees & Charges (within the Revenue Policy) to make provision for Renewable Energy Waste disposal (from commercial sources).

2. OFFICERS' RECOMMENDATION:

That Council

- a. Endorse the updated the 2023/24 Fees & Charges (within the Revenue Policy) in accordance this report for public exhibition for a minimum period of 28 days pursuant to the requirements of the *Local Government Act 1993 (NSW)*.
- b. Following the exhibition period, should no submissions be received, adopt the suggested changes to the 2023/24 Fees & Charges. Should submissions be received a report will be presented to Council which outlines the community submissions received along with the finalised revised 2023/24 Fees & Charges for Councils consideration.
- c. Delegate authority to the General Manager to negotiate fees for Renewable Energy Waste.

3. Background

Council has been receiving and assessing various applications for the planning and development of renewable energy production within the Renewable Energy Zone. The waste disposal for the construction, operation and end-of-life of these facilities must be considered, and the Armidale Regional Landfill is not a fit for purpose disposal destination for the waste volumes expected from these sites. There must also be a process for ensuring resource recovery efforts, particularly for the large volumes of solar panels, wind turbine blades, and other materials that would otherwise be disposed to landfill and potentially years of our limited landfill capacity.

4. Discussion

The Armidale Regional Landfill operates under an Environmental Protection Licence, which includes an annual threshold for waste disposal. The licenced amount is adequate for our current domestic waste generation, however, large commercial quantities, such as what will be generated through the construction, operation and decommissioning of waste from commercial Renewable Energy sites and facilities will exceed our licenced capacity.

The ability to forecast and plan for large influxes of waste is crucial to enable the operational acceptance of waste generated within our region. Renewable Energy waste from commercial sites should be accepted only by prior negotiation with Council.

This mechanism will support this information being provided to Council in the early planning stages of such facilities and work with the NSW Environment Protection Authority to identify

potential resource recovery opportunities for solar panels and wind turbines, and ensure we are adequately licenced and equipped to receive the expected residual waste.

Below is an extract from the Fees & Charges Schedule with proposed changes highlighted.

Waste Services

Armidale Regional Council Waste Facilities do not accept waste generated or transported from the metropolitan levy area (MLA) or regional levy area (RLA) as outlined in the Protection of the Environment Operation (POEO) Act and POEO (Waste) Regulation 2014. Waste Services landfill disposal fees and charges may be subject to individual negotiations to support environmental, operational or service level improvements. Any commercial renewable energy waste will only be accepted by prior negotiation with Council. Council reserves the right to weigh loads both going into and out of the landfill.

Transfer Station Waste Disposal Charges

All Waste Transfer Stations

Tyres

Name	Year 22/23 Last YR Fee (incl. GST)	Year 23/24			Unit
		Fee (excl. GST)	GST	Fee (incl. GST)	
Motorcycle / Passenger Vehicle - tyre only	\$17.00	\$17.27	\$1.73	\$19.00	Per tyre

Tyres [continued]

Name	Year 22/23 Last YR Fee (incl. GST)	Year 23/24			Unit
		Fee (excl. GST)	GST	Fee (incl. GST)	
Motorcycle / Passenger Vehicle - with rim	\$30.00	\$30.00	\$3.00	\$33.00	Per tyre
Light Truck	\$35.00	\$34.55	\$3.45	\$38.00	Per tyre
Truck	\$41.00	\$40.00	\$4.00	\$44.00	Per tyre
Grader / Tractor / Earthmover	\$480.00	\$469.09	\$46.91	\$516.00	Per tyre
Shredded Rubber	\$275.00	\$269.09	\$26.91	\$296.00	Per tonne

Other

Name	Year 22/23 Last YR Fee (incl. GST)	Year 23/24			Unit
		Fee (excl. GST)	GST	Fee (incl. GST)	
Fire Extinguisher or Gas Bottle - No Charge When Delivered to CRC	\$0.00	\$0.00	\$0.00	\$0.00	Per canister or bottle
Lounge Suite	\$43.00	\$39.09	\$3.91	\$43.00	Per 1 to 3 seat section
Mattress	\$33.00	\$30.00	\$3.00	\$33.00	Per mattress

Armidale & Guyra Transfer Stations

Asbestos, Animals, Renewable Energy Waste and Bulk Waste are not accepted at Guyra waste facilities.

Recyclables

Name	Year 22/23 Last YR Fee (incl. GST)	Year 23/24			Unit
		Fee (excl. GST)	GST	Fee (incl. GST)	
Clean Sorted Recyclables				No charge	Per load

Sorted Waste

Name	Year 22/23 Last YR Fee (incl. GST)	Year 23/24			Unit
		Fee (excl. GST)	GST	Fee (incl. GST)	
Car - sedan or wagon	\$18.00	\$18.18	\$1.82	\$20.00	Per load
Smaller amounts (ie. less than a wheelie bin) will be charged at half of the 'Car' rate					
Utility or Small Trailer	\$28.00	\$28.18	\$2.82	\$31.00	Per load
Bulk Waste	\$150.00	\$146.36	\$14.64	\$161.00	Per tonne

Unsorted Waste

Name	Year 22/23 Last YR Fee (incl. GST)	Year 23/24			Unit
		Fee (excl. GST)	GST	Fee (incl. GST)	
Car - sedan or wagon	\$34.00	\$33.64	\$3.36	\$37.00	Per load
Utility or Small Trailer	\$56.00	\$55.45	\$5.55	\$61.00	Per load
Bulk Waste	\$310.00	\$302.73	\$30.27	\$333.00	Per tonne

Uncontaminated Garden Waste including Trees

Name	Year 22/23 Last YR Fee (incl. GST)	Fee (excl. GST)	Year 23/24 GST	Fee (incl. GST)	Unit
Car - sedan or wagon	\$6.00	\$5.91	\$0.59	\$6.50	Per load
Utility or Small Trailer	\$15.00	\$15.45	\$1.55	\$17.00	Per load
Bulk Waste	\$55.00	\$54.55	\$5.45	\$60.00	Per tonne

Other Waste Disposal

Name	Year 22/23 Last YR Fee (incl. GST)	Fee (excl. GST)	Year 23/24 GST	Fee (incl. GST)	Unit
Fridge, Freezer and Air Conditioner – with gas	\$80.00	\$78.18	\$7.82	\$86.00	Per unit
Fridge, Freezer and Air Conditioner – without gas				No charge	Per unit

Concrete and Bricks

Not accepted at Guyra waste facilities.

Name	Year 22/23 Last YR Fee (incl. GST)	Fee (excl. GST)	Year 23/24 GST	Fee (incl. GST)	Unit
Car - sedan or wagon	\$10.50	\$10.91	\$1.09	\$12.00	Per load
Utility or Small Trailer	\$26.00	\$25.45	\$2.55	\$28.00	Per load
Bulk Waste	\$72.00	\$70.91	\$7.09	\$78.00	Per tonne

Certified Excavated Natural Material and Declared Virgin Excavated Natural Material

Certification has to be provided to be accepted and needs to be suitable for re-use by Council. If not certified will be charged as 'Sorted Waste'. Not accepted at Guyra waste facilities.

Name	Year 22/23 Last YR Fee (incl. GST)	Fee (excl. GST)	Year 23/24 GST	Fee (incl. GST)	Unit
Car - sedan or wagon	\$0.00	\$0.00	\$0.00	\$0.00	Per load
Utility or Small Trailer	\$0.00	\$0.00	\$0.00	\$0.00	Per load
Bulk Waste	\$0.00	\$0.00	\$0.00	\$0.00	Per tonne

Chemicals

Name	Year 22/23 Last YR Fee (incl. GST)	Fee (excl. GST)	Year 23/24 GST	Fee (incl. GST)	Unit
Paint - 5L or less				No charge	
Paint - greater than 5L	\$7.00	\$6.91	\$0.69	\$7.60	Per litre
Other Chemicals - 1L or less				No charge	
Other Chemicals - greater than 1L	\$8.00	\$7.82	\$0.78	\$8.60	Per litre

Armidale Transfer Station

Asbestos Disposal

Name	Year 22/23 Last YR Fee (incl. GST)	Fee (excl. GST)	Year 23/24 GST	Fee (incl. GST)	Unit
Small Load < 50kg	\$72.00	\$70.91	\$7.09	\$78.00	Per load
Bulk Waste	\$390.00	\$380.91	\$38.09	\$419.00	Per tonne

Animals

Name	Year 22/23 Last YR Fee (incl. GST)	Fee (excl. GST)	Year 23/24 GST	Fee (incl. GST)	Unit
Goats / Sheep	\$66.00	\$64.55	\$6.45	\$71.00	Per carcass
Horses / Cattle	\$82.00	\$80.00	\$8.00	\$88.00	Per carcass
Small Animal Disposal - vet service only	\$77.00	\$75.45	\$7.55	\$83.00	Up to 10 carcasses

Renewable Energy Waste

Name	Year 22/23 Last YR Fee (incl. GST)	Fee (excl. GST)	Year 23/24 GST	Fee (incl. GST)	Unit
Commercial Renewable Energy Waste				By prior negotiation with Council only	

Hillgrove & Wollomombi Transfer Stations

Asbestos, Animals, Chemicals, Renewable Energy Waste and Bulk Waste are not accepted at these waste transfer stations.

Sorted Waste

Name	Year 22/23 Last YR Fee (incl. GST)	Fee (excl. GST)	Year 23/24 GST	Fee (incl. GST)	Unit
Car - sedan or wagon	\$31.00	\$30.91	\$3.09	\$34.00	Per load
Utility or Small Trailer	\$36.00	\$35.45	\$3.55	\$39.00	Per load
Large Trailer	\$92.00	\$90.00	\$9.00	\$99.00	Per load

Unsorted Waste

Name	Year 22/23 Last YR Fee (incl. GST)	Fee (excl. GST)	Year 23/24 GST	Fee (incl. GST)	Unit
Car - sedan or wagon	\$57.00	\$56.36	\$5.64	\$62.00	Per load
Utility or Small Trailer	\$77.00	\$75.45	\$7.55	\$83.00	Per load
Large Trailer	\$145.00	\$141.82	\$14.18	\$156.00	Per load

Uncontaminated Garden Waste Including Trees

Name	Year 22/23 Last YR Fee (incl. GST)	Fee (excl. GST)	Year 23/24 GST	Fee (incl. GST)	Unit
Car - sedan or wagon	\$10.00	\$10.00	\$1.00	\$11.00	Per load
Utility or Small Trailer	\$15.00	\$15.45	\$1.55	\$17.00	Per load

Uncontaminated Garden Waste Including Trees *[continued]*

Name	Year 22/23 Last YR Fee (incl. GST)	Fee (excl. GST)	Year 23/24 GST	Fee (incl. GST)	Unit
Large Trailer	\$65.00	\$63.64	\$6.36	\$70.00	Per load

Clean Domestic Recyclables, Scrap Metal and Degassed Fridges

Name	Year 22/23 Last YR Fee (incl. GST)	Fee (excl. GST)	Year 23/24 GST	Fee (incl. GST)	Unit
All Vehicles				No charge	Per load

Resource Recovery and Product Sales

Armidale Waste Transfer Station

Name	Year 22/23 Last YR Fee (incl. GST)	Fee (excl. GST)	Year 23/24 GST	Fee (incl. GST)	Unit
Delivery Charge for Recycled Products Within a 10km radius of the waste management facility	\$92.00	\$90.00	\$9.00	\$99.00	Per delivery
Crushed Concrete	\$52.00	\$50.91	\$5.09	\$56.00	Per tonne
Mulch	\$35.00	\$34.55	\$3.45	\$38.00	Per m3
Compost Grade A	\$92.00	\$90.00	\$9.00	\$99.00	Per m3
Compost Grade B	\$72.00	\$70.91	\$7.09	\$78.00	Per m3
Compost Grade C	\$61.00	\$60.00	\$6.00	\$66.00	Per m3
Event Recycling and Garbage Bin Hire – 12 bin trailer configuration	\$180.00	\$176.36	\$17.64	\$194.00	Per trailer / Per event
Event Recycling and Garbage Bin Hire – 18 bin trailer configuration	\$270.00	\$263.64	\$26.36	\$290.00	Per trailer / Per event

Civic and Administration Buildings

Name	Year 22/23 Last YR Fee (incl. GST)	Fee (excl. GST)	Year 23/24 GST	Fee (incl. GST)	Unit
City to Soil Compostable Bags – residential properties	\$3.00	\$2.73	\$0.27	\$3.00	Per roll - 150 x 7L bags
Recycle Bin – tub only without lid	\$25.00	\$22.73	\$2.27	\$25.00	Per bin
Recycle Bin – lid only	\$12.00	\$10.91	\$1.09	\$12.00	Per lid

5. Implications

5.1. Strategic and Policy Implications

This aligns with Council's Strategic and Operational plans and Council's Community Strategic Plan – Advancing our Region Community Plan 2022-2032:

Future Region – Sustainability and Resilience

F2.3 Collect, handle, dispose, recycle and reuse waste responsibly and innovatively.

And Councils' Operational Plan and Budget 2022 -2023:

Waste Management

- Collection, sorting, reuse, recycling and disposal of waste for the community in accordance with Environmental Protection Authority (EPA) regulations.

5.2. Risk

In the current Fees and Charges, commercial Renewable Energy Waste is accepted as general solid waste which can result in Council's licenced disposal capacity being reached prematurely.

5.3. Sustainability

Waste streams are evolving, and waste from renewable energy sites such as solar panels and wind turbines would currently be disposed of as general solid waste. However, with better information about the future waste streams to come and the expended end of life of these wastes, we can work with the NSW Environment Protection Authority and other industry players to plan for and progress alternatives to actively divert these wastes from landfill and maximise our landfill capacity.

5.4. Financial

Budget Area:	General Fund						
Funding Source:	General Fund – Waste Services						
Budget Ref: (PN)	Description	Approved Budget	Actual	Committed	Proposed	Total Forecast Expenditure	Remaining Budget
290248	Long Swamp Road User Charges	(3,290,250)	(1,146,006)	NIL	TBD	NIL	(2,144,243)

6. Consultation and Communication

On approval from Council, progress to a 28 day public exhibition period. Should there be no submissions received, the changes are then to be automatically adopted.

7. Conclusion

This report recommends that Council clearly states in the 2023/24 Fees & Charges (within the Revenue Policy) that any waste from renewable energy sites or facilities can only be disposed of at Armidale Regional Landfill by prior and direct negotiation with Council.

Item:	9.1	Ref: AINT/2023/29535
Title:	Draft Burning of Vegetation within the Local Government Area 2023 POL229	Container: ARC17/1888
Responsible Officer	Chief Officer Planning and Activation	
Author:	Simon Grierson, Development Compliance Officer	
Attachments:	1. Burning of vegetation within the Local Government Area 2021 POL229 2. Burning of vegetation within the Local Government Area 2023 POL229	

1. Purpose

The purpose of this report is update and exhibit the Policy for Burning of Vegetation within the Local Government Area. This Policy provides a framework for the consideration of proposal for the burning of cut and stacked vegetation (pile burn) within the Armidale Regional Council Local Government Area.

2. OFFICERS' RECOMMENDATION:

That Council:

- a. Endorse the draft Policy for Burning of Vegetation for public exhibition for no less than 28 days.
- b. Receive a further report should any submissions be received as a result of the exhibition period, however, should no submissions be received, endorse the adoption of the policy without the need of a further report to Council.

3. Background

The current Policy for Burning of Vegetation within the Local Government Area was adopted by Council on 28 April 2021 and has existed in various forms since 2012. Council's Regulatory Services team proposes minor administrative changes to the existing Policy.

4. Discussion

The administrative update to the policy includes the year of the legislation, relevant sections and clauses and the streamlining of text to simplify reading and comprehension of the document.

The NSW Rural Fire Service or NSW Fire and Rescue were consulted in the review of the policy.

5. Implications

5.1. Strategic and Policy Implications

The adoption of this policy is aligned with the following strategic goals and actions of the Integrated Planning Reporting framework.

F2.4 Create a cleaner, healthier environment with good air quality

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

5.2. Risk

Legislative Risk: Adoption of this policy will provide clear guidelines to support the legislative requirements for when pollute air is appropriate in the urban and non-urban areas that Council is required to consider.

5.3. Sustainability

Nil.

5.4. Financial

Nil.

