



BUSINESS PAPER

ORDINARY MEETING OF COUNCIL

To be held on

Wednesday, 23 May 2018
1pm

at

Armidale Council Chambers

Members

Councillor Simon Murray (Mayor)
Councillor Dorothy Robinson (Deputy Mayor)
Councillor Peter Bailey
Councillor Jon Galletly
Councillor Diane Gray
Councillor Libby Martin
Councillor Andrew Murat
Councillor Debra O'Brien
Councillor Margaret O'Connor
Councillor Ian Tiley
Councillor Bradley Widders

AGENDA

INDEX

1	Civic Prayer and Recognition of Traditional Owners	
2	Statement in relation to live streaming of Council Meeting	
3	Apologies	
4	Disclosure and Declaration of Interests	
5	Have Your Say	
6	Confirmation of Minutes <i>Ordinary Council - 26 April 2018</i> <i>Closed Council - 26 April 2018</i> <i>Extraordinary Council - 16 May 2018</i>	
7	Mayoral Minute	
8	Rescission Motions	
8.1	FOR DECISION: Notice of Rescission Motion - Council Meeting 26 April 2018 - Item 13.6 Rail Trail Business Case	4
8.2	FOR DECISION: Notice of Rescission Motion - Council Meeting 26 April 2018 - Item 11.2 Modification DA-19-2009/A	5
9	Notices of Motion	
9.1	FOR DECISION: Notice of Motion - Councillor Diane Gray - Rail Trail Business Case	6
9.2	FOR DECISION: Notice of Motion - Councillor Margaret O'Connor - Modification to DA-19-2009/A	7
10	Reports for Decision - Leadership for the Region	
10.1	FOR DECISION: Acquisition of Drainage Reserve - 180A Kentucky Street, Armidale.....	8
10.2	FOR DECISION: Proposed Road Rename - 'Pine Forest Road South' to 'Montes Lane'	10
10.3	FOR DECISION: Proposed Renaming of 'Cokes Road' extent off Grafton Road to "Autumn Lane"	12
10.4	FOR DECISION: Council Meeting Cycle for Ordinary Meetings for July 2018 to August 2020	14
10.5	FOR DECISION: Quarterly Budget Review Statement Third Quarter 2017-2018.....	16
10.6	FOR DECISION: Fixing of Mayor and Councillors Fees for 2018-2019	21
10.7	FOR DECISION: Water Billing Adjustment.....	24
10.8	FOR DECISION: Community Strategic Plan 2027.....	25
11	Reports for Decision - Growth, Prosperity and Economic Development	
12	Reports for Decision - Environment and Infrastructure	
12.1	FOR DECISION: Draft Development Contributions Plans for Council's area	28
12.2	FOR DECISION: Planning Proposal for Draft Amendment No.11 to Armidale Dumaresq LEP 2012	32

12.3	FOR DECISION: Modification to DA-198-2016/A - New Boarding School constructed at The Armidale School - Modification concerns the re-calculation of Water and Sewer Contributions under Section 64 of the Local Government Act, 1993.....	36
13	Reports for Decision - Our People and Community	
13.1	FOR DECISION: Request to waive fees for the use of the Town Hall.....	42
14	Reports for Information	
14.1	FOR INFORMATION: Cash & Investments Report for April 2018.....	43
14.2	FOR INFORMATION: Independent Report on the Feasibility of a Rail Line Between Armidale and Tenterfield.....	47
15	Requests for Leave of Absence	
16	Authority to Affix Council Seal	
17	Committee Reports	
17.1	FOR DECISION: Minutes - Traffic Advisory Committee - 1 May 2018.....	49
17.2	FOR INFORMATION: Minutes - Environmental Sustainability Advisory Committee - 18 April 2018.....	50
18	Matters of an Urgent Nature	
19	Questions on Notice	
20	Closed Session	
20.1	FOR DECISION: Request for Tender Plant Hire Services July 2018 - June 2020 <i>As this report deals with commercial information of a confidential nature which, if disclosed, confers a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business (Section 10A(2)(c) of the Local Government Act 1993). Council closes the meeting, in accordance with Council's Code of Meeting Practice, as consideration of this matter in open Council would be contrary to the public interest.</i>	
20.2	FOR DECISION: Acquisition and disposal of land involving the Armidale Ex Services Memorial Club <i>As this report deals with commercial information of a confidential nature which, if disclosed, confers a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business (Section 10A(2)(c) of the Local Government Act 1993). Council closes the meeting, in accordance with Council's Code of Meeting Practice, as consideration of this matter in open Council would be contrary to the public interest.</i>	
21	Close of Ordinary Meeting	

Item: 8.1 **Ref:** AINT/2018/07860
Title: FOR DECISION: Notice of Rescission Motion - Council Meeting 26 April 2018 - Item 13.6 Rail Trail Business Case
Container: ARC16/0085
Author: Peter Wilson, Acting Program Leader Governance, Risk and Legal
Attachments: 1. Rescission Motion - New England Rail Trail Business Case

MOTION TO RESCIND

That Resolution 59/18 be rescinded which RESOLVED –

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

Submitted by: Councillors Diane Gray, Libby Martin and Andrew Murat

Background

Should the Rescission Motion be adopted, then it is recommended that a Procedural Motion to suspend standing orders and bring forward Item 9.1 for consideration, be carried

Item: 8.2 **Ref:** AINT/2018/07888
Title: FOR DECISION: Notice of Rescission Motion - Council Meeting 26 April 2018 - Item 11.2 Modification DA-19-2009/A
Container: DA-19-2009/A
Author: Peter Wilson, Acting Program Leader Governance, Risk and Legal
Attachments: 1. Rescission Motion - Modification DA-19-2009/A

MOTION TO RESCIND

That Resolution 64/18 be rescinded which RESOLVED -

“That Council delete Conditions 7 and 47 from DA-19-2009/A”

Submitted by: Councillors Margaret O’Connor, Debra O’Brien and Dorothy Robinson

Background

Should the Rescission Motion be adopted, then it is recommended that a Procedural Motion to suspend standing orders and bring forward Item 9.2 for consideration, be carried

Item: 9.1 **Ref:** AINT/2018/07861
Title: FOR DECISION: Notice of Motion - Councillor Diane Gray - Rail Trail
Business Case **Container:** ARC16/0085
Author: Peter Wilson, Acting Program Leader Governance, Risk and Legal
Attachments: Nil

Submitted by Councillor Gray

Should the rescission motion be adopted, I give notice that it is my intention to move the following motion:

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

Item: 9.2 **Ref:** AINT/2018/07895
Title: FOR DECISION: Notice of Motion - Councillor Margaret O'Connor -
Modification to DA-19-2009/A **Container:** DA-19-2009/A
Author: Peter Wilson, Acting Program Leader Governance, Risk and Legal
Attachments: Nil

Submitted by Councillor O'Connor

Should the rescission motion be adopted, I give notice that it is my intention to move the following motion:

That DA-19-2009/A deletion of Conditions 7 and 47 not proceed and Council retain the Conditions 7 and 47, on the basis of securing the public interest now and for future generations for retention of riparian (creekside) access for recreation and ecological amenity.