6. Consultation and Communication

Consultation on the Policy will be undertaken over the 28-day period and submissions received during that time will be considered as part of a review of the Policy.

7. Conclusion

There is no significant change proposed to the intent of the policy. The only proposed changes are administrative amendments including legislative updates and improving the readability of the policy.

Item:	9.2	Ref: AINT/2023/29061
Title:	Armidale Regional Local Environmental Plan 2012 - Transition to Digital Mapping	Container: ARC23/6197
Responsible Officer	Chief Officer Planning and Activation	
Author:	Jesse Dick, Senior Strategic Planner	
Attachments:	Nil	

1. Purpose

This report is for Council to consider the preparation of a submission to the Department of Planning & Environment (DPE) for an expedited amendment to the Armidale Regional Local Environmental Plan (LEP) 2012 to fully transition to digital mapping, and to correct minor mapping errors. The submission to DPE will be made under section 3.22 of the *Environmental Planning & Assessment Act 1979*. If supported by Council the submission will be forwarded to DPE for consideration.

2. OFFICERS' RECOMMENDATION:

That Council:

- a. Endorse the preparation of an application to the Department of Planning & Environment for consideration under section 3.22 of the *Environmental Planning & Assessment Act 1979* to transition the mapping associated with the Armidale Regional Local Environmental Plan 2012 to a digital format.
- b. Receive a report advising the outcome of the request once the Department of Planning & Environment have determined Council's section 3.22 application.

3. Background

Local Environmental Plans (LEPs) are an integral part of the NSW planning system. They are created by local councils in consultation with their community to control the form and location of new development, along with protecting open space and environmentally sensitive areas. Through zoning and development controls LEPs guide planning decisions for local government areas and therefore allow councils and other consent authorities to manage the ways in which land is used.

Reliable and up-to-date spatial information contained within planning instruments, (i.e. LEP's), is critical to the work of planners, accessibility to the general public and fundamental to a modern digital planning system.

Councils and other relevant planning bodies are required to implement standard technical data and mapping requirements issued by DPE. The standards issued by DPE aim to facilitate the inclusion of spatial data to the NSW Planning Database and have it readily accessible through the NSW Planning Portal.

As such, since 2021 the NSW Government has offered Councils the opportunity to transition from traditional PDF mapping of LEP controls to digital mapping which will be hosted online by the NSW Planning Portal spatial viewer.

Currently the majority of Council's LEP maps are only available in PDF format, which is restrictive in terms of accessibility to the maps and is time consuming when they are required to be updated by Council's GIS staff.

As part of the of NSW Government Employment Zones Reform which was undertaken during 2022 and implemented on 26 April 2023, the Land Zoning Maps have already transitioned onto the NSW Government Planning Portal spatial viewer.

This means that at present, one LEP mapping layer has transitioned to digital format, whilst the rest of Council's LEP maps are still in PDF format, further complicating the useability and accessibility of Council's LEP.

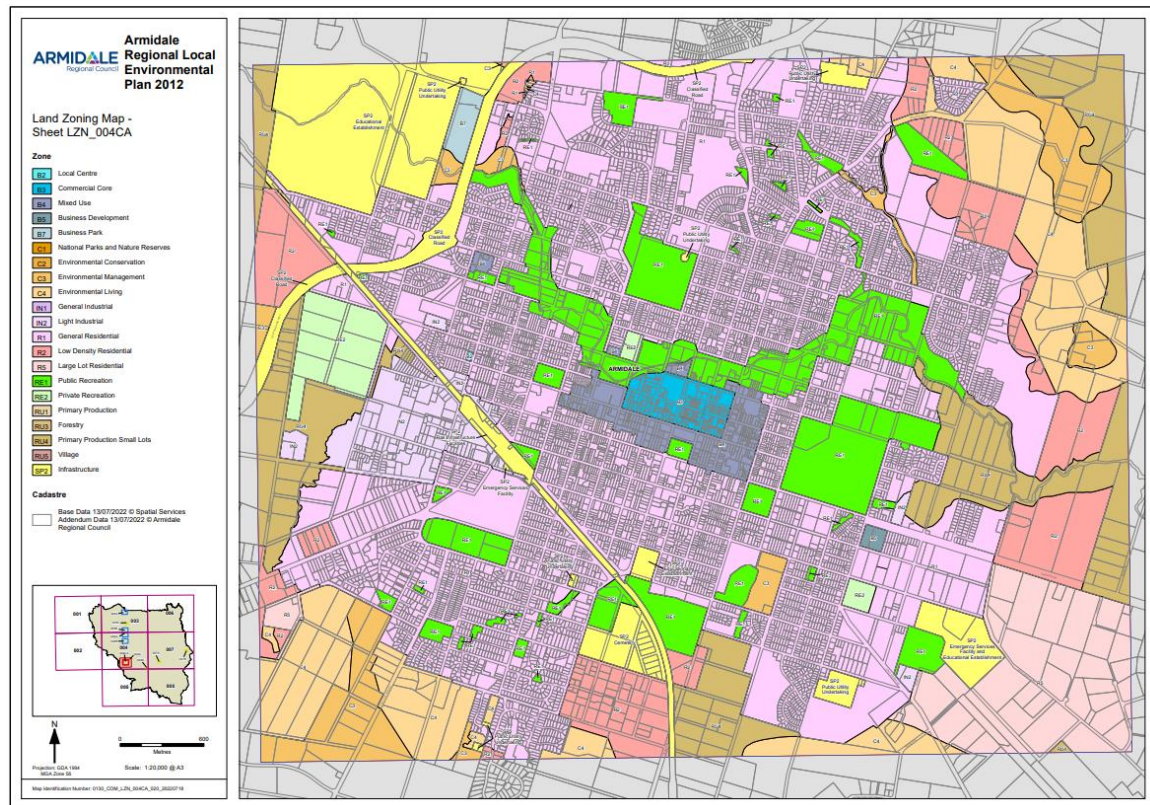


Figure 1: Former PDF Map showing Land Zoning in Armidale City:



Figure 2: Current Digital Map showing Land Zoning in Armidale City:

Hence fully transitioning our LEP maps to a digital format will not only increase the useability and accessibility to Council's LEP maps, and assist in the streamlining of keeping the LEP up to date by Council's GIS staff, but it will also remove the issue of having our spatial mapping data in two places.

Example of PDF mapping is Figure 1 digital mapping in Figure 2.

Overall the digital mapping is much easier to use than the PDF maps as:

1. The PDF maps are at a fixed scale. i.e. the map cannot be zoomed in to clearly show data on a 'per property' scale, which is useful when wanting to check the specific mapping details for individual properties.
2. The PDF maps show a fixed area of the LGA. This is difficult to navigate as each map area is defined by a map code, i.e. for Armidale City the map is titled 'LZN_004CA', which is not user friendly.

4. Discussion

Owing to the merger of the Armidale Dumaresq and Guyra Shire LEP's in November 2022, Council's mapping data is up-to-date and is therefore in a good position to be transitioned into the digital mapping format, albeit with a few minor changes required to address some clerical issues.

Council's GIS staff have liaised closely with the GIS team from DPE and have only identified minor mapping errors which will be addressed as part of the digital mapping transition process.

A list of the minor mapping corrections that will also be addressed as part of the transition to digital maps is provided below.

1. Amending the Additional Permissible Use (APU) Map for *Item 7 – Use of certain land at 35 Malpas Street, Guyra* to correct a discrepancy between Council data and DPE data. This amendment will ensure that only the western half of the land is identified in the APU map, as was mapped under the Guyra LEP 2012, rather than the whole of the land.
2. Correcting a labelling error on map sheet LSZ_0004C. This amendment will ensure that the labelling for a portion of land is shown with the correct Z2 code, rather than the Z1 code.
3. Correcting the map naming for the Airport Buffer Map and Sewerage Treatment Plant Buffer Map. This amendment will ensure that each map has naming specific to it. Presently the buffer maps are collectively known as 'Airport Buffer Map & Sewerage Treatment Plant Buffer Map', however each dataset should be titled 'Airport Buffer Map', and 'Sewerage Treatment Plant Buffer Map'.
4. Amending the Height Of Buildings Map data. This amendment will ensure that the data includes a reference to m(RL) not AHD(m).
5. Amending the data within map CAP004A to include the data from map CAP001. This amendment will ensure that the map will contain information relating to the former Guyra Shire Council and Armidale Dumaresq Shire Council boundaries.
6. Numerous minor mapping amendments to the Land Application Map (LAP), Lot Size Map (LSZ), Land Zoning Map (LZN). These amendments will ensure the map data aligns with the LGA boundary and current cadastre.

Aside from the minor clerical changes noted above, the zoning, standards and other matters that affect the interpretation of the LEP will remain unchanged, i.e. no change to any controls that impact the operation of the LEP are proposed as part of the transition to digital LEP mapping.

The transition to digital mapping will benefit Council's, planners, agencies, industry and the general public as it will increase confidence and trust in the plan-making process by making the maps more readily accessible and will resolve the current inefficiencies associated with PDF maps.

Numerous NSW Council's have taken the opportunity to transition to digital LEP mapping, these include:

Transitioned to Digital LEP:	In Progress: (as at August 2023)
Canada Bay Council	Burwood City Council
Canterbury-Bankstown Council	Cessnock City Council
Central Coast Council	Cumberland City Council
City of Parramatta Council	Dubbo Regional Council
Hilltops Council	Hornsby Shire Council
Port Stephens Council	Mid-Coast Council
Sutherland Shire Council	Randwick City Council
Willoughby City Council	Wagga Wagga Council
Wollondilly Shire Council	

5. Implications

5.1. Strategic and Policy Implications

This project aligns with Council's adopted Delivery Program and Operational Plan, specifically the following items:

T1.3.2 – Review the Local Environmental Plan to ensure industries and land uses that are compatible with the region's visions are welcomed in.

T1.3.2.1 - Review the Local Environmental Plan in response to proposed changes the zoning of land, additional permitted uses on certain land or amended development standards.

There will be no impact to Council Policy as part of this project.

5.2. Risk

There are no risk implications directly arising from the matters addressed in this report, including:

- Social risk.
- Operational risk.
- Reputational risk.
- Corporate risk.
- Legislative and Regulatory Risk.

5.3. Sustainability

Transitioning to digital mapping will increase Council's sustainability by reducing the demand on Council staff to produce updated LEP maps in PDF format. Currently the process to produce PDF maps is time consuming and intensive for Council's GIS team. Once the mapping has

transitioned to digital format, there will be a reduction in staff time to keep the maps up to date and will reduce staff time when introducing amendments to the LEP, i.e. land zoning changes.

5.4. Financial

Council's budgets will be improved because of staff time savings that will be realised once the mapping has transitioned to digital format, as outlined in this report.

6. Consultation and Communication

As the transition to digital mapping will not change any controls that impact the operation of the LEP there will be no impact on landowners.

As such, no community consultation is required under the expedited process under Section 3.22 of the *Environmental Planning & Assessment Act 1979*.

Internal consultation has been held between Council's Planning & GIS team and both sections of Council are supportive of the proposed transition to digital mapping for the reasons outlined in this report.

7. Conclusion

This report recommends that a submission be made to DPE to amend the Armidale Regional Local Environmental Plan 2012 under section 3.22 of the *Environmental Planning & Assessment Act 1979* by transitioning from PDF mapping to digital mapping.

Once all the statutory procedures have been carried out, the digital LEP maps will be published on the NSW Planning Portal Digital EPI Viewer. At this time a report will be brought back to Council to confirm that the transition to digital mapping has been completed.

Item:	9.3	Ref: AINT/2023/31449
Title:	Public Exhibition of Draft Local Strategic Planning Statement Container: ARC22/5396	
Responsible Officer	Chief Officer Planning and Activation	
Author:	Jesse Dick, Senior Strategic Planner	
Attachments:	1. Armidale Region Local Strategic Planning Statement 2020 2. Draft Armidale Region Local Strategic Planning Statement	

1. Purpose

The purpose of this report is to seek Council endorsement of the Draft Local Strategic Planning Statement (**LSPS**) for public exhibition and NSW Government consultation to occur prior to the February Ordinary Council Meeting (**OCM**). A further report will be presented to Council for consideration of submissions received and for adoption of the LSPS.

2. OFFICERS' RECOMMENDATION:

That Council;

- a. Endorse the Draft Local Strategic Planning Statement for public exhibition for a period of not less than 28 days.
- b. Forward the Draft Local Strategic Planning Statement to relevant state agencies for their comment.
- c. Delegate authority to the General Manager to make any minor amendments to Draft Local Strategic Planning Statement prior to public exhibition.
- d. Receive a further report once the submission period closes to consider any submissions received.

3. Background

In March 2018, amendments to the *Environmental Planning and Assessment Act 1979* (EP&A Act), introduced new legal requirements for all Councils in NSW to prepare and make Local Strategic Planning Statements (LSPS) (NSW Government, 2018).

The LSPS is the primary planning strategy for Local Government, as it provides a holistic and spatial representation of Council's strategic land use visions and objectives across the entire Armidale Regional Local Government Area over the next 20 years.

The LSPS is intended to demonstrate alignment with actions in the New England North West Regional Plan 2041 and identify the planning priorities for the area, consistent with Council's priorities and actions from the Advancing our Region Community Plan 2022-32.

The current Armidale Regional LSPS was adopted by Council in October 2020. It is proposed that once adopted, the Draft Armidale Regional LSPS, which has been updated to reflect and align with both the New England North West Regional Plan 2041 and Council's Advancing our Region Community Plan 2022-2032, will replace the current LSPS.

In this regard, before the document can be adopted, Council needs to further engage with the community and relevant state agencies to ensure that the Draft LSPS is robust and aligns with the planning priorities for the region and are consistent with the updated strategic plans

applying to the Armidale Regional LGA. As such, this report seeks Council's endorsement to publicly exhibit the Draft LSPS.

4. Discussion

Amendments to the *Environmental Planning and Assessment Act 1979* (EP&A Act) in 2018, introduced a strategic led planning framework into the NSW planning system with a requirement for all Councils in NSW to prepare and adopt Local Strategic Planning Statements (LSPS) for their Local Government Areas.

In accordance with the Department of Planning & Environment (DPE) guidelines, the LSPS is intended to set out:

- The 20 year vision for land use in the local area;
- The special characteristics which contribute to local identity;
- Shared community values to be maintained and enhanced; and
- How growth and change will be managed into the future.

Pursuant to section 3.9 of the *Environmental Planning and Assessment Act 1979*, the LSPS is a legal document which is to identify the planning priorities for an area and the actions required to enable these to be delivered and implemented. Councils are to show how their vision gives effect to the regional plan, based on local characteristics and opportunities, informed by the strategic and community planning work undertaken across the region during the development of the Community Plan. Given this, the LSPS is required to include or identify the following:

- (a) the basis for strategic planning in the area, having regard to economic, social and environmental matters,
- (b) the planning priorities for the area that are consistent with any strategic plan applying to the area and (subject to any such strategic plan) any applicable community strategic plan under section 402 of the *Local Government Act 1993*,
- (c) the actions required for achieving those planning priorities,
- (d) the basis on which the council is to monitor and report on the implementation of those actions.

The statements are also to provide a clear line-of-sight between the key strategic priorities identified at the regional level in the New England North West Regional Plan 2041 and the planning at a local level and provide a holistic and spatial representation of Council's strategic land use visions and objectives across the entire Armidale Regional Local Government Area.



Figure 1 – Planning Policy alignment

In addition, to giving effect to the Regional Plan and the Council adopted Community Plan, the LSPS will be the key resource and primary strategy to understand how strategic and statutory plans will be implemented at the local level over the next 20 years and beyond. The LSPS will achieve this via amendments to LEPs and DCPs, and broadly via integration of land use planning matters across the EP&A Act and the Local Government Act.

Existing Local Strategic Planning Statement:

In October 2020, Armidale Regional Council adopted its first LSPS (A Plan for 2040) (Attachment 1). However, since this time, Armidale Regional Council has undertaken significant community consultation, including the Planning and Jobs Growth Summit in early 2022 and supporting discussion papers, and community engagement to support the development of its Community Plan 2022-2032. The NSW Government has also issued revised population projections and several other significant investments are underway, all of which provide the opportunity to refresh Armidale's vision and outlook from its original Local Strategic Planning Statement.

Accordingly, an update of the October 2020 LSPS was required so that the work Armidale Regional Council has progressed with its community and key stakeholders since 2020 could be incorporated into a more robust and holistic document that better aligned with the key desires of Council and the community.

Updated Local Strategic Planning Statement:

In January 2022, the newly elected Armidale Regional Council (ARC) resolved to set an aspirational target to grow jobs in our region by 4,000 over the next 20 years and increasing our regional population by a further 10,000 people.

With this clear direction by Council, in early 2023 Council engaged a consultant to prepare its updated LSPS (Attachment 2). The intent of Armidale Regional Council's updated LSPS will be to create a robust and holistic spatial representation and planning policy framework which deliberately and directly interacts with the Advancing Our Region Community Plan 2022-2032. The work to build the updated LSPS therefore seeks to align with the vision and key themes of Council's Community Plan 2022-2032, being:

1. A Thriving Region;

2. A Connected Region;
3. A Future Region;
4. A Liveable Region;
5. A Enriched Region; and
6. A Strong Region.



The Six Key Themes of Council's Community Plan 2022-2032

Figure 2 – Community Plan alignment

The updated LSPS will also seek to facilitate and guide the development of necessary and subsequent, topic specific strategies including the Local Housing Strategy, which is being prepared concurrently and in alignment with the LSPS.

The Advancing Our Region Community Plan 2022-2032, provides the platform for the development of all other Council strategies and decisions. For this reason, the development of the Local Strategic Planning Statement draws from the Community Plan for guidance and direction as well as seek to achieve the implementation and success outcomes sought by the Community Plan.

In the context of the Armidale Regional LGA, the LSPS provides information on the following key matters that will be used to inform the development of the region over the coming 20 years:

- The existing and future character of the Armidale Regional LGA;
- Water security and the ability to grow and attract new residents and industry to the region;
- Where future housing, jobs and services will be located, and what jobs these will be;
- Housing supply required to accommodate growth and diversity of housing stock to provide choice for different demographics;
- Information on future infrastructure requirements such as community facilities and transport initiatives;
- Protection of the environment and heritage values, areas and items;
- Opportunities and alternative uses to revitalise and reinvigorate the Armidale CBD; and
- Potential for attracting increased tourism activity to the region.

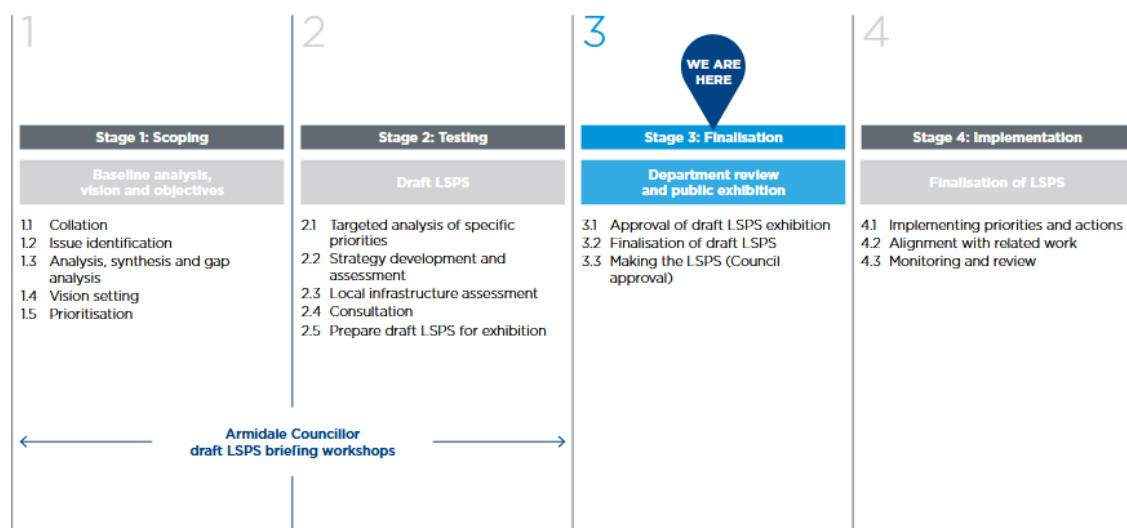
The LSPS is supported by three Vision Objectives and their associated Planning Priorities. Each Planning Priority is complemented by a suite of actions and implementation tasks, timeframes and responsibilities to support Council, the government, local businesses and our community more broadly to achieve our ambitious aspirations.

Vision Objectives:



The LSPS has been developed subsequent to Council's Community Plan 2022-2032 and in parallel with Council's Local Housing Strategy. The methodology used to develop the LSPS follows the process outlined by the DPE Local Strategic Planning Statement Guidelines and also provides a link between the New England North West Regional Plan 2041 and Community Plan. The LSPS seeks to grow and develop the aspirations of our community consistent with these Plans.

In accordance with the DPE Guidelines, the Draft LSPS has progressed through the first two stages, Stage 1 – Scoping and Stage 2 – Testing, and is now at Stage 3 – Finalisation. Council will see from the Draft LSPS that some maps are still undergoing graphic design to align with our style guide. These maps were workshopped extensively with Council in the final workshop in September 2023 via the geospatial information system (GIS). These GIS maps are now being redrawn in the correct format for the LSPS document. These maps will be completed and inserted prior to public exhibition and agency consultation.



5. Implications

5.1. Strategic and Policy Implications

The LSPS draws on and gives effect to our land use vision and planning priorities based on local characteristics and opportunities and informed by the strategic and community planning work undertaken across the region during the development of the Community Plan. It provides a 20 year vision for the LGA, which builds on the 10 year vision in Council's Community Plan.

Importantly, the LSPS provides a planning vision, emphasising strategic land use, transport and environmental planning, clearly demonstrating how the area will change to meet the community's needs in 20 years' time.

The 20-year vision has been derived from a community strategic visioning process conducted as part of the Community Plan prepared under the *Local Government Act 1993*.

The LSPS will also guide and facilitate the preparation of subordinate Council Strategies such as the Local Housing Strategy, Infrastructure Strategy, Open Space and Biodiversity Strategies, which will sit alongside the LSPS to provide direction and shape how development will evolve over time to meet the community's aspirations. The LSPS will achieve this via amendments to the Local Environmental Plan and Development Control Plans.

5.2. Risk

The preparation of an LSPS is a legal requirement for all Council's in NSW under section 3.9 of the EP&A Act.

The LSPS proposes to replace the existing LSPS, adopted by Council in October 2020, and builds upon the communities' vision expressed in the more recent Community Plan 2022-2023 and the updated Regional Plan.

The risks associated with not having a robust and holistic updated document that better aligns with the key desires of this Council and the community today, would be that it would not give effect to the vision objectives expressed above and in particular the Council's aspirations for jobs and population growth within the region.

5.3. Sustainability

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

5.4. Financial

Budget Area:	Strategic Natural Resources and Land Use Planning						
Funding Source:	Operational						
Budget Ref: (PN)	Description	Approved Budget	Actual	Committed	Proposed	Total Forecast Expenditure	Remaining Budget
250203	Local Strategic Planning Statement	200,000	200,000	0	0	200,000	0

The Actions identified in the LSPS will require the development of a number of supporting planning strategies which will require internal and possibly external resourcing. The LSPS will provide focus, direction and clarity for Council and the Community to inform land use decisions and actions over the next 20 years.

Given this, the development of these planning strategies and the associated studies required to be undertaken to support these, will have budget implications over the next few years.

6. Consultation and Communication

There have been a number of workshops undertaken with Councillor's over the past 12 months to inform and seek their direction in the preparation of the updated LSPS, to ensure that it was fit for purpose in line with the current Regional and Community Plans.

The initial workshop in November 2022 and the following workshop in April 2023, were important in analysing the baseline data and setting the Councillor's vision and objectives in regard to regional growth and future land use planning within the LGA.

If endorsed by Council, it is proposed to public exhibit the LSPS for a minimum of 28 days and undertake the necessary consultation with state agencies.

7. Conclusion

This report recommends that Council endorse the LSPS and that the document be publicly exhibited for a period of not less than 28 days and referred to state agencies for their review.

Once the exhibition period has been concluded a further report will be provided to Council for consideration of any submissions received.

Item:	9.4	Ref: AINT/2023/13157
Title:	Armidale Regional Council CCTV City Safe Procedures and Protocols Container: ARC17/1661	
Responsible Officer	Chief Officer Planning and Activation	
Author:	Tom Bower, Manager Parks & Facilities	
Attachments:	1. Updated Procedure - City Safe Program (Version 3) - November 2023 2. CCTV City Safe Program Protocols (Version 2)	

1. Purpose

This report aims to introduce the revised procedures and protocols for the Armidale Regional Council CCTV (Closed Circuit Television) City Safe Program. The updated document incorporates technological advancements in both hardware (cameras) and software (programs and storage). It also outlines a process for selecting additional Areas of Operation within the Armidale Regional Council Local Government Area (LGA), including in Guyra.

2. OFFICERS' RECOMMENDATION:

That Council:

- a. Endorse the Armidale Regional Council CCTV City Safe Procedures and Protocols document (Version 3) reflecting the changes in procedures due to advances in technologies.
- b. Note the role of the Protocol Management Groups role in selecting appropriate Area of Operation of the Armidale Regional Council CCTV City Safe program.
- c. Note the changes this document makes to allow NSW Police to have image Playback capabilities at the Armidale Police Station.

3. Background

The CCTV City Safe program, initiated in 2005 as part of a comprehensive crime and anti-social behaviour deterrent initiative, initially focused on the Armidale Central Business District (CBD). The program involved monitoring cameras from the Armidale Civic Administration Building Monitoring Room on Friday and Saturday nights (11:00 pm to 03:00 am), with the cameras conducting set roaming patrols during other hours. As incidents of anti-social behaviour diminished during closing times at pubs and clubs over time, the need for manned supervision of the monitoring system at the Civic Administration Building became unnecessary.

This reduction in incidents was attributed to successful prosecutions enabled by evidence from the CCTV cameras, as well as enforcement of liquor accords and responsible service of alcohol. The cameras now operate on an automatic 24/7 patrol, and the recorded images are accessible to the police for 21 days.

The operation, administration, and maintenance costs of the CCTV system are covered by the Facilities Operational budget. Any expansion of the system is typically funded through the Facilities Capital budget, supplemented by external grant funding opportunities as deemed appropriate.

4. Discussion

The CCTV City Safe program was introduced in conjunction with other initiatives such as improved street lighting and liquor accords with the aim to enhance the public safety and wellbeing of the community and visitors to the Armidale Regional Council LGA through the following objectives;

- To identify and deter property damage.
- To identify and deter anti-social behaviour
- To identify and deter criminal behaviour.

The program provides NSW Police, as the primary enforcement agency with a valuable tool in identifying offenders and Persons of Interest for investigative purposes and in providing relevant evidence for matters in a Court of Law.

The amendments to the procedure allow for this program to continue providing this service by allowing the expansion of the existing program to other areas in the Armidale Region including Guyra. With the success this program has brought to the Armidale Central Business District, it is envisaged that this deterrent will be as successful in other locations identified in the region that are at high risk of crime and anti-social behaviour. Improvements in technology will also allow the provision of additional controls (Play Back) for local Police who currently have live time image only on monitors installed in the Armidale Station and streamline the transfer of image requests procedure.

5. Implications

5.1. Strategic and Policy Implications

The operation of the City Safe program and the development and updates of the internal procedures/protocol document relating to the program follows the NSW State Government's policy statement and guidelines for the establishment and implementation of CCTV in public places.

5.2. Risk

Before selecting any additional areas of operation, it's crucial to conduct a thorough risk assessment, involve stakeholders, and align strictly with the Armidale Regional Council CCTV City Safe Procedures and Protocols to address any potential risks and concerns.

5.3. Sustainability

The advances in technologies especially power of ethernet technology allows for the delivery of a high-quality image and storage options with minimal energy consumptions.

5.4. Financial

There is no budget associated with this report. Budget will be with future approved CCTV network expansion projects.

6. Consultation and Communication

- Consultation between Council's Planning and Activation team and the Guyra Progress Association on community safety options.
- Continued discussions with NSW Police

- Internal conversations regarding update requirements consistent with today's technology.

7. Conclusion

The recommendations will bring the procedure/protocol document in line with current practices reflecting the advancement in CCTV technology and allow for the expansion of the program to facilitate the successful enforcement of unlawful and anti-social activities. The recommendations also allow for the NSW Police to have image Playback capabilities at the Armidale Police Station which improves their capabilities in further reducing anti-social behaviour and crime.

Item:	9.5	Ref: AINT/2023/31550
Title:	Delegated Authority to Accept Tender for Armidale and Guyra Saleyards Infrastructure Upgrade	Container: ARC21/4733
Responsible Officer	Chief Officer Planning and Activation	
Author:	Tom Bower, Manager Parks & Facilities	
Attachments:	1. Extract from GC21 Contract Information - RFT10053871	

1. Purpose

The purpose of this report is related to the Armidale and Guyra Livestock Selling Centre Upgrades Project (**the Project**). Officers are seeking the Council's endorsement to depart from the conventional decision-making process for the acceptance of the tender recommendations provided by NSW Public Works and allow the General Manager to accept the tender under delegated authority, negotiate, and execute contracts for timely project implementation. The report emphasises the grant-funded nature, the involvement of NSW Public Works, and the need for efficient decision-making due to time pressures. There is an alternative pathway open to Council, being an Extra Ordinary Council Meeting (**OCM**), which is discussed in the report.

2. OFFICERS' RECOMMENDATION:

That Council:

- a. Note the information for the GC21 Tender Contract of RFT-10053871 Armidale and Guyra Saleyards Infrastructure Upgrade.
- b. Endorse departure from convention of reporting to Council as identified in the Procurement Policy on this occasion, in order to allow the General Manager to accept a tender for Tender RFT-10053871 Armidale and Guyra Saleyards Infrastructure Upgrade under delegated authority.
- c. Authorise the General Manager to negotiate and execute resulting contracts for Tender RFT-10053871 Armidale and Guyra Saleyards Infrastructure Upgrade on behalf of Council.
- d. Receive a report on the outcome of the tender process.

3. Background

Following extensive collaboration with key stakeholders, detailed design works for the Project were finalised in late November 2022. This crucial initiative is made possible through funding from the Bushfire Local Economic Recovery Fund (**BLERF**), a joint effort by the Australian and NSW Governments. The scheduled commencement of upgrades is early 2024, contingent on the approval of the Development Application and the completion of the commenced tender process.

Guyra Saleyards will undergo a carefully phased transformation, involving the demolition and reconstruction of sheep yards, as well as improvements to site drainage and pollution control. The primary focus during this stage is on addressing safety concerns associated with the existing pens.

Meanwhile, the enhancement plans for Armidale Saleyards revolve around the construction of new bull pens. This necessitated the demolition of the sheep yards, leaving only two yards

designated for overnight use. The overarching goal is to modernise and improve these essential livestock facilities, aligning with the community's needs and safety standards.

4. Discussion

The recommendation for the tender acceptance process has been put forward for councils' consideration for the Project due to a number of circumstances. Armidale Regional Council has employed the services of NSW Public Works to manage the Project. NSW Public Works is an entity with a proven track record in managing similar projects, including the Gunnedah Regional Saleyards Infrastructure Upgrade. The departure from the standard reporting process to council is proposed to streamline decision-making and expedite the commencement of the much-needed infrastructure upgrade.

Several key factors underpin this request for Council endorsement:

1. **Grant-Funded Project:** The financial component of the Armidale and Guyra Saleyards Infrastructure Upgrade is entirely grant-funded, with no co-contribution required from Armidale Regional Council. This ensures that the project aligns with our commitment to fiscal responsibility, utilising funding from the BLERF to drive essential improvements without placing an additional burden on local resources.
2. **Tender Process Managed by NSW Public Works:** The tender process for this project has been diligently managed by the NSW Public Works, a government body with expertise in infrastructure development. Their involvement ensures a transparent and competitive process, aligning with the principles of our procurement policy despite the departure from the conventional reporting to council.
3. **Delegated Authority for Efficient Decision-Making:** Grant-funded projects come with strict timelines and reporting requirements. The Project has been delayed due to funding variation requirements from recent material cost escalations and pollution management requirements at the Guyra Saleyards. The variations requested to maintain the original scope of works were successful and the grant extended in deadline until April 2025. However, the time pressures are still a risk to completing a successful project on or before the final deadline. By endorsing a departure from the standard convention, the General Manager with delegated authority to accept the tender recommendation as opposed to waiting for a decision at the February OCM. This agility in decision-making is essential to meet project timelines and deliver the promised benefits to our community. The General Manager will be furnished with the same report that would otherwise go before Council – the process for awarding the contract to the successful tenderer does not change.