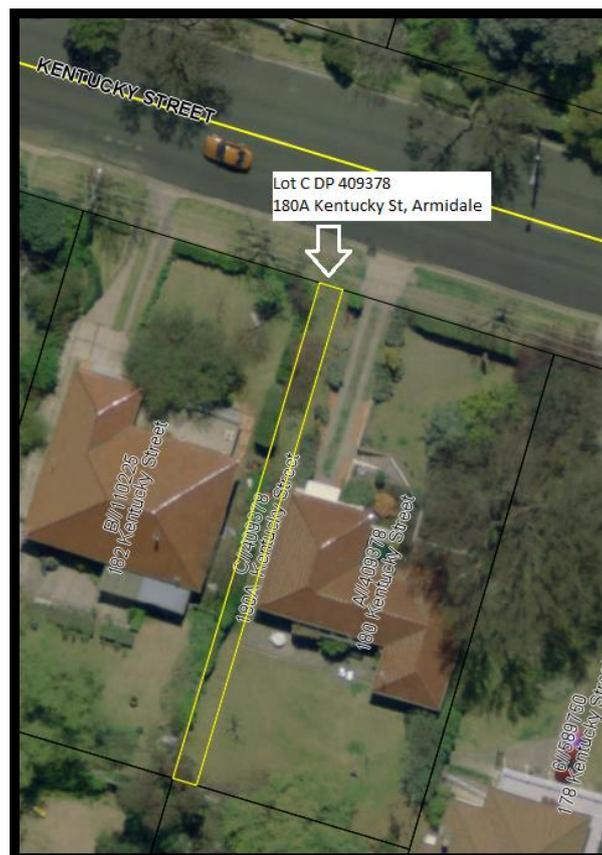
Item:	10.1	Ref: AINT/2018/06410
Title:	FOR DECISION: Acquisition of Drainage Reserve - 180A Kentucky Street, Armidale	Container: ARC18/2586
Author:	Kylie Steel, Support Officer	
Attachments:	Nil	

RECOMMENDATION:

- a) That Council approve of the transfer of the 'Drainage Reserve', described as Lot C DP 409378, from Roman and Olga Pivinski to Armidale Regional Council;
- b) That the Council seal be affixed to the documents associated with the transfer; and
- c) That the land be classified as Operational Land on acquisition.

Background

Lot C DP 409378 is a strip of land approximately 80m² in area that runs between 180 (Lot A DP 409378) and 182 (Lot B DP 409378) Kentucky Street, Armidale (Picture 1) and is recorded on the Title Search in the name of Roman and Olga Pivinski, as Joint Tenants.



Lot C was created when the land was subdivided in 1957 by the owners Roman and Olga Pivinski and is shown as a 'Drainage Diagram' on the DP 409378 registered in 1957. The parcel was inadvertently added to 180 Kentucky Street, Armidale under the ownership of Frank and Violet Pickering in the 1960s.

Lot C was brought to Council's attention when the Valuer General picked up Lot C as a separate piece of land and ownership, following advice of the deceased Estate of Frank S Pickering. The Valuer General created a new valuation for Lot C, triggering a rates liability.

Key Issues and Risks

Prior to 16 June 1964, when a subdivision created the 'drainage reserve', the parcel of land remained in the name of the registered proprietor on the title preceding the subdivision, unless Council directed that it vest in its name. This is the case with Lot C as recorded on the First Schedule of the title search.

Under Section 50 of the Local Government Act 1993, Council can still direct that a drainage reserve vest in its name, if the subdivision creating the parcel was approved prior to 1964, which applies to Lot C, as the subdivision was registered in 1957.

A notice was published in the NSW Government Gazette No 32 of 16 March 2018 notifying that the land is vested in Council as a Drainage Reserve.

Integrated Planning and Reporting Framework

Community Strategic Plan – Leadership for the Region

L2.2 – Council implements a business excellence program across its operations

L2.2.2 – Implement a Good Governance Framework

Stakeholder Engagement

A notice was published in the NSW Government Gazette No 32 of 16 March 2018 notifying that the land is vested in Council as a Drainage Reserve.

Financial Implications

The budget makes provision for land dealing costs including associated legal expenses.

Next Steps

1. Advise Council's Solicitors of Council's approval to process the Transfer.
2. Lodge Request 11R with NSW Land Registry Services.
3. Transfer Lot C DP 409378 into Council's ownership.
4. Update the parcel as Operational Land.

Item:	10.2	Ref: AINT/2018/06460
Title:	FOR DECISION: Proposed Road Rename - 'Pine Forest Road South' to 'Montes Lane'	Container: ARC16/0043
Author:	Kylie Steel, Support Officer	
Attachments:	1. Location of 'Pine Forest Road South' road extent 2. "Monte" - Picture to support 'Monte's Lane' Road Name Submission	

RECOMMENDATION:

- a) **That Council advertise its intention to re-name the Pine Forest Road South extent to 'Montes Lane';**
- b) **That Council also notify the relevant agencies of its preferred road name in accordance with Part 2 of the NSW Roads Regulation 2008;**
- c) **That in the absence of any objections, the road extent be so named in accordance with Council's Policy 071- Regulatory - Local Road and Place Naming and related procedure; and**
- d) **That Council notify all affected property owners and the relevant organisations of the proposed new road name and new rural road numbers.**

Background

Council received a request from Mr Mark MacDonald to name the track off Pine Forest Road to his property. Mr MacDonald was advised the track is known as 'Pine Forest Road South'; however since Council's contact with Mr MacDonald, correspondence has been received from the Department of Finance, Services & Innovation's Spatial Services (SS) Division querying 'Pine Forest Road South' road extent (see Picture 1 in the attachments). 'Pine Forest Road' was gazetted in 1981 but 'Pine Forest Road South' has never been gazetted and it's a duplication of 'Pine Forest Road'.

Under 2.2 of the *NSW Retrospective Address Policy* - road naming is a problem if it is duplicated within a locality or within the 20km radius in a regional urban area defined in the *NSW Addressing User Manual (AUM)*. In cases of road name duplication, renaming shall only occur where service delivery (postal/emergency) has (or has the potential to be) negatively impacted by the situation.

Local Government is the addressing authority and Council proposes to rename the road extent.

Key Issues and Risks

Each property owner on 'Pine Forest Road South' has a mailbox in town; however, there's the possibility the duplicated road name may impede emergency and other delivery services.

Council advises Spatial Services who update NSW SIX Maps daily and the data is provided to emergency services and other organisations (see point 'd' in the recommendation); however, Google Maps and GPS Maps take longer to update their maps as they purchase or source their data irregularly from data supply companies.

Integrated Planning and Reporting Framework

Community Strategic Plan - Leadership for the Region

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

L2.2 - Council implements a business excellence program across its operations

L2.2.2 - Implement a Good Government Framework

Stakeholder Engagement

Council wrote to the four property owners on Pine Forest Road South advising of the circumstances and Council's proposal to rename the road extent. Council sought road name submissions and received the following suggestions:

- 'Windarra Lane' - after Mr MacDonald's property "Windarra".
- 'Monte's Lane' - after property owner Jo Wauch's pet Friesian/Angus cross Steer, which Jo has owned since 2005. Jo believes Monte could be one of the biggest steers in the District, he a gentle giant with a funny personality. (see Picture 2 in the attachments)
- 'Jaringa Lane' - No supporting documentation provided.
- 'Atlas Lane' - No supporting documentation provided
- 'Southpines Lane' - No supporting documentation provided.

The road name submissions were forwarded to and checked by the Geographical Names Board (GNB) for conformance to the Policies and Principles outlined in Chapters 2 and 6 of the AUM, who advised as follows:

Road Name Suggestion	Supporting Documentation	Objection - Yes/No	Reason
Windarra Lane	Yes	Yes	Duplication of a property name on the same road
Monte's Lane	Yes	No	Unique name, no duplications in Local Government area, but must remove the apostrophe
Jaringa Lane	No	Yes	No supporting documentation provided
Atlas Lane	No	Yes	No supporting documentation provided
Southpines Lane	No	Yes	No supporting documentation provided

'Montes Lane' has been chosen due to its uniqueness and it does not duplicate any other road names within the Armidale Regional local government area.

Financial Implications

Advertising costs are provided for within the operational budget. A new road sign and installation costs \$150. Residents will be responsible for purchasing and installing their new road numbers.

Next Steps

1. Advise the Geographical Names Board of Council's resolution.
2. Seek comments from the Government agencies required under the *Roads Act*.
3. Advertise the proposed road name in the local paper and Council's website seeking submissions.
4. Should submissions be received then a further report be presented to Council, or, should no submissions be received the road name will be gazetted in the Government Gazette.
5. Once Gazetted, rural numbers will be allocated and property owners advised of their new address along with the following organisations: NSW Land Registry Services; Property NSW Valuation Services & Spatial Services; Australia Post; Essential Energy; Telstra and the Electoral Commission.
6. Council to provide assistance letters to residents to update their property and postal address, as well as liaising with any organisations should an issue arise.