Fundamentally the normal process of tender evaluation and acceptance will be followed with the exception of the General Manager endorsing the recommendation resulting from the tender process as opposed to Council. If Council is of a mind to retain final decision making on tender acceptance it has the option of calling an extra ordinary meeting prior to the February OCM. Based on the current project plan it is estimated that tender processes and recommendation to appointment a preferred contractor is to be completed by late January 2024.

5. Implications

5.1. Strategic and Policy Implications

The activities align with Council's adopted Advancing our Region Community Plan 2022-2032.

Liveable Region, Goal 1, Public spaces and infrastructure that facilitate health, community connections and opportunities

The activities align with Council's adopted Delivery Program 2022 - 2026.

L1.1 Provide appropriate, maintained, and planned facilities that allow people to meet, congregate and learn

Develop and maintain Council-owned facilities and service infrastructure in line with Asset Management Plans and community needs (L1.1.1)

Regularly review Council's property portfolio for functionality and seek opportunities for development or divestment (L1.1.2)

5.2. Risk

Departing from the conventional reporting process may raise concerns about accountability and transparency. Some stakeholders may question whether due diligence has been observed in the decision-making process. However, as Public Works Authority is project managing this capital works, including having responsibility over the funding and reporting aspects, council believes this concern is mitigated, with the decision-making process reviewed appropriately by council management and NSW Public Work Authority.

Further to this, Council will receive a report on the outcome of the tender process with the full package of information regarding assessment and acceptance the preferred tender.

This procurement Strategy is permitted under Section 55(3) of the Local Government Act 1993 provides several exemptions from the need for councils to invite tenders.

Council can refer to Section 55 (3) (g) "a contract for the purchase of goods, materials or services specified by the NSW Procurement Board or the Department of Administrative Services of the Commonwealth, made with a person so specified, during a period so specified and, if a rate is so specified, at a rate not exceeding the rate so specified".

5.3. Sustainability

Timely Project Implementation: Endorsing the departure allows for expedited decision-making and commencement of the project. This can lead to timely implementation, ensuring that the community benefits from the upgraded saleyards sooner.

Efficient Use of Grant Funding: With the delegated authority to accept the tender recommendation promptly, the project can move forward without delays. This ensures the efficient utilisation of grant funding, meeting the stipulated project timelines and objectives.

5.4. Financial

The project budget is considered confidential in nature given the tender process about to be undertaken.

6. Consultation and Communication

Consultation has taken place between the project management from NSW Public Works and Council staff to emphasise the benefits to expediting this process and prevent any time being lost when the successful tender has been recommended by NSW Public Works at the end of the request for tender process. NSW Public Works recommended a similar process be adopted by

Gunnedah Shire Council (GSC) for their Regional Saleyards Infrastructure upgrade in 2022, with the recommendation supported by GSC.

7. Conclusion

It is recommended that Council allow the General Manager to accept the tender for the Project under delegated authority. This streamlined approach aims to ensure the efficient use of grant funding and leverage the expertise of the NSW Public Works while maintaining transparency and accountability.

Item:	10.1	Ref: AINT/2023/30930
Title:	Internal Audit Charter	Container: ARC23/5778
Responsible Officer	Chief Officer Corporate and Community	
Author:	Simone Mooketsi, Manager Governance and Strategy	
Attachments:	1. Draft Internal Audit Charter	

1. Purpose

To seek adoption of the Draft Internal Audit Charter by Council.

2. OFFICERS' RECOMMENDATION:

That Council:

- a. Note the content of the draft Internal Audit Charter
- b. Note the draft Internal Charter was endorsed by the Audit, Risk and Improvement Committee (ARIC) at the 14 November 2023 ARIC meeting and recommended to Council's governing body for adoption.
- c. Adopt the Internal Charter at the 13 December 2023 ordinary council meeting.

3. Background

The *Guidelines for Risk Management and Internal Audit for Local Government in NSW* require each council to have a Charter for its internal audit function. The Internal Audit Charter is separate, and in addition to, the Terms of Reference for the ARIC, which were adopted by Council at the 22 November 2023 ordinary council meeting.

The Office of Local Government has recently released a model internal audit charter which Council has adapted for this purpose.

4. Discussion

The model internal audit charter prepared by the Office of Local Government is drafted providing a binary option of either a fully in-house internal audit function or a fully outsourced internal audit function.

Armidale Regional Council operates with a co-sourced model and the draft Charter has been adapted to codify this arrangement. The co-sourced model was chosen as it offers Council access to independent, subject matters specialists to conduct a scheduled program of internal audit coupled with the agility to undertake internal audits and investigations in response to incident and priority matters as they arise.

5. Implications

5.1. Strategic and Policy Implications

The Internal Audit Charter is a mandatory requirement of the *Guidelines for Risk Management and Internal Audit for Local Government in NSW*.

The Internal Audit Charter supports achievement of Community Plan and Delivery Plan Strong Region Goal 2 – S2.1.3 Implement robust Audit, Risk and Improvement processes and frameworks and undertake the requirements of the Internal Audit and Risk Management Framework for Local Governments.

5.2. Risk

A robust and independent internal audit function is essential for the effective management of risk at Council and comply with the requirements of the *Guidelines for Risk Management and Internal Audit for Local Government in NSW*.

5.3. Sustainability

Nil.

5.4. Financial

Council's program of internal audit utilising the co-sourced model is already funded in the baseline budget (business as usual activities and staff establishment). No additional funding is required.

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

6. Consultation and Communication

The content of the draft Internal Charter was prepared by the Manager governance with input from the Chair of ARIC utilising the Model Charter provided by the Office of Local Government.

ARIC feedback on the draft Internal Audit Charter was sought at the 14 November 2023 ARIC meeting and endorsed with no recommended changes for adoption by Council at its next ordinary meeting.

Public exhibition requirements do not apply to the Internal Audit Charter.

7. Conclusion

The Internal Audit Charter formalises Council's existing co-sourced internal audit function, supports the implementation of the *Guidelines for Risk Management and Internal Audit for Local Government in NSW* and provides assurance to the community Council's commitment to good governance.

Item:	10.2	Ref: AINT/2023/31035
Title:	ARIC Expenses and Facilities Policy	Container: ARC23/5778
Responsible Officer	Chief Officer Corporate and Community	
Author:	Simone Mooketsi, Manager Governance and Strategy	
Attachments:	1. Draft ARIC Fees Reasonable Expenses and Facilities Policy	

1. Purpose

The purpose of this report is to seek Council adoption of the Draft Audit, Risk and Improvement Committee (ARIC) Fees, Reasonable Expenses and Facilities Policy.

2. OFFICERS' RECOMMENDATION:

That Council

- a. Note the content of the draft Policy.
- b. Adopt the draft Policy.
- c. Endorse the remuneration fee of \$1285 payable to committee members and \$1930.00 payable to the chair.
- d. Note that by adopting the Policy, Council is resolving to pay fees to independent members of ARIC as contained in the draft Policy as per (c).

3. Background

The term of appointment for independent members of Council's ARIC who were appointed in December 2020 for a term of three years has concluded. The final meeting of the current ARIC was held on 14 November 2023.

Before commencing recruitment of new independent members and/or re-appointing existing Committee members for the next term of ARIC in accordance with the ARIC Terms of Reference approved by Council's governing body at the 22 November 2023 ordinary council meeting, it is good practice to review the remuneration arrangements for independent members.

4. Discussion

Remuneration of independent members of ARIC was previously set via Council through a report to Council at the time of their appointment which recommended the fees. The remuneration was last set by Council at the 9 December 2020 ordinary council meeting.

To enhance transparency, good governance and to attract suitably qualified and experienced independent committee members, it is recommended to establish a policy which sets out the fees, reasonable expenses and facilities for independent members of ARIC. The draft policy is adapted from the format of the Councillor Expenses and Facilities Policy.

5. Strategic and Policy Implications

Setting of remuneration for independent ARIC members via policy supports achievement of Community Plan and Delivery Plan Strong Region Goal 2 – S2.1.3 Implement robust Audit, Risk and Improvement processes and frameworks and undertake the requirements of the Internal Audit and Risk Management Framework for Local Governments.

5.1. Risk

The ARIC is a key component of Council's governance framework. The objective of the ARIC is to provide independent assurance and advice to the General Manager and Council by overseeing and monitoring Council's governance, risk and control frameworks and its external accountability requirements. Setting of fees at a reasonable level to attract suitably qualified candidates will ensure that these important oversight functions continue to occur.

5.2. Sustainability

Nil

5.3. Financial

The Proposed remuneration for ARIC independent members for the next term of ARIC is:

- i. \$1930 sitting fee for meetings and workshops for the appointed Chair.
- ii. \$1285 sitting fee for meetings and workshops for independent members.

The draft Policy proposes that these fees outlined below are subject to review on 1st July each year. The percentage rate increase (if any) will be indexed at the rate set by the Local Government Remuneration Tribunal for Mayoral and Councillor allowances.

The proposed sitting fees have been determined by indexing the fees set by resolution of Council on 9 December 2022 of \$1800 for the ARIC Chair and \$1200 for the independent members with indexing applied as per the Local Government remuneration Tribunal for the period from 2020-2023.

Reimbursements for travel expenses are funded through the existing Governance budget and will be indexed annually in accordance with the relevant rates issued by the Australian Tax Office.

Increased fees will only apply for a maximum of two meetings this financial year 2023-2024 and can be absorbed within the existing Governance budget. The increased allowance amounts and indexing process will be used to inform setting of the Government budget for 2024/25 and beyond.

Budget Area:	Governance						
Funding Source:	General Funds						
Budget Ref: (PN)	Description	Approved Budget	Actual	Committed	Proposed	Total Forecast Expenditure	Remaining Budget
Internal Audit & Committee Expenses	Materials & Contracts	\$105,000	\$30,304	\$47,129	\$600	\$77,729	\$27,271

6. Consultation and Communication

Public exhibition of the draft policy is not required.

7. Conclusion

The draft Policy transparently sets the remuneration for independent members of ARIC, supporting the attraction and retention of suitably qualified candidates to serve on the Committee.

Item:	11.1	Ref: AINT/2023/24507
Title:	Gates and Stock Grids on Public Roads - For Adoption (Post Public Exhibition)	Container: ARC16/0652
Responsible Officer	Chief Officer Assets and Services	
Author:	Mark Wilson, Coordinator Design and Resourcing	
Attachments:	<ol style="list-style-type: none">1. 11.2 Adoption of Gates and Stock Grids on Public Roads Policy (Council - 28 June 2023)2. Stock Grids Policy - Submission - NSW Farmers Guyra - 26 August 20233. Stock Grids Policy - Submission - Robertson Grazing - 10 September 20234. Stock Grids Policy - Submission - Connected Region KPWG - Gates and Grids v11810235. Cattle Grid Ownership Reference Guide6. POL087- Gates and Stock Grids on Public Roads	

1. Purpose

The purpose of this report is to have Council adopt the revised policy POL087 - Gates and Stock Grids on Public Roads following public exhibition and to confirm policy implementation.

2. OFFICERS' RECOMMENDATION:

That Council:

- a) Adopt the Policy POL087 – Gates and Stock Grids on Public Roads; and
- b) Note implementation of the policy through the commencement of removal of obsolete grids and gates and the issue of new permits, in accordance with the *Roads Act (1993)* following appropriate notification to landholders.

3. Background

Ordinary Council Meeting 26 May 2021

Council adopted the Grids and Gates Policy at the 26 May 2021 Council meeting, to come into effect from 1 July 2021. The adopted Policy had a 12-month implementation timeframe from 1 July 2021 to 1 July 2022 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; and
- Existing grid and gate owners to upgrade, repair, remove or replace non-compliant grids and bring them into compliance with the policy as approved on 26 May 2021. All associated costs were to be the responsibility of the grid or gate owner.

Upon adoption of the Policy at the 26 May 2021 meeting (attached for your reference with covering report), Council undertook engagement activities with landowners who may be affected by the implementation of the Policy as approved. During this engagement a number of

questions arose from landowners relating to responsibilities for maintenance and public liability insurance.

As a result of these queries, Council undertook additional review of the Policy and determined that changes to the Policy are required.

Considering feedback from landowners and Council's insurer, Council staff delayed the determination of grid ownership which in turn impacted the implementation of the existing policy.

Ordinary Council Meeting 29 June 2022

At the 29 June 2022 Council meeting, Council resolved to:

- a. Refer POL087 – Gates and Stock Grids on Public Roads and public feedback to the Connected Region Key Pillar Working Group to discuss and make comment on proposed grid ownership, maintenance liabilities and transition options;
- b. Extend the ownership nomination period for an additional 12 months for Council staff, in consultation with the relevant working group, to determine ownership of existing grids and gates on Council roads where ownership is uncertain.
- c. Extend the current transition period for an additional 12 months from 1 July 2022 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, noting all associated costs are currently the responsibility of the grid or gate owner as per the policy.

As reported at the 26 May 2021 Council meeting, there is a need to harmonise the policy on grids and gates on public roads of the former Armidale-Dumaresq and Guyra Shire Councils.

In the former Guyra Shire Council area, there were 80 stock grids on public roads. 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 area, there were 205 stock grids on public roads. 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.

In the preparation of the Policy as adopted by Council on 26 May 2021, consultation was undertaken with by GHD on behalf of Council on the draft policy with the Armidale and Guyra branches of the NSW Farmers' Association.

Following adoption at the 26 May 2021 Council meeting, a large amount of public feedback on the policy and its implementation has been received. Grid and gate condition and ownership has not yet been determined for all grids and gates.

Following the feedback, legal advice was sought to:

- a) Conduct a legal review of Gates and Stock Grids on Public Roads (adopted on 26 May 2021) (the Policy) to consider whether it is consistent with relevant legislation including the *Roads Act (1993)*, *Roads Regulation (2018)*, *Dividing Fences Act (1991)* and *Local Government Act (1993)*.
- b) Answer the following questions:

- i. Who has ownership of grids when they are installed on roads for which Council is the roads authority;
- ii. Who is liable in relation to maintenance and repairs to the grids; and
- iii. Who is liable in the instance that damage is caused by the grids.

The advice is included as a confidential annexure to the report.

In summary, the advice provided is as follows:

- a) Council's Policy is generally consistent with the *Roads Act (1993)*, *Roads Regulation (2018)* and other legislation. However, there are amendments to the Policy which should be made to ensure the Policy is fully consistent with legal requirements.
- b) In relation to the specific questions asked by Council, we provide the following advice:
 - i. Council retains ownership of grids when they are installed on roads for which Council is the roads authority;
 - ii. In relation to liability for maintenance and repairs:
 - a. The occupier of the land is liable in relation to maintenance and repairs to public gates and grids installed pursuant to Part 9 Division 2 of the *Roads Act (1993)* (a permit granted for a public gate or by-pass);
 - b. The person who has a right to control, use or benefit from the public gate or grid is liable to carry out maintenance and repairs in relation to public gates and grids installed pursuant to Part 9 Division 2 of the *Roads Act (1993)* (a permit granted for a public gate or by-pass), or Part 9 Division 3 (a consent granted for other works and structures).
 - iii. If damage is caused by the grids it is the responsibility of the persons noted above to attend to the maintenance and repair of the grid.

From the advice it is clear that the structures in the roadway should be treated similar to other structures for which Council grants approvals under Section 138 of the *Roads Act (1993)* such as retaining walls, signage and other structures.

The legal advice regarding ownership does not cite reference to any legislation and is not consistent with other structures on the road such as driveway crossovers, signage, café amenities, building awnings, telecommunications, power and gas infrastructure.

The legislated process for application for permit, installation and maintenance obligations being the responsibility of the benefiting landholder all point to the ownership of the structure being that of the benefiting landholder.

Ordinary Council Meeting 26 April 2023

At the Ordinary Council Meeting held 26 April 2023, Council resolved to

- a) Note the revised Policy POL087 – Gates and Stock Grids on Public Roads.
- b) Endorse the placement of revised Policy POL087 on public exhibition for 28 days.
- c) Run concurrent community engagement sessions in line with the public exhibition period, auspice by the Connected Region key pillar working group.

- d) Refer the outcomes of the public exhibition period and the community engagement sessions to the Connected Region key pillar working group and finalise the draft policy for determination by Council.
- e) Note, following that above, the implementation of the policy through the commencement of removal of obsolete grids and gates and the issue of new permits in accordance with the Roads Act (1993) following appropriate consultation with landholders.

During the exhibition period, the policy was placed on public exhibition on Council's Have Your Say Website.

Further, in accordance with the Council resolution at the OCM held 26 April 2023, the policy was referred to Cr O'Connor on 2 May 2023, the Chair of the Connected Regional Key Pillar Working Group to arrange the community engagement sessions.

During the Council's 28-day public exhibition period, three submissions were received. All three have had preliminary letters sent acknowledging their submissions and these submissions have been referred to the Chair of the Connected Regional Key Pillar Working Group.

Lack of consultation was mentioned multiple times as well as implementation concerns.

One submission nominated that the only mechanism for harmonisation was for Council to adopt the ownership and maintenance of all grids in the Local Government Area. It is not recommended for Council to commit to take on the maintenance of these assets as it would be in contravention to Section 142 of the *Roads Act (1993)*.

Two of the three submissions questioned the liability for accidents associated with the structures being maintained by landholders and the current state of the assets.

The cost impost to landholders was flagged as a high concern as well as ongoing costs and standard of maintenance. One submission made suggestion that Council make provision for the maintenance and charge a fee to the landholder for that work.

It should be noted that this mechanism is proposed under the policy as part of section 5.1.2 - "Council can undertake maintenance of the grid and adjacent road pavement if nominated by the grid owner. See current Council fees and charges. Costs will be charged to the grid owner".

Further, for new grid installations, it is proposed under part 4.2 of the policy that "Council can provide and install a grid (including associated pavement works) if nominated by the applicant. See current Council fees and charges. Costs will be billed to the grid owner and are to be paid prior to construction".

One submission raised concerns over the imposition of a Special Rate Variation and the implementation of the policy as a reduction in service.

The submissions nominated fencing as an alternative to stock grids being cost prohibitive. It is clear that the most cost-effective solution is dependent on the length of fencing required and the type of fencing used. The cost of fencing per kilometre ranged from \$12,500 to \$20,000 between the submissions.

The responses flagged changing the fencing arrangements would raise some logistical challenges including separation of stock from water. These are valid concerns and should weigh into the cost benefit analysis for individual landholders to inform their decision to fence road reserve or install and retain grids.

A common theme was the location of constructed roads not aligning with the cadastral road alignment. This is prevalent throughout NSW and this policy and report does not seek to address this.

Constructively one submission recommended to stage the implementation over a number of financial years. This is a practical way to spread the costs of any required upgrades and or replacements. It is proposed that as the policy is implemented, that reasonable timeframes for reconstruction and upgrades are negotiated with individual landowners that does not exceed 24 months.

During the public exhibition period, minor formatting was undertaken by Council staff.

No further public consultation was made during this time.

Ordinary Council Meeting 28 June 2023

Following public consultation, the policy was then presented to Council for consideration and adoption with the results of the public consultation and responses provided by Council staff.

At the Ordinary Council Meeting held 28 June 2023, Council resolved to:

- a) Defer consideration of the Gates and Stock Grids on Public Roads Policy POL087 to the Ordinary Council Meeting for September 2023.
- b) run community engagement sessions auspice by the Connected Region Key Pillar Working Group.
- c) refer the outcomes of the public exhibition period and the community engagement sessions to the Connected Region Key Pillar Region Working Group and finalise the draft policy for determination by Council.
- d) Note, following the above, the implementation of the policy through the commencement of removal of obsolete grids and gates, and the issue of new permits in accordance with the *Roads Act (1993)* following appropriate consultation with landholders.

At that Council meeting, the history of consultation was flagged and the request for deferral until the September 2023 Ordinary Council Meeting.

Ordinary Council Meeting 27 September 2023

At that Council meeting, an update on the consultation progress was made and at the request of the Connected Region Key Pillar Group (CRKPWG), Council deferred consideration of the policy until the October 2023 Ordinary Council Meeting.

Ordinary Council Meeting 25 October 2023

At that Council meeting, an update on the consultation progress was made and at the request of the CRKPWG, Council deferred consideration of the policy until the November 2023 Ordinary Council Meeting.

4. Discussion

Since the June Ordinary Council Meeting, the CRKPWG conducted public consultation and during that time, two formal submissions were made and final response was provided from the CRKPWG included as attachments 1,2, and 3.

ADVISORY NOTE:

The response from the CRKPWG prepared by Cr O'Connor was provided in the form of draft part content for a Council Report similar in structure to a Notice of Motion (NOM).

While the nature of Cr O'Connors submission is unclear, if it were a NOM provided for the POL087 – Gates and Stock Grids on Public Roads would meet criteria 3.12 and 3.13 of the Council Code of Meeting Practice (copied below) requiring a General Managers report. This report has been prepared as the General Managers Report, and as such, the response from the CRKPWG has been treated as a submission.

3.12 - *If the general manager considers that a notice of motion submitted by a councillor for consideration at an ordinary meeting of the council has legal, strategic, financial or policy implications which should be taken into consideration by the meeting, the general manager may prepare a report in relation to the notice of motion for inclusion with the business papers for the meeting at which the notice of motion is to be considered by the council.*

3.13 - *A notice of motion for the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan must identify the source of funding for the expenditure that is the subject of the notice of motion. If the notice of motion does not identify a funding source, the general manager must either:*

- a) Prepare a report on the availability of funds for implementing the motion if adopted for inclusion in the business papers for the meeting at which the notice of motion is to be considered by the council; or*
- b) By written notice sent to all councillors with the business papers for the meeting for which the notice of motion has been submitted, defer consideration of the matter by the council to such a date specified in the notice, pending the preparation of such a report.*

The first submission on behalf of the NSW Farmers Association requested Council take full responsibility for the grids and gates and the surrounding road. The submission described an undertaking by Council post amalgamation to maintain grids at Council's expense and referenced conversations held during the 2023 Special Rate Variation consultation.

The comments are noted and Council confirms that the proposed requirements are consistent with the relevant legislation which allows for works (and Structures) in Council's Road reserves. The submission raises concerns over the capability of landowners conducting maintenance activities in the roadway. It has been proposed that Council make provision for conducting the maintenance work as "Private Works Arrangements" at full cost to the benefiting party.

The Special Rate Variation provided for the improved funding for existing infrastructure maintenance and improved operations. It did not cater for the assumption of ownership of Stock Grids and Gates on Public Roads and the additional burden of maintenance associated with the asset ownership.

It should be noted that the Special Rate Variation was sought based on Council's existing infrastructure burden which did not include the value of the various Grids and Gates in the Armidale Regional Council Local Government Area which is (maintenance of grids and gates) estimated to be approximately \$7.125M (not including the value of any gates).

The second submission was received on behalf of Robertson Grazing and addressed a broad range of considerations ranging from the financial implications to operational and moral intent

of the policy but against the implementation of the policy. Due to the number of specific items, the commentary and response is provided in table below.

Submission Comment	Council Response
<p>1. The policy starts with the incorrect presumption that the landholders are the beneficiaries of the stock grids and gates. The grids were installed primarily for the benefit of the road users so that they didn't have to open the gates.</p>	<p>Stock Grids and Gates are used as an extension of private property fencing across public road reserves. They are installed by landholders where it is not practical or economical for landowners to fence road reserves.</p> <p>The regulation of the erection of both gates and grids is by permit application from landowners and benefiting parties to Council as the Local Roads Authority.</p> <p>Council notes the convenience of grids as opposed to gates in the roadway.</p>
<p>2. Council directs tourists and such things as car rallies and even bicycle events onto the local roads to reduce inconvenience to users of major roads.</p>	<p>Typically, activities that are higher risk on the road network such as charity events to reduce the risk to all road users. This is consistent practice by both state and local road authorities.</p>
<p>3. Council roads cut across the land of the landholders and don't take any regard to the legal land boundaries.</p> <p>Consideration needs to be made in this policy to landholders that have council roadways on their land. A lot of roads do not follow the designated road reserves. I have approximately 3 Kilometres of roadway on my own land without any corresponding road reserves. I have been trying for over 20 years to have this rectified but with no success.</p>	<p>When road reserves were initially established, typically the reserves followed what was or what was seen to be the most appropriate location for road construction. At that time, the reserves often did not follow the existing road formation or road formations were not present (referred to as paper roads).</p> <p>Road formations that do not reside within the road reserve are common across the LGA and NSW more broadly. Where they traverse into private land there is a typically a reciprocal occupation of the road reserve on the other side of the road by agricultural activities.</p> <p>Where there is no road formation within the road reserve, often the reserves are unfenced and utilised for agriculture. Council has no intention of addressing the give and take to realign road reserves to reside over the road formations.</p>
<p>4. Roadways are councils responsibility to maintain and grids are an integral historical part to the roadway.</p>	<p>The person who has a right to control, use or benefit from the public gate or grid is liable to carry out maintenance and repairs in relation to public gates and grids installed pursuant to Part 9 Division 2 of the <i>Roads Act (1993)</i></p>
<p>5. Dumaresq shire installed a large amount of</p>	<p>The comments are noted.</p>

Submission Comment	Council Response
the grids and thus are the property of the Armidale Regional Council. A lot in the Wollomombi area were constructed by NSW government grants (I think work for the dole scheme after the 1964 drought)	
6. The bureaucracy setup to manage the policy will cost more than if council does the maintenance of the grids.	The management of the policy would be by existing internal resources. It is not anticipated that the initial additional workload to build initial compliance with the policy would be an ongoing burden.
7. A lot of the existing grids have been damaged by council graders etc. and not properly welded when repaired.	Where it can be shown that Council has damaged infrastructure that it does not own, it is reasonable to expect that council will repair the asset.
8. For landholders to be responsible for the roadway each side of the grids is wrong, and the road should be maintained by council.	The approaches to the grid and bypass gates are considered an integral component of the grid asset. This is consistent with the <i>Roads (General) Regulation (2018)</i> .
9. The minefield that will be opened up with fencing roadways if grids are removed will cost the council a considerable amount. As you would know a lot of the road reserves are only 22 metres wide and this is insufficient space to maintain a constructed roadway and drainage. Drainage maintenance will be a considerable burden for council and any damage to the landholder property will need to be compensated for.	Under the <i>Dividing Fences Act (1991)</i> , Council is considered a local (roads) authority and is not subject to the requirements of co-contributions to road reserve fencing. Council has road maintenance obligations as described under the <i>Roads Act (1993)</i> and the nature of these obligations is subject to wide range of constraints including the items noted as part of the submission. 10. Drainage infrastructure aims to maintain water in existing natural flow paths as far as reasonably practicable and often these natural flow paths traverse private land. It is not possible to redirect all flows to remain within the road reserves and it is reasonable to expect drainage formations (natural and maintained) will encroach into private property.
11. Council need to examine the morality of inflicting costs on a small section of ratepayers for the benefit of all the community.	The comment and suggestion are noted.

The submission from the CRKPWG aligns similarly with opinions and sentiments from previous

submissions both written and verbal as well as the two submissions attached. Specifically in relation to the benefiting party of grids and gates being the general public and not landowners.

Stock Grids and Gates are used as an extension of private property fencing across public road reserves. They are installed by landholders where it is not practical or economical for landowners to fence road reserves. The process of installation of these structures is required to be regulated by Council through the issue of permits for these structures.

The regulation of the erection of both gates and grids is by permit application from landowners and benefiting parties to Council as the Local Roads Authority in accordance with the *Roads Act (1993)*.

The CRKPWG submission flagged that in the past, the prior Grids and Gates policy as adopted by Guyra Shire Council was not consistently adhered to. Council should expect that Council staff will adhere to the final adopted policy within legal responsibilities.

The CRKPWG submission specifically mentioned Section 142 of the *Roads Act (1993)* Subsection (3) which states:

(3) Subsection (1) does not apply to a person whose right to the control, use or benefit of a structure or work consists merely of a right of passage that the person has as a member of the public or a right of access that the person has as the owner of adjoining land.

The subsection merely means that having the right to traverse the structure alone such as public road users, does not make you a benefiting party, even if you reside next to the structure. For clarity, a practical application of this subclause has been developed as the Cattle Grid Ownership Reference Guide. A copy of that guide was provided during the public exhibition of the policy during for which no submission nor commentary was received.

The working group flagged that the having grids instead of gates allows unimpeded traffic flow and provides safety benefits. The group explore this further in their submission with the assumption that a structure of lesser impact on the road user must therefore make the general road user the primary beneficiary and rightful owner.

Whilst the impact on the road user is reduced, this does not make the infrastructure Councils in the same way that moving power underground in Councils Road reserve does not transfer a primary benefit and subsequent ownership of that infrastructure to Council.

Council should be aware that the safest roads are those without structures in the road reserve and the party with the underlying need for a structure in the road reserve, regardless of its form, clearly dictates the primary benefiting party.

The CRKPWG submission flags the need for maintenance to consistent standards to ensure consistent standards across the Council Local Government Area. Council have some guidance in the policy itself, but also has a range of adopted design and construction guidance available on its public facing website.

Where landholders do not have the ability to maintain the grids and gates to the required standards by their own means, it has been proposed that Council make provision for conducting the maintenance work as "Private Works Arrangements" at full cost to the benefiting party.

Lastly, the CRKPWG made commentary regarding the Special Rate Variation (SRV) and the perceived benefit from the farming community. Council should note that since it's resolution at the May 2021 OCM, the assumption of ownership of stock grids and gates on public roads has been that of the benefiting parties and not Council. As a result, these private assets have not formed part of any future financial modelling since that date and did not form part of the supporting data for the SRV application.

If Council were to assume ownership of the structures, funding of that liability and the impact on other commitments will need to be considered. This is explored further in the financial implications section of this report.

Implementation

Inspections have been conducted on most identified gates and stock grids to confirm condition and determine likely landholders that gain benefit from the structures in accordance with the actions nominated as part of the report to council at its 26 May 2021 Council meeting.

The cost to remove a grid and or gate including some minor remediation has been estimated at approximately \$3,000 Excl. GST. It is proposed that for grids and gates with no clear or nominated beneficiary or are no longer required, the removal of gates and grids will be incorporated into the unsealed road maintenance program.

For grids and gates where, beneficiary landholders have been identified and are still required, new and current permits will be issued in accordance with the policy.

In the former Guyra Shire Council Area, following the issue of a permit, no further action will be required.

In the former Armidale-Dumaresq Council area – a program of repairs and maintenance will agree to leave all grids and associated pavement in a serviceable state prior to handover to the benefiting landowner in accordance with the report to council at the May 2021 Council meeting.

It is not proposed to commit to upgrades and or replacements (capital works) of any grids or gates. Following the completion of any required works to make the structure serviceable, the ongoing maintenance of the structure and the roadway 20m either side of the grid will be the liability of the permit holder.

In the event that the officer's recommendation is not the adopted resolution, a more comprehensive assessment of the stock grids and gates will be undertaken and as they will be a new additional asset class, an asset management plan will be prepared for the operation, maintenance and replacement plan developed. The identification and removal of surplus grids will continue.

ADVISORY NOTE:

Council in any revised resolution should provide guidance as to the extent of Council ownership and maintenance liability of grid and gate structures as extensions of the landowner's fence line. If this cannot be readily enunciated, then any proposed change or assuming of burden to the council, should properly be explored through legal advice so Council is clear on the position it is adopting and the risks it is assuming.

5. Implications

5.1. Strategic and Policy Implications

Reviewing and implementing the policy aligns with Advancing Our Region - Your Community Plan 2022-2032 and with Council Delivery Program 2022-2026 as part of:

Connected Region – Transport and Technology

- C1 – Quality infrastructure that makes it safe and easy to travel around our region – Strategies:
 - o C1.1 Build and maintain quality, safe and accessible road transport infrastructure including roads, footpaths, kerbs, bus stops and parking facilities.