Item:	10.3	Ref: AINT/2018/07257
Title:	FOR DECISION: Proposed Renaming of 'Cookes Road' extent off Grafton Road to "Autumn Lane"	Container: ARC16/0043
Author:	Kylie Steel, Support Officer	
Attachments:	1. Map Cookes Road Stages 1 - 3 2. Map Cookes Road - Stage 4 3. Picture - Autumn trees within Armidale Tourist Park 4. Picture - Autumn trees within Armidale Tourist Park	

RECOMMENDATION:

- a) **That Council advertise it's intention to rename the Cookes Road extent off Grafton Road to 'Autumn Lane';**
- b) **That Council notify the relevant agencies of its preferred road name, in accordance with Part 2 of the NSW Roads Regulation 2008;**
- c) **That in the absence of any objections, the road extent be so named in accordance with Council's Policy 071- Regulatory - Local Road and Place Naming and related procedure; and**
- d) **That Council notify all affected property owners and the relevant organisations of the proposed new road name and new rural road numbers.**

Background:

Council received a Development Application in 2016 for a multi-lot subdivision of 64 Cookes Road, Armidale (formerly 111 Cookes Road) which brought to Council's attention addressing anomalies (numbers out of sequence) in Cookes Road, between Hillards Road (rural) and Long Swamp road (urban). A four-stage process was required to resolve the addressing issues and allocate street numbers to the new subdivision. Stages 1 - 3 have been completed (see Map attachment 1) and this report will commence the process to finalise Stage 4 (see Map attachment 2).

Summary of Completed Stages

Stage 1 - Renamed and re-numbered a section of Cookes Road, between Mann Street to Long Swamp Road, to 'Morris Street' - Gazetted 23 June 2017. Gunidah Gunyah Aboriginal Corporation, on behalf of the Armidale Local Aboriginal Land Council, installed new numbers and arranged an unveiling and morning tea on 8 August 2017, which Council staff attended.

Stage 2 - Rescind unformed sections of Cookes Road between:

- i) Mann Street and Grafton Road, Armidale; and
- ii) Simmons Street and Kirkwood Street, Armidale.

Stage 3 – Renumber a section of Cookes Road between Kirkwood Street and Orchard View road to align with the rural property address allocations.

Stage 4 - Under 6.7.7 of the *NSW Addressing User Manual* states "...the extent of a road shall be defined by the formed road, and shall include only one section navigable by vehicles or foot. Unconnected navigable sections, such as where separated by an unbridged stream or a physical barrier shall be assigned separate names."

The Cookes Road extent off Grafton Road is used by vehicles to access the Armidale Tourist Park only. Renaming this section of road will in time reduce the likelihood of confused tourist's trying to locate the Tourist Park on Cookes Road and negotiating a u-turn at the intersection of

Cookes/Orchardview Road.

Key Issues and Risks

Council will advise Spatial Services whom update NSW SIX Maps daily and the data is provided to emergency services and other organisations (see point 'd' of the recommendation); however, Google Maps & GPS Maps take longer to update their maps as they purchase or source their data irregularly from data supply companies. This at time has taken longer than 6 months to update.

The renaming to 'Autumn Lane' will likely reduce new tourists to Armidale being directed to the Armidale Tourist Park on Autumn Lane, via online mapping technology, instead of looking for the Park's entrance on Cookes Road, between Kirkwood Street & Orchardview Road. Residents of the New England Masonic Village commented to Council's Property Officer, during her visit to the Village in August 2017, that they see caravan travellers going past the Masonic Village daily, and 15 minutes later returning looking for the Tourist Park.

Integrated Planning and Reporting Framework

Community Strategic Plan - Leadership for the Region:

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

L2.2 - Council implements a business excellence program across its operations

L2.2.2 - Implement a Good Government Framework

Stakeholder Engagement

Council wrote to the property owners and to the manager of the Armidale Tourist Park as this property has the only access to this road extent. Council sought road name submissions in 2017 & 2018 and received the following (which were checked and rejected by the *Geographical Names Board*): Caravan Way, Broadlands Lane, Gardens Lane (based on their promotion of a business), and Mitchell Lane (based on the previous owners and current manager are alive).

'Autumn Lane' does not duplicate another road name within the Armidale Regional local government area and supports the beautiful Autumn trees within in Armidale and located at the Armidale Tourist Park.

Financial Implications

Advertising costs are provided for in the operational budget. A new road sign and installation costs of \$150. Residents will be responsible for purchasing and installing their new road numbers.

Next Steps

- 1) Advise the Geographical Names Board of Council's resolution.
- 2) Seek comments from the Government agencies required under the *Roads Act*.
- 3) Advertise the proposed road name in the local paper and Council's website seeking submissions.
- 4) Should submissions be received, then a further report be presented to Council. Should no submissions be received, the road name be Gazetted in the Government Gazette.
- 5) Once Gazetted, Council will then allocate rural road numbers, advise the property owners of their new address, and the following organisations: NSW Land Registry Services, Property NSW: Valuation Services & Spatial Services, Australia Post, Essential Energy, Telstra, and the Electoral Commission.
- 6) Council to provide assistance letters to residents to update their property and postal addresses and support liaison with any organisations should an issue arise.

Item:	10.4	Ref: AINT/2018/08020
Title:	FOR DECISION: Council Meeting Cycle for Ordinary Meetings for July 2018 to August 2020	Container: ARC16/0620
Author:	Peter Wilson, Acting Program Leader Governance, Risk and Legal	
Attachments:	Nil	

RECOMMENDATION:

- a) **That Ordinary Meetings of Council be held at Armidale, on the fourth Wednesday of the months of March, April, June, July, August and September, commencing at 4.00pm;**
- b) **That an Ordinary Meeting of Council be held at Armidale, on the second Wednesday of the month of December, commencing at 4.00pm;**
- c) **That Ordinary Meetings of Council be held at Guyra, on the fourth Wednesday of the months of February, May and October, commencing at 4.00pm; and**
- d) **That an Ordinary Meeting of Council be held at Tingha, on the fourth Wednesday of the month of November, commencing at 1.00pm.**

Background

This report establishes a meeting cycle for Ordinary Meetings of Council for the period July 2018 to August 2020 (end of the council term)

Key Issues and Risks

As per the Code of Meeting Practice, Ordinary Meetings of Council take place on the fourth Wednesday of each month, except for December. No Ordinary meetings are scheduled in the month of January.

The meeting cycle incorporates both Armidale and Guyra, as both administration centres have suitable meeting room facilities and webcasting capabilities.

The Local Government NSW Annual Conference will be held in Albury from Sunday 21 to Tuesday 23 October 2018 which might necessitate a change of meeting date for the October Ordinary meeting.

Integrated Planning and Reporting Framework

Community strategic Plan – Leadership for the Region

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

L2.2 – Council implements a business excellence program across its operations

L2.2.2 – Implement a Good Governance Framework

Stakeholder Engagement

The new Council resolved in September 2017 to hold meetings on a Wednesday commencing at 1.00pm.

A councillor workshop was held on 8 May 2018 to explore meeting cycle options and start times, taking into account councillor business/work commitments, work health & safety, travel, winter weather conditions, community engagement, staffing and IT technical support.

Financial Implications

There are minimal budgetary impacts associated with the date and timing of meetings.

Next Steps

The Ordinary Council meeting cycle for the 2018-2019 financial year will be as follows:

- Wednesday 25 July 2018, 4.00pm in Armidale
- Wednesday 22 August 2018, 4.00pm in Armidale
- Wednesday 26 September 2018, 4.00pm in Armidale
- Wednesday 24 October 2018, 4.00pm in Guyra
- Wednesday 28 November 2018, 1.00pm in Tingha
- Wednesday 12 December 2018, 4.00pm in Armidale (Second Wednesday)
- Wednesday 27 February 2019, 4.00pm in Guyra
- Wednesday 27 March 2019, 4.00pm in Armidale
- Wednesday 24 April 2019, 4.00pm in Armidale
- Wednesday 22 May 2019, 4.00pm in Guyra
- Wednesday 26 June 2019, 4.00pm in Armidale

Workshops/briefings will be scheduled to allow councillors to meet informally and discuss key projects, strategic planning and emerging issues.

There will also be an opportunity to review the cycle at a future date, following the release of the new Model Code of Meeting Practice.