Strong Region – Engagement and Responsibility

- S2. Strong governance and leadership that supports our region to grow and prosper.
 - o S2.3 Manage public resources responsibly and efficiently for the benefit of the community
 - S2.3.5 Manage our assets responsibly to ensure greater lifespan and usability and to reduce financial burden.

5.2. Risk

Economic Risk

The annual cost for maintenance activities associated with grids and pavement either side is unknown at this time, but the change in practice will reduce costs to Council's maintenance operations.

In accordance with the *Roads Act (1993)*, the cost for maintenance and repair for grids and gates lies with the permit holder – the landowner who has benefit for the grid. The economic risk to Council is low with regards to this.

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 landowners.

There will be ongoing costs to Council in the form of inspections for which costs are not recoverable but are important for Council to complete in its role as the Local Roads Authority.

Financial impacts will be explored in section 5.4 for the event that the officer's recommendation is not the adopted resolution.

Reputation Risk

The delay in implementing the policy has created frustration amongst landowners and over the proposed and potential outcomes. Components of the policy and its implementation are likely to be unpopular with affected landholders.

More broadly, the revised policy and implementation will ensure Council is consistent with legislation and other LGAs.

Operational Risk

Operationally, the implementation addresses the current operating conditions and maintenance liabilities. Failing to act on the proposed recommendations will extend these liabilities.

Legislative and Regulatory Risk

Legal advice has confirmed the revised policy as proposed at the June 2023 Ordinary Council Meeting aligns with the *Roads Act (1993)* and the *Roads Transport (General) Regulation (2018)*.

It is noted that the subject of several of the submissions received during the exhibition period have made appeal for Council to take ownership and maintenance responsibility for stock grids and gates on public roads.

Part 9 Division 2 of the *Roads Act (1993)* regulates the erection of Public Gates across public roads and Part 9 Division 3 regulates Other Works and Structures. Both require permits issued under Section 128 (Gates) and section 138 (Grids) of the act and sections 129 and 142 respectively describe the permit holder or benefiting party as having the liability for maintenance of structures.

It is advised that for Council to take on both the ownership and maintenance liabilities of the structures would not be consistent with the relevant provisions of the *Roads Act (1993)*.

In the event a claim is made against Council for loss, damage or other, that the defence of such a claim by Council's insurer or legal representative would be by use of the relevant legislation and not Council's policy.

In the event that the officer's recommendation is not the adopted resolution, further legal guidance and insurance advice may be sought as to the implications for claims made against Council in relation to the structures.

5.3. Sustainability

Efficient and well maintained roadways are essential to sustainable farming. Well maintained fences, cattle grids and gates are essential in ensuring animals remain confined to their designated areas, and do not wander, creating additional impacts to the soil and waterways or become a public safety or biosecurity hazard.

Appropriate and clear policy ensure these assets and structures can be maintained and that the efficient operation of the transport network can be preserved.

5.4. Financial

The implementation of the policy and ownership, maintenance and transition to landholders will likely have a financial impact unable to be determined at this time but it is estimated at approximately \$60,000 as part of the 2023/2024 financial year.

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	Rural Un-sealed Roads Planned Maintenance	\$877,531	\$709,960	\$9,680	\$60,000	\$779,640	\$97,891

Council also will see a cost estimated to be \$3,000 Excl. GST per grid 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 adjusted for CPI.

There will be a significant financial impact if Council resolve to absorb ownership and maintenance liabilities for Stock Grids and Gates within the Armidale Regional Council Local Government Area.

Claiming ownership would result in Council taking on approximately 285 Stock Grids and an unknown number of gates as non-cash contributions to be treated as Council assets.

The current replacement cost for a gate has been estimated at approximately \$5000 Excl. GST and the cost to replace a grid has been estimated at \$25,000 Excl. GST. The total current replacement cost for all the stock grids in the Armidale Regional Council LGA is estimated to be approximately \$7.125M.

The useful life of a grid or gate is estimated to be between 15 and 40 years and it is expected that the average condition of the stock grids is near replacement. Assuming an average useful life of 30 years, an additional \$237,500 would be required for stock grid replacement as part of Council's Capital Works Program excluding gates.

Operationally, Council conducts incidental repairs and maintenance to a value of approximately \$100,000. It should be noted that that applies to the stock grids in the former Armidale Dumaresq Council Area only that benefiting parties have not been maintaining themselves. It is reasonable to expect that that value will double at least if Council resolve to take ownership of stock grids and gates.

Annually, assuming ownership of the stock grids and gates will result in approximately \$437,500 of additional costs to Council. Funding this commitment will impact other service areas of Council, and it is not possible at this time to provide Council an ongoing funding source.

Noting the commitment by Council to find \$1,000,000 of savings annually as part of the SRV consultation, the impact this additional expense will have is significant.

ADVISORY NOTE:

Council in any revised resolution should provide guidance as to their funding source for the remainder of the financial year expected to be the Council General Fund Reserve.

6. Consultation and Communication

The policy has been placed on public exhibition for 28 days and the three submissions received have been referred to the Connected Region key pillar working group.

The community engagement sessions auspice by Cr O'Connor, the Chair of the CRKPWG has been undertaken.

Following adoption of the policy POL087 – Gates and Stock Grids on Public Roads, the policy will be placed on Council's website.

Consultation will continue to determine the benefiting landholder for each grid and gate and the commencement of removal of obsolete grids and gates and the issue of new permits in accordance with the *Roads Act (1993)* following appropriate consultation with landholders.

7. Conclusion

The current policy POL087 – Gates and Stock Grids on Public Roads transition period concluded on 30 June 2023. The policy has been revised and was placed on public exhibition for 28 days receiving only three submissions. Following further consultation by the Connected Region Key Pillar Working Group, a further two submissions were received as well as summary from the group itself. The policy has not yet been adopted by Council.

Council staff have completed most inspections required to determine grid and gate condition and ownership. Staff have proposed an implementation pathway incorporating issue of new permits in accordance with the *Roads Act (1993)* appropriate consultation with landholders.

It is proposed that Council adopt Policy POL087 – Gates and Stock Grids on Public Roads and that Council note the implementation of the policy including the issue of new permits will commence immediately.

Item:	11.2	Ref: AINT/2023/31433
Title:	Kempsey Road Status Report - November 2023	Container:
	ARC16/0001-8	
Responsible Officer	Chief Officer Assets and Services	
Author:	Glenn Spires, Manager Kempsey Armidale Road Restoration Project	
Attachments:	Nil	

1. Purpose

The purpose of this report is to provide a monthly update on the Kempsey –Armidale Road Restoration Project (KARRP).

2. OFFICERS' RECOMMENDATION:

That Council note information within the report regarding the Kempsey –Armidale Road Restoration Project following the Steering Committee held Thursday 9 November 2023.

3. Background

Armidale Regional Council (ARC) received grant funding (\$222,494,431) through the NSW Natural Disaster Fund for Essential Public Asset Restoration Works (EPARW) 2020/21. This funding is administered through NSW Office of Transport NSW for the provision of public asset restoration back to pre-disaster condition following a series of natural disaster events which severely damaged a large section of Kempsey-Armidale Road.

Separately, Council has received advice that the project has met the Disaster Recovery Funding Arrangements (DRFA) Independent Technical Review (ITR) framework for a value of \$408M for the full recovery works. This resulted in Council and TfNSW working on a funding deed for the \$408M which, if executed, will commit Council and TfNSW for the full \$408M funding for the project. The final version of this deed has been received by Council and is currently being reviewed.

An application for additional funding has been submitted for the February/March 2022 Severe Weather Event to increase the approved funding amount. This would enable the Kempsey-Armidale Road Natural Disaster Recovery Works Project to be fully funded.

This project is being delivered as a multi-stage process to undertake the design and construction of natural disaster recovery repair works on a 43km section of the Kempsey-Armidale Road, 5.1 km on Lower Creek Road and three Improvement Works Projects which are located at Blackbird Flat, Flying Fox Gully and on Big Hill.

The project scope of works has been classified into four Milestones:

- 1. Natural Disaster Recovery Works (Milestone 1)** (ch72.95km - ch116.00km) comprising restoration of a 43km section of the Kempsey-Armidale Road and a 5.1km long section of Lower Creek Road, Lower Creek, to their pre-disaster conditions;

2. **“Improvement Works” Projects** comprising of the following three projects:
- Blackbird Flat (Milestone 2)** - Fixing Local Roads, Round 3 Location 1 Blackbird Flat Cutting (ch73.50km-ch74.05km) and includes sealing this section of pavement;
 - Flying Fox (Milestone 3)** - Fixing Local Roads, Round 2 Location 3 Flying Fox Cutting (ch86.30km-ch88.15km) and includes sealing this section of pavement; and
 - Big Hill (Milestone 4)** - Restart NSW, three curves on Big Hill, sites 3 and 4 ch112.888km - 113.193km, and site 12 ch108.563km – ch108.723km) – with these three curves being constructed as unsealed pavements.

To enable completion of the milestones, there is a 4-stage contract process that comprises of:

Stage 1 – Tender for Civil Contractor Engagement and Award of Early Contractor Involvement (ECI) Contract - COMPLETED

Prequalification of Contractors to be eligible to tender for the works and award of Early Contractor Involvement (ECI) Contract. Awarded at the November 2022 Ordinary Council Meeting.

Stage 2 – ECI – SUBMISSION RECEIVED AND UNDER REVIEW

The ECI Contract was awarded to Seymour Whyte Constructions (SWC) for design and early construction works to a combined value of approximately \$18,279,767 (Excl. GST).

The ECI submission has now been provided by SWC to enable the Kempsey-Armidale Road Natural Disaster Recovery Collaborative Design & Construct (D&C) Contract to commence based on having provided:

- A finalised project scope of works and project specifications for inclusion within the Collaborative Design & Construct Contract for Council consideration and approval;
- A 30% Detailed Design;
- A finalised and confirmed project delivery timeline; and
- Confirmation that the overall maximum Target Budget Price for each of these projects remained within the approved project funding budget limits.

Stage 3 – Early Works Contract - NOT STARTED

As part of the ECI contract awarded by Council, delegation was provided to the General Manager to enter into an early works contract with SWC. This contract involves the provision of services and or completion of construction activities that enable the project to be delivered on an escalated timeframe and may involve activities such as completion of planning approvals, construction of side tracks and passing bays, further detail design and or procurement of materials.

No contract has been entered into at this time.

Stage 4 – Main Recovery works - Dependent on Stage 2 completion - NOT STARTED

Following the completion of Stage 2, Council may enter into a contract with SWC for the Main Recovery works. A further Council report will be required to award this contract and provide the General Manager delegation to enter into negotiations for the contract.

Note: Part of the ECI phase includes the development of a suitable contract for these works.

Delivery of Design & Construction phase (Construction Phase), completing:

Milestone 1 - The Natural Disaster Recovery Works Project which will allow the Kempsey-Armidale Road and Lower Creek Road to be reconstructed back to their pre-disaster condition using current engineering standards and in accordance with the NSW and DRFA Natural Disaster Funding Guidelines.

Milestone 2, 3 & 4 - The "Improvement Works" Projects will follow the completion of Milestone 1 project, enhancing the existing road infrastructure at each of these three sites.

The Kempsey-Armidale Road Recovery Project Steering Committee (KRSC) was established to provide effective governance over KARRP and provide an avenue for stakeholder engagement and oversight. The focus of the KRSC is on providing direction, leadership and advice for the Kempsey-Armidale Road project. This includes technical, policy and procedural advice to assist the project team in moving the project forward to ensure the achievement of sound outcome.

The Kempsey Road Steering committee comprises of the following members:

Name	Title and Function
James Roncon	General Manager Armidale Regional Council (Chair) (V)
Alex Manners	Chief Officer Assets & Services Armidale Regional Council (V)
Ann Newsome	Chief Financial Officer Armidale Regional Council (V)
Cr Sam Coupland	Mayor (V)
Tony Gant	TfNSW Support Acting Project Director Client-Side (non-voting)
Peter Steele	TfNSW Assessor (V)
Officers in attendance to include, but not be limited to:	
Glenn Spires	Manager Kempsey Armidale Road Restoration Project Armidale Regional Council
Helen Tyrell	Acting Project Director Client-Side Armidale Regional Council
Tracy Cooper	Project Officer (Secretary)
Monica Kelly	Prevention Partners (Probity Advisor)
Mitchell Parker	NSW Reconstruction Authority
Karen Symons	National Emergency Management Agency (NEMA)
Principle Contractor (Seymour Whyte Constructions) Representatives - as requested	

(V) = Voting Member

The information contained within the report is general in nature and provided as a stakeholder update only for Council.

The information in the report is measured to ensure contract and commercial in confidence information is protected.

4. Discussion

Project Director Sean Sample was replaced by Helen Tyrrell and Tony Gant as Acting Co-Project Directors 27 October. Recruitment process for Project Director is progressing, with interviews for suitable candidates being conducted.

The interim Project director arrangement precludes Tony Gant from being a voting member of the steering committee and due to absentees at the November meeting – a Quorum could not be met. As a result, all actions and directions were completed out of session and the meeting was used as a verbal briefing session only for attendees in the room and subsequent briefings to absent members.

Review and assessment of the ECI Submission is ongoing, with a significant number of departures and risks being evaluated by the team. The evaluation includes involvement from external industry subject matter experts and collaboration with TfNSW to confirm compliance and eligibility criteria are met.

Community consultation was conducted regarding the access arrangements during construction. With a proposed 10/4 roster, being ten days on and four days off, there is likely to be a significant impact on the local residents. To support their lifestyles and business operations, it had been proposed to provide a mid-day opening. Such a window of access would create a significant impact on the productivity of the project delivery. A survey of the residents was provided to allow input into the necessity of the mid-day shut down and or a compromise on the frequency of that opening.

5. Implications

5.1. Strategic and Policy Implications

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

5.1.1 Connected Region – Goal 1 - Quality infrastructure makes it safe and easy to travel around our region.

C1.1.4 Partner with the NSW Government to restore and reclassify Armidale-Kempsey Road.

5.2. Risk

Risks relating to KARRP can broadly be categorised into six areas being Safety, Quality, Environment, Financial, Reputational, and Resourcing (People, skills, systems and tools).

The project is complex by many standards and adding to this the project is a pioneer project in NSW being the first of a range of large-scale restoration projects across the state. At over \$400M, it is the largest transport project ever undertaken by a Local Government let alone Armidale Regional Council. As such the risks are often unique and to address them is requiring Council to grow and evolve at an incredible pace.

Safety

The project is subject to the *Work Health and Safety Act (2011)* and *Work Health and Safety Regulations (2017)*. The risk to Council is complex and requires appropriately qualified and experienced experts advising and managing the project. Council has dedicated resources working in WH&S on the project.

The contract will be managed under a “Principal Contractor” arrangement, where the contractor is deemed to have the necessary specialty skills and knowledge to manage the safety for the activities being undertaken. This does not absolve Council from risk but delineates where appropriate knowledge for activity risk mitigation lies.

Quality

Quality management for the project is managed through a range of engineering industry standards and guidelines. Due to the unique constraints of the site, a bespoke suite of standards for which activities will be completed to is required. The environment, geography, and

The risk of quality for the project is high due to the complex and unique nature of the project. Council and the contractor will work together to ensure the appropriate quality assurance is undertaken to ensure the works completed are to the set standards. It is incredibly important to collect enough evidence is collected to support assessment against the eligibility criteria under the DRFA. Failing to satisfy the evidence requirements may leave Council at risk to cover the costs of ineligible work.

Environmental

The project is subject to the Protection of the Environment Operations (POEO Act) (1997) Act and Protection of the Environment Operations (General) Regulation (2022). The Act and regulations require Council and the contractor to consider the harm that may come to the environment as part of the works.

Whilst environmental risk is a relatively familiar risk to the civil construction industry, a tailored approach to the project is required.

A Review of Environmental Factors (REF) has been undertaken as part of the project, has been audited by third party. As the REF has changed significantly, an entire new REF is required in accordance with relevant legislation. The REF nominates the known environmental risks with the project and outlines the obligations Council and the contractor have to administer and mitigate those risks.

The contract will be managed under a “Principal Contractor” arrangement, where the contractor is deemed to have the necessary specialty skills and knowledge to manage environmental risks for the activities being undertaken. This does not absolve Council from risk but delineates where appropriate knowledge for activity risk mitigation lies.