Item:	10.5	Ref: AINT/2018/08439
Title:	FOR DECISION: Quarterly Budget Review Statement Third Quarter 2017-2018	Container: ARC17/1519
Author:	Keith Lockyer, Service Leader Finance and Information Technology	
Attachments:	1. Third Quarter Budget Review Statement	

RECOMMENDATION:

- a) That Council note the third Quarter Budget Review Statement (QBRs) and adjustments for the 2017-2018 financial year.
- b) That Council vote changes to budget of \$403,000 in operating and \$4.4 million in capital as detailed in table 1 of this report.

Background

Third Quarter Budget Review

Section 203 (1) of the Local Government Regulation (General) 2005 requires Council's Responsible Accounting Officer to prepare and submit a Quarterly Budget Review Statement (QBRs) to Council within two months from the end of each quarter.

Overall Council's financial position is satisfactory, having regard to the revoting of merger funds from reserves in the second quarter for projects spanning two years compared to the original estimate of income and expenditure. The third quarter review results in a favourable improvement in both operating and capital of \$4.8 Mill.

The Third Quarter Review takes into account actuals at the end of March and forecasts the expected result to 30 June 2018. There is an expected net favourable improvement in both capital and operating as at 30 June 2018 as outlined in table 1

Table 1

Adjustments	Operating	Capital
Increase In Roads Maintenance	900	
Transfer of Roads and Maritime Contribution	(1200)	
Overhead Adjustment	(103)	
Transfer Landfill Capital Funds to 2018/19		(2000)
Adjust Bridge Program to Match Funding Received		(2400)
Total	(403)	(4400)

In total \$4.8 million less cash will be required to fund the 2017/2018 budget since the second quarter review.

- The \$2 million for landfill will be restricted for landfill capital expenditure in 2018-19.
- The \$2.4 million reflects Council's budget contribution towards a grant application that has been ultimately unsuccessful, and will be returned to unrestricted funds.

Should the final end of year cash position, as expected in this report, result in a positive cash position, then consideration should be given by Council to use this to offset the proposed restricted cash transfer in the draft 2018/19 budget. This will be brought back to Council for

consideration in the first quarter review of the 2018/19 budget.

Detailed QBRs for March is included in the attachments. The following commentary highlights the key changes to budget.

Operating of Continuing Activities Budget estimates.

Table 2

	(000)	(000)	(000)
OPERATING			
REVENUE			
BUDGET REVISED SECOND QUARTER	\$ (47,252)	\$ (9,744)	\$ (6,522)
BUDGET REVISED THIRD QUARTER	\$ (47,252)	\$ (9,744)	\$ (6,522)
<u>PROPOSED BUDGET CHANGE Q3</u>	\$ (0)	\$ -	\$ -
EXPENDITURE (inclusive of Depreciation)			
BUDGET REVISED SECOND QUARTER	\$ 54,831	\$ 8,643	\$ 5,821
BUDGET REVISED THIRD QUARTER	\$ 54,428	\$ 8,643	\$ 5,821
<u>PROPOSED BUDGET FAVORABLE CHANGE Q3</u>	\$ (403)	\$ -	\$ -
Third Quarter REVISED Budget Operating Result	\$ 7,176	\$ (1,101)	\$ (701)

The Operating Result

Councils Operating result above is presented in accordance with the accounting standards which is;

- total income received less
- expenses paid less
- non cash expenses such as depreciation for the financial year and
- excludes any internal transactions such as transfer from reserve

Budget estimates for Capital Works and Balance Sheet Movements.

As part of the total budget, council commits funds to capital purchases or works. These transactions do not appear on the operating statement but are transaction movements on the balance sheet. Surplus income (ie Profit) from operating, and capital grants received, are held as a cash asset. The cash is then used in the construction or purchase of new or replacement of assets during the year.

Table 4

CAPITAL			
CAPITAL INCOME			
BUDGET REVISED SECOND QUARTER	\$ (11,804.56)	\$ (200.00)	\$ -
BUDGET REVISED THIRD QUARTER	\$ (11,804.56)	\$ (200.00)	\$ -
<u>PROPOSED BUDGET CHANGE Q3</u>	\$ -	\$ -	\$ -
CAPITAL Infrastructure Property Plant & Equipment			
BUDGET REVISED SECOND QUARTER	\$ 35,826.33	\$ 2,874.00	\$ 2,332.00
BUDGET REVISED THIRD QUARTER	\$ 31,426.33	\$ 2,874.00	\$ 2,332.00
<u>PROPOSED BUDGET CHANGE Q3</u>	\$ (4,400.00)	\$ -	\$ -
LONG-TERM DEBT REPAYMENT			
BUDGET REVISED SECOND QUARTER	\$ 2,174.72	\$ 161.53	\$ -
BUDGET REVISED THIRD QUARTER	\$ 2,174.72	\$ 161.53	\$ -
<u>BUDGET CHANGE</u>	\$ -	\$ -	\$ -
Net (Increase) Decrease In Capital Result From 2nd Qtr	\$ 4,400	\$ -	\$ -
Q 3 Revised Forecast Capital Result	\$ 21,797	\$ 2,836	\$ 2,332

Application of Funds

The purpose of the following table shows where council expenditure is and how it is funding the costs. The original budget identified the \$20.506 Mill to be used from restricted cash reserves to fund the operating plan. The operating plan at the 3rd quarter only requires \$16.640 Mill to be used from cash reserves. This is shown in Transfer from Cash and Reserves line below in the source and application of funds.

Table 5

CONSOLIDATED APPLICATION OF FUNDS

	Original Budget 2018 \$'000	Q1 TO Q3 ADJUSTMENTS	March Revised Budget 2018 \$'000
Expenditure			
Operating Costs	48,050	4,837	52,887
Capital Works	39,499	(2,890)	36,609
Financing Costs	2,282	0	2,282
	89,831	1,947	91,778
Funded By			
Operating Income	31,775	1,283	33,058
Rates	17,199	224	17,423
Annual Service Charges	12,510	450	12,960
Capital Grant Income	7,841	3,856	11,697
Transfer from Cash and Reserves	20,506	(3,866)	16,640
	89,831	1,947	91,778

In the above table the net improvement in cash over the financial year is made up of

- First Quarter Results \$136,000 increase in S94 cash applied to budget
- Second Quarter Result \$801,000 Increase in cash applied to budget
- Third Quarter Results \$4,803,000 Decrease in cash applied to budget

Net Change in Cash is projected to be \$3,866,000 less than “original budget”. This amount will contribute to improving this position.

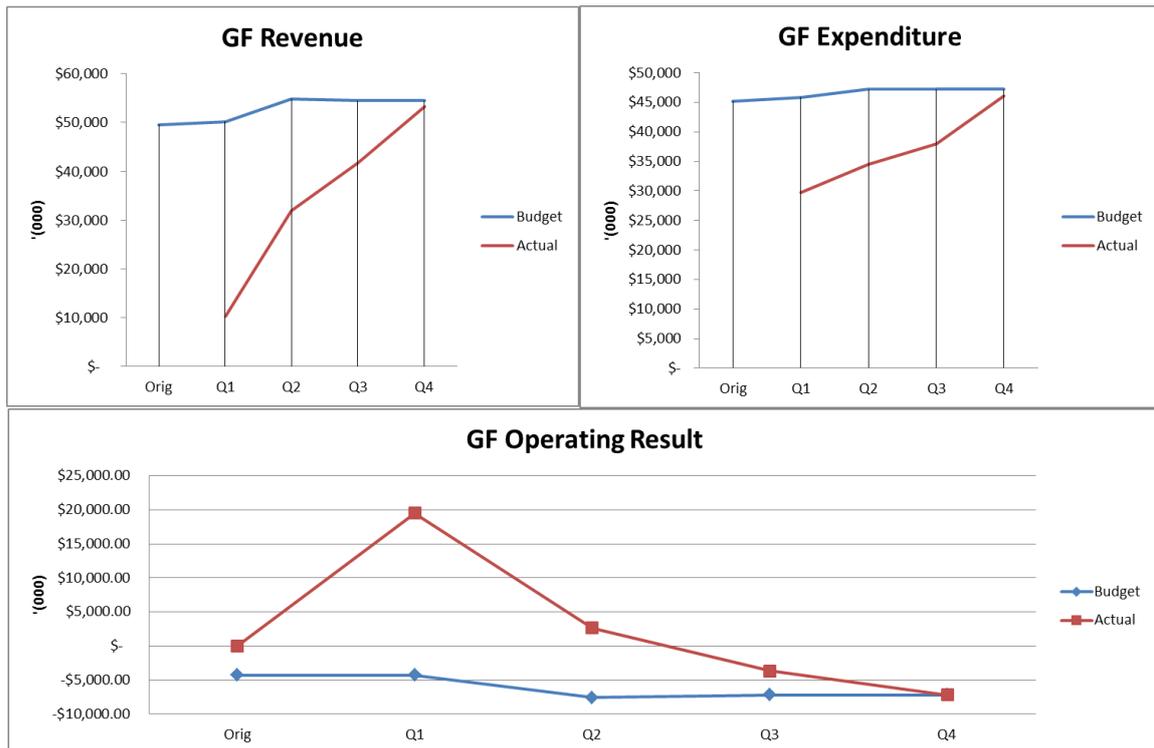
CHARTS

Council’s income and expenditure pattern is not linear over the course of the year. The charts below track actuals as at each quarter comparative to the forecasted year end budget.

The Blue line is the adjusted revised budget at each quarter and the red line the actual for each of the 3 funds being General, Water and Sewer. The 4th Quarter result actual is a forecasted calculation based on current expenditure and income adjusted for known commitments.

GENERAL FUND

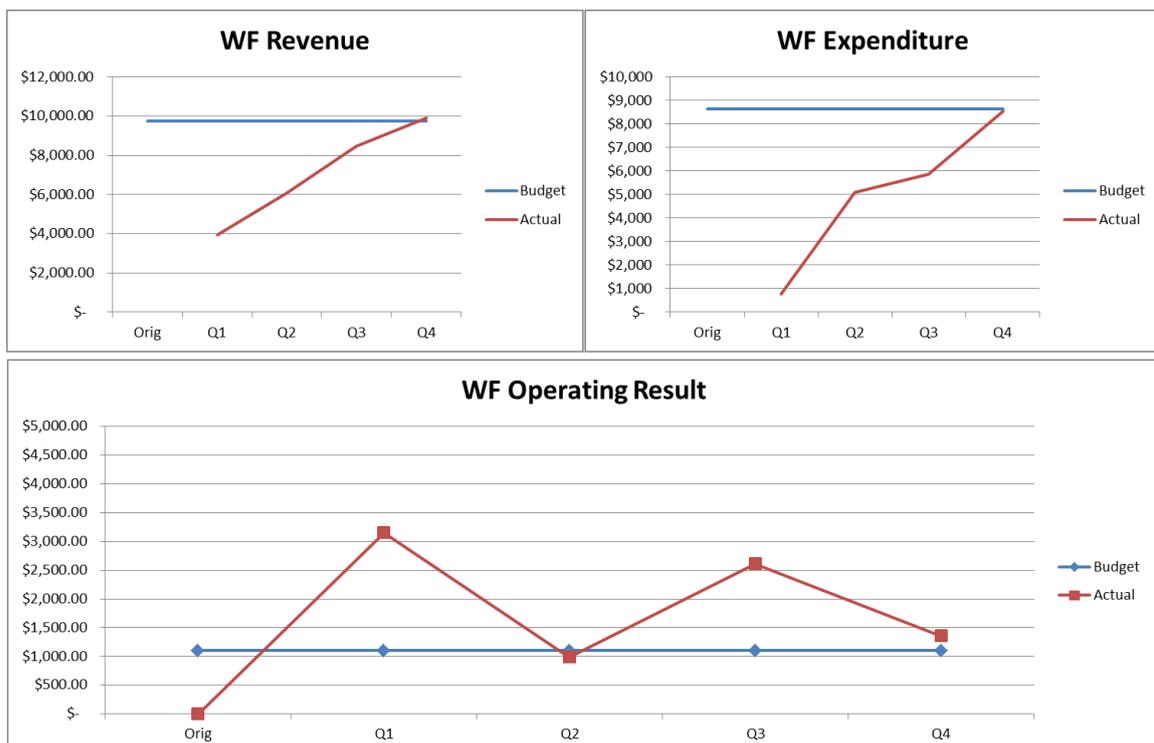
The GF operating result for 2017/18 is a typical year. General fund received the majority of its income in the first quarter. Tight cash flow controls over the year ensure that the operating result lands as projected. As at the end of the third quarter there has been no additional information received to change expectations that the 4th quarter will not land as planned.



WATER FUND

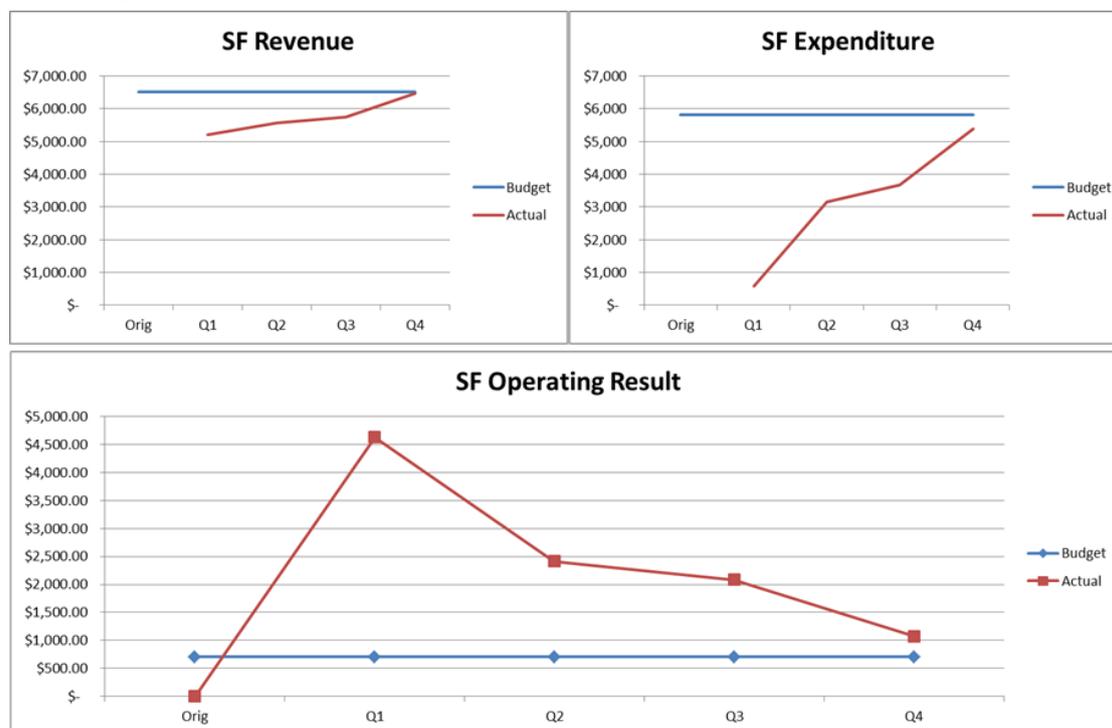
The WF operating result for 2017/18 follows the billing cycle. In the first quarter council receives the annual charges up front and the 1st quarter user charges. In the second quarter expenses tend to rise off the back of winter. In the 3rd quarter there is generally an increase in income due to water consumption over the summer period.

As at the end of the third quarter there has been no additional information received to change expectations that the 4th quarter will not land as planned.



SEWER FUND

The SF operating result for 2017/18 is a typical year. Sewer fund received the majority of its income in the first quarter as annual charges. Tight cash flow controls over the year ensure that the operating result lands as projected. As at the end of the third quarter there has been no additional information received to change expectations that the 4th quarter will not land as planned. In future years once best practice pricing is implemented then the cash flow pattern will change as income will be user consumption based



Key Issues and Risks

Forecasted results have been based on expenditure at the end of March and normal operating levels. If there is increased activity or unforeseen expenditure the final result may be different.