Financial Risk

All the funding for the project is being provided from NEMA through NSWRA and TfNSW which adds to the complexity of funding agreements, risk allocation and administration challenges. Until the funding deed with TfNSW is finalised, the mechanisms for financial risk management are unknown.

One of the greatest risks to the project is for works completed to be deemed not eligible under the DRFA guidelines. Council has prepared no budget to cover these items but is exploring ways to mitigate this risk.

The value for the works is significant in proportion to Council’s Annual Capital Works Budget which is typically around \$30M annually. Even relatively small errors with the project could have significant impact on Council for example a 1% error in relation to the project could result in a \$4M cost to Council. Proportionately, a 10% mistake, however unlikely, could result in a cost of \$40M.

It should be noted that there is considerable focus by Council staff to improve confidence in the delivery and the project more broadly. This proportionately reduces the financial risk in that achieving 98% confidence in the project, for example, reduces the reasonable proportion of risk to 2% of \$400M or \$8M.

With over \$400M being delivered over four years, the volume of cash flow has the ability to distort and or hide important financial ratios that indicate Council’s operational financial

performance. Appropriate segregation of funding management and reporting is required to ensure the cash flow does not mask underlying issues.

Reputational

The project has a range of disparate stakeholders including the Lower Creek Community, SWC, TfNSW, NEMA, NSWRA, Oven Mountain Pumped Hydro Scheme and the various support agencies connected to the community including emergency services. The scale and duration of the project impacts the depth to which each stakeholder is affected.

The greatest challenge with reputational risk is that whilst the touch points are centred on the project, Council's reputation extends with most of those involved beyond the project. For instance, Council is dealing with TfNSW on the project, but also deals with TfNSW as part of the Road Maintenance Council Contract (RMCC) which is work Council completes on other roads within the LA.

Resourcing (People, skills, systems and tools)

Council does not have the internal resources to manage the project effectively and typical to projects of this size, attracting typical skill sets and resources to the project has been by way of tender. Retaining those engaged on the project for the life of the project will become challenging due to fatigue with the project and as the project nears its close and other projects become available and stable alternatives.

Where skills, tools and systems do not yet exist within Council, they are being developed and or acquired. As the project matures, the development should slow but that is not expected until sometime after the main recovery works are underway.

5.3. Sustainability

The majority of works are restoration works and under the Disaster Recovery Funding Arrangements (DRFA) this means that no betterment can be undertaken. The caveat to that however is that works are to be conducted to current engineering standards which allows Council to build more resilient infrastructure in place.

This means that to rebuild the road, engineering technologies including soil nails and shotcrete will be used for works and where they are being replaced, pipes of the appropriate size will be installed. What the DRFA guidelines will not allow is upgrades such as the widening and sealing of the road, installation of extra signage and barriers.

Council will work closely with the contractor's suppliers to ensure more efficient service delivery through new and improved technologies to provide best cost benefit to Council and the community in the long term.

5.4. Financial

The funding for the project comes from the National Emergency Management Agency (NEMA) through the NSW Reconstruction Authority (NRA) who deliver the funding to Council via an administering agent – Transport for NSW (TfNSW). Each party add in eligibility criteria and administration controls. The following table shows the key contracts to date.

Note - Figures as presented in Project Monthly Report – generated at 23 October 2023

Budget Area:	Kempsey to Armidale Road Recovery Project						
Funding Source:	NSW State Government (Natural Disasters, Fixing Local Roads & Fixing Country Roads) & Australian Government (Natural Disasters).						
Budget Ref: (PN)	Description	Approved Budget	Actual	Committed	Proposed	Total Forecast Expenditure	Remaining Budget
		\$445,830,250	\$32,934,857	\$2,221,022	\$247,628	\$35,403,507	\$410,426,748

Note:- figures rounded to nearest dollar

A revised project finances breakdown as discussed is proposed to be provided once additional financial resources are available to the project. The recruitment process is concluded and review of candidates is underway.

6. Consultation and Communication

KARRP Communications Manager continues to provide regular updates and respond to correspondence directly to the community.

A community survey had been conducted to clarify the potential need for a mid-day road opening and the impact on lifestyle and business operation that not having such an opening would have.

TfNSW have provided a funding deed for Council to consider which will be presented to Council once it has been appropriately assessed.

Prior to entering into the funding deed with TfNSW, a briefing workshop will be arranged to familiarise Council with the contents and allow discussion between the relevant parties for clarification.

7. Conclusion

It is recommended that Council note information within the project status report regarding the Kempsey –Armidale Road Restoration Project following the Steering Committee held Thursday 9 November 2023.

Item:	11.3	Ref: AINT/2023/31436
Title:	Kempsey Road Status Report - December 2023	Container:
	ARC16/0001-8	
Responsible Officer	Chief Officer Assets and Services	
Author:	Peter Steele, Manager Kempsey Armidale Road Restoration Project	
Attachments:	Nil	

1. Purpose

The purpose of this report is to provide a monthly update on the Kempsey –Armidale Road Restoration Project (KARRP).

2. OFFICERS' RECOMMENDATION:

That Council note information within this report regarding the Kempsey –Armidale Road Restoration Project.

3. Background

Armidale Regional Council (ARC) received grant funding (\$222,494,431) through the NSW Natural Disaster Fund for Essential Public Asset Restoration Works (EPARW) 2020/21. This funding is administered through NSW Office of Transport NSW for the provision of public asset restoration back to pre-disaster condition following a series of natural disaster events which severely damaged a large section of Kempsey-Armidale Road.

Separately, Council has received advice that the project has met the Disaster Recovery Funding Arrangements (DRFA) Independent Technical Review (ITR) framework for a value of \$408M for the full recovery works. This resulted in Council and TfNSW working on a funding deed for the \$408M which, if executed, will commit Council and TfNSW for the full \$408M funding for the project. The final version of this deed has been received by Council and is currently being reviewed.

An application for additional funding has been submitted for the February/March 2022 Severe Weather Event to increase the approved funding amount. This would enable the Kempsey-Armidale Road Natural Disaster Recovery Works Project to be fully funded.

This project is being delivered as a multi-stage process to undertake the design and construction of natural disaster recovery repair works on a 43km section of the Kempsey-Armidale Road, 5.1 km on Lower Creek Road and three Improvement Works Projects which are located at Blackbird Flat, Flying Fox Gully and on Big Hill.

The project scope of works has been classified into four Milestones:

1. **Natural Disaster Recovery Works (Milestone 1)** (ch72.95km - ch116.00km) comprising restoration of a 43km section of the Kempsey-Armidale Road and a 5.1km long section of Lower Creek Road, Lower Creek, to their pre-disaster conditions.
2. **"Improvement Works" Projects** comprising of the following three projects:
 - a. **Blackbird Flat (Milestone 2)** - Fixing Local Roads, round 3 Location 1 Blackbird Flat Cutting (ch73.50km-ch74.05km) and includes sealing this section of pavement.
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Prequalification of Contractors to be eligible to tender for the works and award of Early Contractor Involvement (ECI) Contract. Awarded at November 2022 Ordinary Council Meeting.

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The ECI Contract was awarded to Seymour Whyte Constructions (SWC) for design and early construction works to a combined value of approximately \$18,279,767 (Excl. GST).

The ECI submission has now been provided by SWC to enable the Kempsey-Armidale Road Natural Disaster Recovery Collaborative Design & Construct (D&C) Contract to commence based on having provided:

- A finalised project scope of works and project specifications for inclusion within the Collaborative Design & Construct Contract for Council consideration and approval.
- A 30% Detailed Design.
- A finalised and confirmed project delivery timeline; and
- Confirmation that the overall maximum Target Budget Price for each of these projects remained within the approved project funding budget limits.

Stage 3 – Early Works Contract - NOT STARTED

As part of the ECI contract awarded by Council, delegation was provided to the General Manager to enter into an early works contract with SWC. This contract involves the provision of services and or completion of construction activities that enable the project to be delivered on an escalated timeframe and may involve activities such as completion of planning approvals, construction of sidetracks and passing bays, further detail design and or procurement of materials.

No contract has been entered into at this time, pending finalisation of the ECI submission.

Stage 4 – Main Recovery works - Dependent on Stage 2 completion - NOT STARTED

Following the completion of Stage 2, the Council may enter into a contract with SWC for the Main Recovery works. A further Council report will be required to award this contract and provide the General Manager delegation to enter into negotiations for the contract.

Note: Part of the ECI phase includes the development of a suitable contract for these works.

Delivery of Design & Construction phase (Construction Phase), completing:

Milestone 1 - The Natural Disaster Recovery Works Project which will allow the Kempsey-Armidale Road and Lower Creek Road to be reconstructed back to their pre-disaster condition using current engineering standards and in accordance with the NSW and DRFA Natural Disaster Funding Guidelines.

Milestone 2, 3 & 4 - The “Improvement Works” Projects will follow the completion of Milestone 1 project, enhancing the existing road infrastructure at each of these three sites.

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The information contained within the report is general in nature and provided as a stakeholder update only for Council.

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4. Discussion

Interviews were conducted on 28 November for a new project Director were successful and John Tomlinson commenced on 1 December 2023. John is an industry veteran with a range of experience in both Australia and abroad. Importantly, John will be located in Armidale four days per week providing much needed local support.

Additionally, the Manager Kempsey Road Glenn Spires has returned to his substantive role within Council as Manager Design and Delivery and Mr Peter Steele, previously with TfNSW commenced on 27 November 2023.

The Project Steering Committee did not have a quorum for November's Meeting as such an out of session paper is currently being circulated for endorsement in relation to a revised traffic window during the construction period. This paper will be circulated to the Steering Committee at December's meeting.

The December Steering Committee Meeting will be held on Thursday 14 December, after the December update report has been prepared. Updates for the December, January, and February Steering Committee Meetings will be provided in a single report to the February Ordinary Council Meeting.

Under the *Roads Act (1993)*, the Council as a Local Roads Authority have a responsibility to ensure the safety of road users. Of concern is the continual public access to the various public campgrounds accessed by the currently closed Kempsey-Armidale Road. The KARRP team are working to ensure that Council has maintained appropriate signage and done what is reasonable and practicable to prevent risk to road users.

5. Implications

5.1. Strategic and Policy Implications

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

5.1.1 Connected Region – Goal 1 - Quality infrastructure makes it safe and easy to travel around our region.

C1.1.4 Partner with the NSW Government to restore and reclassify Armidale-Kempsey Road.

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Quality

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With over \$400M being delivered over four years, the volume of cash flow has the ability to distort and or hide important financial ratios that indicate Council’s operational financial performance. Appropriate segregation of funding management and reporting is required to ensure the cash flow does not mask underlying issues.

Reputational

The project has a range of disparate stakeholders including the Lower Creek Community, SWC, TfNSW, NEMA, NSWRA, Oven Mountain Pumped Hydro Scheme and the various support agencies connected to the community including emergency services. The scale and duration of the project impacts the depth to which each stakeholder is affected.

The greatest challenge with reputational risk is that whilst the touch points are centred on the project, Council’s reputation extends with most of those involved beyond the project. For instance, Council is dealing with TfNSW on the project, but also deals with TfNSW as part of the

Road Maintenance Council Contract (RMCC) which is work Council completes on other roads within the LA.

Resourcing (People, skills, systems and tools)

Council does not have the internal resources to manage the project effectively and typical to projects of this size, attracting typical skill sets and resources to the project has been by way of tender. Retaining those engaged on the project for the life of the project will become challenging due to fatigue with the project and as the project nears its close and other projects become available and stable alternatives.

Where skills, tools and systems do not yet exist within Council, they are being developed and or acquired. As the project matures, the development should slow but that is not expected until sometime after the main recovery works are underway.

5.3. Sustainability

The majority of works are restoration works and under the Disaster Recovery Funding Arrangements (DRFA) this means that no betterment can be undertaken. The caveat to that however is that works are to be conducted to current engineering standards which allows Council to build more resilient infrastructure in place.

This means that to rebuild the road, engineering technologies including soil nails and shotcrete will be used for works and where they are being replaced, pipes of the appropriate size will be installed. What the DRFA guidelines will not allow is upgrades such as the widening and sealing of the road, installation of extra signage and barriers.

Council will work closely with the contractor's suppliers to ensure more efficient service delivery through new and improved technologies to provide best cost benefit to Council and the community in the long term.

5.4. Financial

The funding for the project comes from the National Emergency Management Agency (NEMA) through the NSW Reconstruction Authority (NRA) who deliver the funding to Council via an administering agent – Transport for NSW (TfNSW). Each party add in eligibility criteria and administration controls. The following table shows the key contracts to date.

Note – Due to the report not making its way to Figures as presented in Project Monthly Report – 23 October 2023

Budget Area:	Kempsey to Armidale Road Recovery Project						
Funding Source:	NSW State Government (Natural Disasters, Fixing Local Roads & Fixing Country Roads) & Australian Government (Natural Disasters).						
Budget Ref: (PN)	Description	Approved Budget	Actual	Committed	Proposed	Total Forecast Expenditure	Remaining Budget
270444	KAR AGRN1012 Main Recovery Works	\$445,830,255	\$32,934,857	\$2,221,022	\$247,628	\$35,403,507	\$410,426,748

A revised project finances breakdown as discussed is proposed to be provided once additional financial resources are available to the project. The recruitment process is concluded, and review of candidates is underway.

6. Consultation and Communication

KARRP Communications Manager continues to provide regular updates and respond to correspondence directly to the community.

TfNSW have provided a funding deed for Council to consider which will be presented to Council once it has been reviewed.

Prior to entering into the funding deed with TfNSW, a briefing workshop will be arranged to familiarise Council with the contents and allow discussion between the relevant parties for clarification.

A report was provided to the Audit Risk and Improvement Committee (ARIC) held Tuesday 14 November as general update. Copies of the monthly Council update reports are provided as part of that report. This practice will be ongoing for each ARIC meeting.

It should be noted that ARIC considered the inclusion of a probity officer as part of the monthly steering committee meetings, the clear breakdown of broad risk categories as well as the continually updated risk register for the project as a strong indicator, but not guarantee, that Council are conducting their due diligence.

7. Conclusion

It is recommended that Council note information within the project status report regarding the Kempsey –Armidale Road Restoration Project noting that the next steering committee is to be held Thursday 14 December 2023.

Item:	13.1	Ref: AINT/2023/28969
Title:	Sports Council Committee - Minutes of the meeting held 23 October 2023	Container: ARC16/0330-2
Responsible Officer	Chief Officer Planning and Activation	
Author:	Chaise Doran, Sport and Recreation Development Officer	
Attachments:	1. Agenda - Sports Council - 23 October 2023 2. Minutes - Sports Council - 23 October 2023	

RECOMMENDATION:

That Council:

- a. Note the Minutes of the Sports Council Committee meeting held on 23 October 2023.
- b. Endorse the committee's recommendation to reallocate the \$25,000 in funding (previously committed to the extension of the cricket clubhouse at Armidale Sports Ground) towards the completion of the Indoor cricket training facility.
- c. Note the successful application of Joe Campbell to the Sports Council committee.
- d. Note the changes to the Sports Council Priority List.

1. Purpose:

The purpose of this report is to provide Council with the agenda and minutes of the Sports Council committee meeting held on Monday, 23 October 2023 which details recommendations to Council for consideration and adoption.

2. Background

In order to provide recommendations for the development of sport and recreation in the Armidale Local Government Area, the Sports Council has been developed to comprise of individuals from diverse sporting groups and backgrounds.

The Sports Council provides a link between Council and the sport and recreation community, providing key community engagement with regards to the development of sports infrastructure. The Committee provides ongoing support and advice relating to sports and recreation in the community.

3. Report

On Monday, 23 October 2023, the Sports Council considered and discussed:

- a) Armidale and District Cricket Associations request to reallocate Sports Council funding.
- b) The Armidale Blues Rugby clubs grant application.
- c) Joe Campbells application to join the Sports Council as a committee member.
- d) The changes to the Sports Council priority list.

Further details about these items below.

- a) Armidale and District Cricket Association have requested to reallocate \$25,000 in funds previously committed to the extension of the cricket club house at The Armidale Sports Ground.
These funds were originally granted to ADCA for the completion of 2 Sportsground projects (\$10,000 towards the cricket clubhouse and \$15,000

towards an electronic scoreboard) and were reallocated in February this year towards the clubhouse project alone due to cost escalation.