Integrated Planning and Reporting Framework

Community Strategic Plan – Leadership for the Region

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

L2.1 – Financial sustainability is maintained through effective short and long term financial management and L2.1.1 – Monitor and review achievement of Financial Strategy.

Stakeholder Engagement

Service Leaders have reported all known material variations to the Responsible Accounting Officer (RAO) during the period.

Financial Implications

All financial performance indicators in the attached QBRS for year end reporting is based on actual compared to original budget. Budget reviews are only for the purpose of financial management and to recognise variations during the year.

Next Steps

1. Adjustments to be posted to the Ledger.

Item: 10.6 **Ref:** AINT/2018/08448
Title: FOR DECISION: Fixing of Mayor and Councillors Fees for 2018-2019
Container: ARC16/1146
Author: Peter Wilson, Acting Program Leader Governance, Risk and Legal
Attachments: Nil

RECOMMENDATION:

- a) That Council fix the 2018/19 fee payable to Councillors at \$19,790;
- b) That Council fix the 2018/19 fee payable to the Mayor at \$43,170; and
- c) That Council note that the fixing and payment of an annual fee to the Mayor, is in addition to the fee paid to the Mayor as a Councillor.

Background:

The Local Government Remuneration Tribunal (the Tribunal) has determined that the minimum and maximum fees applicable to each category will be increased by 2.5%, which is consistent with the government's current policy on wages, where public sector wages cannot increase by more than 2.5%.

The Tribunal's determinations take effect from 1 July in each year.

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

There is no proposal to pay a fee to the deputy mayor.

Key Issues and Risks

The Act requires the annual fees to be fixed prior to 30 June and if a council that does not fix the annual fee, it must pay the appropriate minimum fee determined by the Remuneration Tribunal.

Following the creation of 20 new councils in 2016, the Tribunal, in consultation with the sector, conducted a review of the categories of councils and mayoral offices pursuant to section 239 of the Local Government Act 1993.

The determination provided for the retention of five existing categories (some with new titles) and the creation of two new categories. In accordance with section 239, the categories of general purpose councils have been determined as follows:

Metropolitan	Non-metropolitan
Principal CBD	Regional City
Major CBD	Regional Strategic Area
Metropolitan Large	Regional Rural
Metropolitan Medium	Rural
Metropolitan Small	

Each council is allocated into one of these categories, based on criteria identified by the Tribunal. The new Armidale Regional Council is categorised as 'General Purpose Council – Non-metropolitan - Regional Rural' along with 36 other councils, including Clarence Valley, Coffs Harbour, Dubbo, Mid-Coast and Tamworth. The former Armidale Dumaresq Council was categorised as Regional Rural.

The following criterion applies to the category - Regional Rural:

Councils categorised as Regional Rural will typically have a minimum population of 20,000. Other features which distinguish them from other non-metropolitan councils include:

- a major town or towns with the largest commercial component of any location in the surrounding area;
- a significant urban population existing alongside a traditional farming sector, and are surrounded by smaller towns and villages or may be located on or close to the coast with high levels of population and tourist facilities;
- provide a full range of higher-order services including business, office and retail uses with arts, culture, recreation and entertainment centres;
- regional services to the wider community through principal referral hospitals, tertiary education services and major regional airports; and
- these councils may also attract large visitor numbers to established tourism ventures.

The Tribunal (2018) reviewed the criteria that applied to the categories of councils and the allocation of councils into those categories. The Tribunal found that there was no strong case to change the criteria or the allocation of councils into categories at this time. The criteria applicable to each of the categories are published in Appendix 1 of the determination and are unchanged from 2017.

The Tribunal is required to review the categories every three years. As the current model was introduced in 2017, the Tribunal will next consider the model and the allocation of councils into that model in 2020.

The Tribunal's report and determination (17 April 2018) is available on the Office of Local Government's website www.olg.nsw.gov.au and on the NSW Remuneration Tribunal's website www.remtribunals.nsw.gov.au.

Integrated Planning and Reporting Framework

Community Strategic Plan – Leadership for the Region

L2.2 Council implements a business excellence program across its operations

L2.2.2 Implement a Good Governance Framework

Stakeholder Engagement

Sections 248 and 249 of the Act require councils to fix and pay an annual fee based on the Tribunal's determination for the 2018/19 financial year. The fixing of the maximum fee is in accordance with the practice of the new Council.

Financial Implications

The Tribunal's determination provides for an increase of 2.5% only, which is consistent with the Government's public sector wages policy cap on increases of 2.5%.

Pursuant to section 241 of the Act, the annual fees to be paid to Councillors and the Mayor effective on and from 1 July 2017 are determined as follows:

Annual Fee – Councillor - Minimum \$8,970 and Maximum \$19,790

Annual Fee – Mayor - Minimum \$19,100 and Maximum \$43,170

The maximum increase has been budgeted in the 2018/19 budget. The annual budget is \$260,860.

Table: Fees for General Purpose and County Councils

Category		Councillor/Member Annual Fee		Mayor/Chairperson Additional Fee	
		Minimum	Maximum	Minimum	Maximum
General Purpose Councils - Metropolitan	Principal CBD	26,970	39,540	164,980	217,080
	Major CBD	17,980	33,310	38,200	107,620
	Metropolitan Large	17,980	29,670	38,200	86,440
	Metropolitan Medium	13,480	25,160	28,640	66,860
	Metropolitan Small	8,970	19,790	19,100	43,150
General Purpose Councils – Non-metropolitan	Regional City	17,980	31,260	38,200	97,370
	Regional Strategic Area	17,980	29,670	38,200	86,440
	Regional Rural	8,970	19,790	19,100	43,170
	Rural	8,970	11,860	9,540	25,880
County Councils	Water	1,780	9,890	3,820	16,250
	Other	1,780	5,910	3,820	10,790

Next Steps

The fees are payable monthly in arrears for each month (or part of a month) for which the councillor holds office.

Item: 10.7 **Ref:** AINT/2018/08807
Title: FOR DECISION: Water Billing Adjustment **Container:** ARC17/2153
Author: Keith Lockyer, Service Leader Finance and Information Technology
Attachments: Nil

RECOMMENDATION:

That the request for a water bill adjustment not be approved as it does not comply with the Water Adjustment Management Policy

Background:

Council has received a request to consider an adjustment to a property in Grandview Crescent.

The basis for the request was that extra Development Application conditions were imposed for the construction of the house. The resident was of the understanding that they had to landscape the surrounds and therefore laid turf. Due to current weather conditions the resident used above normal water.

The resident also claimed that no other property had the same conditions imposed.

Findings

Council officers have reviewed the consent approval. The DA was approved 26/6/17 and other than compliance with Basix no other landscaping was required. The works were privately certified and the conditions of consent applied were the same for all properties in the local area.

All properties have to comply with the landscaping requirements set out in the BASIX planning standard. The bill is correct and there is no inequity in the DA.

As the resident has approached council directly and there is no provision in council policies for management to adjust, the report is tabled for Council consideration.

Key Issues and Risks

Council policies are intended to ensure good governance and consistency in decision making. In some circumstances there are justified reasons to deviate from policy. However if policies are not adhered to then they become less effective.

Integrated Planning and Reporting Framework

Good governance.

Stakeholder Engagement

The letter was received on the 11 April 2018. Council has a 10 day response time for all correspondence. The resident has been contacted and advised the matter is being considered.

Financial Implications

Water income would need to be written off if the bill is adjusted.

Next Steps

As determined by council.

Item: 10.8 **Ref:** AINT/2018/09526
Title: FOR DECISION: Community Strategic Plan 2027 **Container:** ARC16/0502
Author: Heather Sills, Program Leader Corporate Planning and Performance
Attachments: 1. Community Strategic Plan - Submissions 2018

RECOMMENDATION:

That the Community Strategic Plan 2027 be reaffirmed, noting the changes following the public exhibition period outlined in the report.

Background:

This report presents the Community Strategic Plan 2027 which outlines the 'vision' of the community over the next 10 years. The Community Strategic Plan sets out the strategic directions and community outcomes, which centre on the four themes of Environment and Infrastructure; Growth, Prosperity, and Economic Development; Leadership for the Region and Our People and Community.

Key Issues and Risks

Council is faced with challenges in terms of boosting the economy and creating jobs, protecting the environment, building stronger communities, providing essential infrastructure and transforming the new organisation into a stronger council. At the same time, there are great opportunities to improve the wellbeing for all of our citizens.

However while Council has the responsibility to facilitate the development of the Plan, it's the community who must take ownership of it. The requirements of Federal and State Governments will also influence what needs to be done.

At the core of successful community planning are partnerships. Not all of the things our community wants to change or improve come under the direct delivery responsibility or influence of Armidale Regional Council. Further, many of the services Council provides go beyond the traditional services provided by local government, and these services are provided in line with local community expectations, and where Council has the resources to do so.

Where Council is responsible and resources make it possible, Council is committed to contributing to the aspirations and priorities of the community. Where we do not have a direct responsibility, we will advocate and lobby those that are responsible and will work in partnership with them to make progress towards delivering for the future of our community.

Integrated Planning and Reporting Framework

Leading the Council's planning hierarchy, the Community Strategic Plan identifies the community's main priorities and expectations for the future and ways to achieve these goals. Each of the four themes identified in the CSP are replicated in the Delivery Program and Operational Plan.

"Integration" is the key concept of the IPR Framework, adding to the range of governance frameworks that will guide Council, staff, our community and stakeholders in working together to meet the challenges and opportunities of the next ten years.

Stakeholder Engagement

The Community Strategic Plan 2017-2027 was adopted by Council in May 2017 following extensive community engagement. The CSP was placed on public exhibition between 30 March to 30 April 2018, to check in with the community that the Plan's priorities and the strategies still reflect the community's vision for the future.

The Summary Report – Community Strategic Plan Submission 2018 is attached and the key points are outlined below:

Public Exhibition of Community Strategic Plan		
Submission	Submission Points	Council Response
#1 Individual	<ul style="list-style-type: none"> • Definition of 'sustainable' and 'resilient' • Review performance indicators 	<ul style="list-style-type: none"> • The Plan supports a commitment to deliver the community outcome priorities in a way that requires a balance between economic development, environmental management and social well being. • The Audit Office released their performance audit report on 'Council reporting on service delivery' in February 2018. The AO concluded that while councils report on outputs, reporting on outcomes and performance over time can be improved and should include objectives with targets that better demonstrate performance over time. This would help communities understand what services are being delivered, how efficiently and effectively they are being delivered, and what improvements are being made. <p>The Office of Local Government acknowledges that since the implementation of the IP&R Framework in 2010, councils have reached a level of maturity in the area of preparing plans and working with their communities. However it is now timely to focus on efficient reporting (metrics).</p> <p>OLG is working on the Performance Measurement Framework for councils incorporating appropriate performance indicators.</p> <p>Council acknowledges that our metrics, particularly in the Delivery Program and Operational Plan can be enhanced and this will be our focus in 2018-2019.</p>
#2 Individual	<ul style="list-style-type: none"> • Include a strategy in regard to the development of the Rail Trail 	<ul style="list-style-type: none"> • A supporting strategy has been included under Growth, Prosperity, and Economic Development; Community Outcome 4 –

		“Investigate development of a rail trail north of Armidale to attract visitors to the region”
#3 New England Greens	<ul style="list-style-type: none"> • Amend front cover • Include the names of indigenous peoples in Acknowledgement of Country • Review performance indicators and include additional performance targets • Update statistical data to reflect 2016 data 	<ul style="list-style-type: none"> • Amended • The Acknowledgement is a generic statement and no changes are proposed • Refer to response in #1 above • Statistical data updated to incorporate 2016 Census
#4 individual	<ul style="list-style-type: none"> • Review performance indicators and include additional performance targets • Include additional strategies for Growth, Prosperity and Economic Development 	<ul style="list-style-type: none"> • Refer to response in #1 above • Additional strategies are identified in the Draft Delivery Program currently on exhibition

Financial Implications

The Draft Delivery Program currently on exhibition maps out the way Council will help to implement the CSP over the next four years. A Financial Strategy and Resourcing Strategy support the strategic directions of the Council.

Next Steps

The CSP will serve as the foundation for everything that we do on behalf of the area going forward. Council's reporting under the indicators framework will include:

- Monthly reporting to ELT on Operational Performance Measures that measure trends and progress on Projects, Programs and Activities in the Delivery Program and Operational Plan,
- Quarterly reporting to Council on progress against the Operational Plan,
- Bi-annual reporting of the progress of the Delivery Program, and
- Monitoring of the progress towards achieving the community outcomes of the Community Strategic Plan using Community and Strategic Indicators.

Item:	12.1	Ref: AINT/2018/08054
Title:	FOR DECISION: Draft Development Contributions Plans for Council's area	Container: ARC16/1051
Author:	Kathy Martin, Acting Program Leader Environment and Sustainability	
Attachments:	1. Draft ARC Section 7.12 Contributions Plan 2018 2. Draft ARC Section 7.11 Contributions Plan 2018 - Heavy Vehicles	

RECOMMENDATION:

- a) **That the following draft plans be placed on public exhibition for at least 28 days in accordance with section 2.2 of the Environmental Planning and Assessment Act 1979 and clause 28 of the Environmental Planning and Assessment Regulation 2000:**
- i) **Draft Armidale Regional Council Section 7.12 Contributions Plan 2018, and**
 - ii) **Draft Armidale Regional Council Section 7.11 Contributions Plan 2018 – Heavy Vehicles.**
- b) **That a further report be provided to Council following the public exhibition period.**

Background:

Draft development contributions plans have been prepared for the local government area (LGA). Preparation of the plans has sought to minimise the number of plans applying to the LGA and to simplify and streamline the implementation and administration of development contributions. Consultancy StrategyHunter has been engaged to assist Council with preparing the new plans. Council staff has also been involved in reviewing the current plans in order for them to be replaced by the new plans.

Development contributions plans (section 7.11 and section 7.12 plans)

Under the *Environmental Planning and Assessment Act 1979* (EPA Act) Council may require a developer to pay contributions towards the provision of public amenities and services as part of carrying out a development. In order to do this Council must have a development contributions plan in place that includes the contribution rates and the public amenities and services upon which the contributions will be spent. There are two types of development contributions plans under the EPA Act:

- Section 7.11 (previously section 94) – development contributions may be required where there is a nexus between the development and the facilities for which the contributions are being required. The contribution rate is fixed and usually in the form of \$/lot or dwelling.
- Section 7.12 (previously section 94A) – development contributions may be required as a condition of consent where the contribution rate is a fixed levy, being a percentage of the proposed cost of carrying out the development.

Requiring a development contribution is part of the development application process with a relevant condition included in the consent for a development application or a complying development certificate. A contribution cannot be required for the same development under a Section 7.11 and a Section 7.12 plan.

Contributions may only be required for capital works, not operational or maintenance costs (other than for local road maintenance and reconstruction associated with development that

generates heavy vehicle usage). A contribution can be in the form of a monetary payment, dedication of land free of cost or provision of a material public benefit. Aside from providing new public facilities and services, contributions may also be used towards recouping the cost to Council of providing facilities and services where development is likely to benefit from their provision.

Draft development contributions plans

It is intended that the number of contributions plans applying to the LGA be minimised to facilitate the streamlining of processes within Council for implementing and administering the plans - from placing conditions on development consents through to providing the facilities. It is also intended that any new contributions plans provide clear direction to the development industry and accredited certifiers on how and when contribution rates are to be applied.

A comparison of the advantages and disadvantages between a Section 7.11 and a Section 7.12 plan as they relate to Council's LGA has concluded that the preferred approach is to prepare a new Section 7.12 plan for the LGA. The draft Section 7.12 plan is in Attachment 1.

The draft Section 7.12 plan applies a fixed levy based on the cost of carrying out a development and adopts the maximum levy allowable under the *Environmental Planning and Assessment Regulation 2000* (EPA Regulation) as follows:

Proposed cost of carrying out development	Maximum percentage
\$0 - \$100,000	Nil.
\$101,000 - \$200,000	0.5%
More than \$200,000	1.0%

The draft Section 7.12 plan has a works schedule that includes the following types of facilities with associated estimates of costings and timeframes for providing the facilities over the next 10 years:

- Open space
- Community facilities – libraries in Armidale and Guyra
- Shareways (shared pedestrian/cycleways)
- Local roads
- Administration – recoup cost of preparing new plan and cost of review within 5 years.