ADCA are requesting to use all remaining funding to complete the indoor cricket training facility at The Armidale Sports Ground.

ADCA President Michael Porter explained that due to significant cost escalations over previous years the project is running over budget and the reallocation of these funds will see the project finished without causing any financial hardship to the club itself.

Managers comment: Endorsement is recommended on the condition that Armidale District Cricket Association (ADCA) provide Council with proof of acquittal of grant funds received for the project to date, along with ADCA's annual financial statement provided by their financial institution and relevant quotes received from contractors for remaining works to be completed.

- b) Armidale Blues Rugby club have requested \$39,000 from the Sports Development Levy to resurface the playing fields at Moran Oval.

The committee discussed this and asked that Council commit the funds that had been allocated to the reseeding of the Armidale Sportsground in 2024 now that the project isn't going ahead due to the NSW Cricket Baggy Blues event.

It was agreed that Council could contribute to the project and a meeting would be scheduled between Council staff and Blues committee members to discuss the funds available from Council.

The Sports Council committee moved to contribute the cost of the project minus the commitment from Council. The exact figure is to be determined.

Managers comment:

Note that a meeting between the Armidale Blues and Council proceeded the Sports Council Committee Meeting and a resolution to contribute support via a biannual fertilisation program for Moran Oval fields, coupled with the ongoing duty of turf weed and pest control was agreed to by both parties. A comprehensive sum of \$43,230 will be requested from the Sports Development Fund to fulfill the entirety of the project. Consequently, a comprehensive sum of \$43,230 will be requested from the Sports Development Fund to fulfill the entirety of the project. This arrangement is scheduled for deliberation in the December Sport Council committee meeting, with the minutes of the meeting to be reported for official endorsement by the Council at the February 2024 Ordinary Council Meeting.

- c) On 20 November 2023 Joe Campbell submitted an application to join the Armidale Regional Sports Council as a committee member. Having been involved in sport at various levels for the last 40 years the committee felt Joe would be an excellent addition and moved to approve his application.
- d) The Sports Council priority list allows Council to transparently determine expenditure.

- e) Phil Pattison from Armidale Athletics advised that due to cost escalations the synthetic athletics track sitting at #10 on the major projects list will now cost approximately \$5 million and as such will require updating.

After discussions with NSW Rugby League regarding the potential development of Newling Oval, it was moved to add the refurbishment of the canteen and bathroom facilities to the existing lighting upgrade already at #1 priority in the 'major projects' category.

No other changes to the priority list were made.

4. Strategic Directions:

The function of the Sports Council is to provide advice and recommendations relating to Sports and Recreation on the strategic direction of the Armidale Regional Council. The activities align with Council's adopted Community Strategic Plan 2017-2027:

Liveable Region Places & Spaces

- L1 Public spaces and infrastructure that facilitate health, community connections and opportunities.
 - L1.4 Enhance and maintain sporting facilities to meet the needs of our local community and neighbouring regions, and to entice regional, state, and national events.
 - L1.5 Enhance and maintain recreation spaces to offer quality of life, entertainment and family-friendly activities to residents and visitors

Strong Region Engagement & Responsibility

- S1 an informed and actively engaged community, that builds partnerships and shapes its future
 - S1.1 Help the community to be informed and have input into decisions about its region and future
 - S1.3 Empower the community and our leaders to make positive change and to unify the region
- S2 Strong governance and leadership that supports our region to grow and prosper - Strategies:
 - S2.1 Provide a strong, transparent, sustainable, and responsive governance for our region
 - S2.2 Ensure that strategic directions are informed by, and with, the community and are delivered in consideration of available resources
 - S2.4 Make open and transparent decisions that are informed by stakeholders, leading practices, systems, and technologies

5. Relevant Legislation

- Section 355 of the *Local Government Act 1993*
- *Local Government Regulation (General) 2021*

6. Financial Implications:

Detailed financial implications for recommendations to Council are included within the Sports Council agenda and minute reports, if relevant. A summary of the financial position against Council budget has been included below.

Note the financial figures below refer to the 2023/24 Financial Year.

Budget Area:	Public & Town Spaces – Sports Council Administration						
Funding Source:	Player and Association Levies, Sports Council Reserve (Trust Account)						
Budget Ref: (PN)	Description	Approved Budget	Actual	Committed	Proposed	Total Forecast Expenditure	Remaining Budget
240250 (Op)	Operational Revenue - Levies	42,840	28,039	Nil	Nil	28,039	14,801
240250 (Op)	Operational Expenditure	42,840	1,250	Nil	26,789	28,039	14,801
240386 (Cap)	Capital Revenue & Expenditure	Nil	10,000	Nil	Nil	10,000	Nil

7. Conclusion

It is recommended that Council note the minutes of the Sports Council Committee meeting held on Monday, 23 October 2023 and recommendations to Council be considered for adoption.

Item:	13.2	Ref: AINT/2023/29073
Title:	Traffic Advisory Committee Minutes of the meeting held 14 November 2023	Container: ARC16/0168-8
Responsible Officer	Chief Officer Assets and Services	
Author:	Claire Butcher, Transport Administration Officer	
Attachments:	1. Traffic Advisory Committee Agenda 14 November 2023 2. Traffic Advisory Committee Minutes 14 November 2023	

RECOMMENDATION:

That in relation to the Traffic Advisory Committee Meeting held 14 November 2023, that Council:

- a) Note the “Minutes of the Traffic Advisory Committee Meeting held 14 November 2023;
- b) Endorse the temporary road closure of Canambe Street Armidale between Dumaresq Street and Kirkwood Street for the Armidale Horse and Pony Club Jamboree 2024 from 7am, 12 January until 6pm on Sunday 14 January 2024;
- c) Note that a Certificate of Currency for Public Liability for the Horse and Pony Club shall be provided prior to the event;
- d) Endorse the provision of a No Stopping zone across the entrance to Oak Tree Retirement Village at 217 Taylor Street Armidale; and
- e) Endorse the provision of a 13m long No Parking zone in front of 125 Taylor Street Armidale.

1. Purpose

This report is to provide Council with the agenda, minutes, and action list of the Traffic Advisory Committee (TAC) meeting held on Tuesday 14 November 2023 which details and recommendations to Council for consideration and adoption.

2. Discussion

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

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

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

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

3. Report

At its meeting held 14 November 2023 that the TAC considered three items:

Special Event Transport Event Management Plan: Horse and Pony Club Jamboree 2024

The Jamboree is a yearly event hosted by a different club each year within the Zone Area, the Armidale Horse & Pony Club will host the 2024 Zone 13 Jamboree from Friday 12 January 2024 until Sunday 14 January 2024 with participants expected to arrive on Thursday 11 January 2024.

The club has requested the closure of Canambe street between Dumaresq and Kirkwood Street to enable children and their horses a safe crossing between the Showground and the Exhibition Centre where many horses will be housed, and camping will take place.

Request to Provide No Stopping Zone at 217 Taylor Street

Council received a request from the Business Manager of the Oak Tree Retirement Village for the provision of a No Stopping zone across the entrance to 217 Taylor Street Armidale.

Due to the problems of visibility arise when there are events at Moran Oval and people park on both sides of Taylor Street and very close to the entrance of the village obstructing sight distance at the location of the driveway entrance.

Provision of No Parking zone at 125 Taylor Street, Armidale.

Council has received several complaints from the resident at 125 Taylor Street in relation to their driveway being blocked and or poor sight distance when entering the traffic stream from the property located beside a café.

Recently installed traffic management controls have not been effective in preventing the visibility and obstruction issues and additional restrictions have been proposed as a solution.

4. Strategic Directions:

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

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

Connected Region – Transport and Technology

- C1. Quality infrastructure makes it safe and easy to travel around our region.
 - C1.1 Build and maintain quality, safe, and accessible road transport infrastructure including roads, footpaths, kerbs, bus stops and parking facilities.
- C2. Transport and technology that enable connectivity both locally and outside the region.
 - C2.1 Provide access to public and private transport services that link our community to our local towns and villages, other regions, our local attractions, and lifestyle infrastructure.

5. Relevant Legislation

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

6. Financial Implications

TfNSW Block Grant.

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

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

Budget Area:	Traffic Facilities						
Funding Source:	Traffic Facilities Block Grant						
Budget Ref: (PN)	Description	Approved Budget	Actual	Committed	Proposed	Total Forecast Expenditure	Remaining Budget
Items (a)	Road Closure	N/A	N/A	Nil	\$526.71	Nil	Nil
Items (c) &(d) 270219	Install Parking signs	\$122,000	\$17,950.10	Nil	\$300.00	\$300.00	\$103,750.90

Item (a) – The road closure for the Horse and Pony Club Jamboree is to be installed by Council staff to be charged to the of the organisers of the event. It should be noted that at the November 2023 Ordinary Council Meeting, Council resolved to explore options to fund the road closure for the event. At the time of writing of the report, the funding source had not yet been resolved.

7. Conclusion

That Council note the minutes of the TAC meeting held on Tuesday, 14 November 2023 and the recommendations to Council be considered for adoption.

Item:	13.3	Ref: AINT/2023/31109
Title:	Audit, Risk and Improvement Committee - Minutes of the meeting held 14 November 2023	Container: ARC23/5778
Responsible Officer	Chief Officer Corporate and Community	
Author:	Simone Mooketsi, Manager Governance and Strategy	
Attachments:	1. Minutes 14 November 2023 ARIC Meeting	

1. Purpose

The purpose of this report is to provide Council with minutes of the Audit Risk and Improvement Committee (ARIC) meeting held on 14 November 2023.

2. OFFICERS' RECOMMENDATION:

That Council:

- a) note the minutes of the ARIC meeting held on 14 November 2023.
- b) note the 14 November 2023 meeting was the final meeting of current term of ARIC.
- c) thank Mr Phil Thomas (Chair), Mr Jason Masters and Mr Michael O'Connor (independent members) for their service to the Committee.

3. Background

The Audit Risk and Improvement Committee (ARIC) provides independent assurance and assistance to the Council on risk management, internal control, governance, internal audits, organisational performance, and external accountability responsibilities.

Specifically, the Committee will assist the Council to:

- Promote a culture of corporate governance and compliance with Council's statutory, regulatory and policy framework.
- Examine the effectiveness of Council's internal control framework to include business processes and systems.
- Review the effectiveness of the Council's enterprise risk management processes.
- Examine the effectiveness of audit processes.
- Review external financial statements reporting processes; and
- Provide information to the Council for the purpose of improving the performance of Council's functions.

The ARIC is advisory in its function and has no authority to direct the General Manager or Council Officers. The Committee has no executive powers, except those expressly provided by the Council.

The ARIC will meet at least quarterly.

COMPOSITION AND TENURE

The ARIC is to be appointed by the governing body of the Council.

Members (Voting)

The ARIC consists of three (3) independent external members. Under the Terms of Reference in effect at 14 November 2023, Councillors were ineligible to be voting members of the Committee, however Councillors may attend meetings by invitation from the Chair. Note a new Terms of Reference for the ARIC was adopted by Council at the 22 November 2023 meeting which provides councillors the option to appoint a non-voting councillor member in the next term of ARIC commencing in January 2024.

Attendees (non-voting)

- The General Manager, or delegate
- Executive Leadership Team (ELT)
- Internal Auditor/ Chief Audit Executive (Note - delegated to the Manager Governance & Strategy)
- Manager information Services
- Business Improvement Officer (minute taker).

Attendees will attend all ARIC meetings (except where excluded by the Committee) however are not members of the Committee and do not have voting rights.

Council's external auditor may attend any meeting as an independent advisor and may meet with the Committee without the presence of the General Manager.

The authority, responsibilities and the role of the Committee within the Council are stated by the Audit, Risk & Improvement Committee Charter (now re-named to Terms of Reference).

4. Discussion

The meeting of 14 November 2023 was preceded by an optional meeting between the Chair of ARIC, Mr Phil Thomas, and Councillors. No Councillors opted to attend the meeting.

Minutes of the ARIC meeting held on 14 November 2023 are attached for information and noting.

A summary of key meeting outcomes is:

- The Committee noted the status of the outstanding audit recommendations. Since the 14 August 2023 ARIC meeting, 21 items were closed out and 17 new items were added arising from the Volunteer Management Internal Audit. Open items have reduced from 105 at the 14 August meeting to 84 at the 14 November meeting due to the close out of items and rationalisation of 17 similar items into a single action item. This is the highest close out figure achieved this term of ARIC and there is momentum gathering in the close out of action items, reflective of the maturing business practices of Council.
- A roadmap for the close out of outstanding audit action items related to cyber security was presented to ARIC for feedback from the manager information Services for feedback. This roadmap focused on the implementation of the "Essential Eight" maturity model for cyber security.
- An update on the implementation of Councils Risk Management Roadmap was presented to the Committee.
- The Volunteer Management Internal Audit Final Report was presented to the Committee by O'Connor Marsden.
- The Committee was provided with an update on the status of the finalisation of the financial statements and annual external financial audit being undertaken by Forsyths

on behalf of the NSW Audit Office. Changes to accounting practices regarding assets valuations were discussed and noted. The Committee noted the NSW Audit Office's Interim Management Letter relating to their audit for the year ended 30 June 2023.

- The Committee was briefed on Council's obligations under the *Public Interest Disclosures Act 2022* and the responsibilities incumbent upon Council and the Committee.
- Risk management in relation to the Kempsey –Armidale Road Restoration Project was discussed.
- The Committee considered the draft Internal Audit Charter and endorsed the Charter for adoption by Council, The Charter is the subject of a separate report to Council at this meeting.
- The Committee was updated on the changes recommended to the ARIC Terms of Reference by Council's governing body, specifically moving away from a bespoke Terms of Reference to adaption of the model Terms of Reference and inclusion of an optional Councillor Member.
- The Committee congratulated Council on its success in the Statewide Risk Management Excellence Awards.
- The 14 November meeting was the final meeting of this term of ARIC. Council extended its thanks and appreciation to ARIC members over the term of the committee. Members Mr Phil Thomas (Chairperson) and Mr Jason Masters expressed their interest in continuing to serve Council through the new ARIC to be formed in the new year. Mr Michael O'Connor is ineligible due to having already served two terms on the ARIC.

5. Implications

5.1. Strategic and Policy Implications

Nil.

5.2. Risk

Amongst others, ARIC will advise whether:

- The Council has provided sufficient resources for risk management and staff are able to carry out their risk management responsibilities.
- The Council's risk management framework complies with current Australian risk management standards.
- The Council's risk management framework operates effectively and supports the achievement of council's strategic goals and objectives; and
- Major risks have been identified and assessed by the Council and appropriate risk treatments have been implemented that reflect council's risk criteria.

5.3. Sustainability

Nil.

5.4. Financial

ARIC noted the Cash and Investment Report for September 2023 which was presented to Council at the 25 October 2023 ordinary Council meeting.

ARIC was provided with a copy of the NSW Audit Office's Interim Management Letter relating to their audit for the year ended 30 June 2023 for noting and an update on the status of the Financial Statements for the year ended 30 June 2023 by the Chief Financial Officer.

6. Consultation and Communication

Nil

7. Conclusion

Minutes of the 14 November 2023 meeting of ARIC are provided for noting by Council.

Item:	13.4	Ref: AINT/2023/31573
Title:	KPWG - Minutes of the Liveable Region KPWG held 13 September 2023	Container: ARC16/0001-8
Responsible Officer	General Manager	
Author:	Melissa Hoult, Executive Officer	
Attachments:	1. Liveable Region KPWG Minutes 13 September 2023	

RECOMMENDATION:

That the Minutes of the Liveable Key Pillar Working Group meeting held 13 September 2023 be noted.

1. Purpose

This report is to provide Council with the minutes and action lists of the Liveable Region Key Pillar Working Group meeting held 13 September 2023 which details recommendations to Council for consideration.

2. Background

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

3. Report

At its meeting held 13 September 2023, the Liveable Region KPWG considered:

Discussions and Projects

- Council Officer Jesse Dick, Philip Thomas and James Thomas from the Armidale Cycling Club, and David Thomson were guests to the meeting.
- Armidale Cycling Club gave a presentation on the unused greyhound cycle track potentially being used as cycling track in the future.
- Annie advised that the group will need to rely on other Council staff as well as the Cycling group in getting approval from Council.
- Jesse Dick gave a presentation on the East Mall.