The draft Section 7.12 plan also includes provisions for replacing the current contributions plans applying to the LGA as part of rationalising and simplifying the administration of development contributions. Clause 32 of the EPA Regulation enables Council to amend or repeal a contributions plan by a subsequent contributions plan. Clause 2.7 and Appendix 3 of the draft Section 7.12 plan includes provisions that will result in all 11 current plans being repealed by the new plan.

There are instances where the draft Section 7.12 plan will not apply. These instances are:

- Land in the LGA that is affected by voluntary Planning Agreements (VPAs), or draft VPAs. The EPA Act provides for a VPA to be entered into between a developer and Council where contributions are made towards public infrastructure and services. A VPA is usually associated with large developments at the rezoning or development application stage. Currently there are two VPAs (one adopted and one being drafted) between council and respective developers. Land affected by a VPA or draft VPA and excluded

from the draft Section 7.12 plan is shown in Appendix 2 of the draft plan.

- Development that will generate heavy vehicle traffic movements (eg extractive industries, intensive livestock agriculture). This type of development will be required to make contributions towards the cost of maintaining and reconstructing roads damaged as a result of heavy vehicle traffic generated by the development. Given the type of development and facility for which contributions will be sought (i.e. road maintenance and reconstruction), the most appropriate plan under the EPA Act is a Section 7.11 plan. The EPA Act does not allow for the same development to be levied contributions under both a Section 7.11 and a Section 7.12 plan. The draft Section 7.11 plan for heavy vehicle generating development is in Attachment 2.

In summary it is proposed that the current contributions plans applying to the LGA will be replaced with three new contributions plans:

- Draft Section 7.12 plan that will apply to most of the LGA (in Attachment 1)
- Draft Section 7.11 plan for development that generates heavy vehicle traffic movements (in Attachment 2)
- Draft Section 7.11 plan for land affected by or in the locality of facilities provided under a VPA in north Armidale (to be prepared separately and subject of a future report to Council).

Key Issues and Risks

Preparation of development contributions plans involves making projections on where, when and how much development activity is likely to take place during the life of the plan. If development activity is less than projected there is a risk that insufficient funds will accumulate during the life of the plan to provide all of the facilities for which the contributions were levied. Also, over time the cost of providing facilities is likely to increase and insufficient funds may be available to provide the facilities. To address these risks:

- Projections on development activity and, therefore, estimated income from developer contributions, has taken into consideration development trends over the past eight years as well as projected population growth (Department of Planning and Environment, 2016).
- The draft contributions plans include provisions for indexing contribution rates
- Any interest on contributions received by council must be kept within the relevant contributions fund
- The draft contributions plans contain provisions for reviewing the plans, including a complete review every five years.

Integrated Planning and Reporting Framework

Development of new contributions plans is considered to be consistent with Council's Integrated Planning and Reporting framework, in particular:

- Community Strategic Plan 2017-2027 - Community Outcome: Environment and Infrastructure:
 - Delivery Plan 2017-2021 – Strategy: E3 The community is provided with the essential and resilient infrastructure it requires for daily life, and has access to a prioritised schedule of infrastructure works.
- Community Strategic Plan 2017-2027 – Community Outcome: Our People and Community:
 - Delivery Plan 2017-2021 – Strategy: P2 Community programs, services and facilities meet the needs of the community and provide a safe place to live.

Stakeholder Engagement

Preparation of the draft contributions plans has involved a Working Group set up for the purpose that comprises relevant planning (development), facilities and finance managers within Council.

Draft contributions plans and supporting documentation must be publicly exhibited for at least 28 days in accordance with the EPA Act and Regulation.

Financial Implications

Where development is likely to generate a demand for public services and facilities, Council is able to require contributions from development towards the provision of those services and facilities. In doing so the costs of providing facilities are shared between existing and future populations. Contribution rates should be reasonable and facilities should be provided in a reasonable time.

The EPA Act and Regulation include specific provisions to ensure financial accountability when implementing and administering development contributions plans.

Estimated income from developer contributions under the draft Section 7.12 plan is \$5 million to \$6 million over the life of the plan, being 10 years. The estimate is based on the value of development in the Council area over recent years as well as future development activity associated with projected population growth.

Next Steps

The draft contributions plans and supporting documentation will be publicly exhibited for at least 28 days.

Consideration of the submissions received and any proposed changes to the exhibited plans will be considered at a Council meeting following the exhibition period. If significant changes are made to the draft contributions plans as a result of submissions received, the amended draft plans may be re-exhibited.

Within 28 days of the contributions plans being approved by Council, public notice of the approval must be given in a local newspaper. The contributions plans will come into effect on the date on which public notice of the approval is given, or a later date specified in the notice.

Council is required, as soon as practicable after approving the contributions plans, to provide the Minister for Planning and Environment with copies of the plans.

Item:	12.2	Ref: AINT/2018/08060
Title:	FOR DECISION: Planning Proposal for Draft Amendment No.11 to Armidale Dumaresq LEP 2012	Container: ARC16/0484
Author:	Kayla Clanchy, Strategic Planner	
Attachments:	1. Planning Proposal No. 11 - being 16 20 22 Madgwick Drive Armidale - amend Land Zone map and Lot Size map - ADLEP 2012	

RECOMMENDATION:

- a) **That Planning Proposal No. 11 to amend Armidale Dumaresq Local Environmental Plan 2012, which proposes to:**
- zone Lots 1, 2, and part 3 DP 1196907 at 16-22 Madgwick Drive, Armidale, from R2 Low Density Residential to R1 General Residential, and
 - alter the lot size standard for Lots 1, 2, and part 3 DP 1196907 from 4,000m² to 500m²,
- be forwarded to the Department of Planning and Environment with a request for a Gateway Determination, in accordance with section 3.34 of the *Environmental Planning and Assessment Act 1979*.
- b) **That, subject to a Gateway Determination, a further report be provided to Council following public exhibition of Planning Proposal No. 11 to amend Armidale Dumaresq Local Environmental Plan 2012.**
- c) **That the proponent be advised of Council's resolution.**

Background:

Council has received a Planning Proposal – from one of the landowners of the land subject to the Proposal – to amend Armidale Dumaresq Local Environmental Plan 2012 (the 'LEP'). Lots 1, 2, and part 3 of DP 1196907 at 16-22 Madgwick Drive, Armidale, form the Site subject of the Planning Proposal. The area to which the Planning Proposal relates is shown below and in Figure 1 of the attached Planning Proposal (being Attachment A). That part of Lot 3 forming the Site is above the Flood Planning Level, hence the irregular shaped Site. The part of Lot 3 below the Flood Planning Level is excluded from the Site, and this area is not proposed to be rezoned or the minimum lot size amended.

The objective of the Planning Proposal is to allow for higher density residential development, including a greater variety of residential development types, than is currently permissible on the Site. This will be achieved by amending the LEP Land Zoning Map for the Site from R2 Low Density Residential to R1 General Residential, and by amending the LEP Lot Size Map applying to the Site, resulting in a minimum lot size reduction from 4,000m² to 500m². It is anticipated that the Planning Proposal will result in at least an additional 31 residential lots at the Site (subject to development consent).

This report recommends that the Planning Proposal, which has been submitted to Council and reviewed and edited by Council's Strategic Planning staff, be forwarded to the NSW Department of Planning and Environment (DPE) with a request for a Gateway Determination. Council will be seeking written authorisation from the DPE to use its local plan-making delegations, subject to the agreement of the Gateway, as the Planning Proposal is considered to be of local significance.



Land subject of Planning Proposal, as outlined in red.

Key Issues and Risks

Governance

LEPs are statutory documents and the preparation/amendment of an LEP must be in accordance with the *Environmental Planning and Assessment Act 1979* (EP&A Act 1979) and its Regulations. The Planning Proposal has been prepared with regard to Division 3.4 of the EP&A Act, *A Guide to Preparing Planning Proposals* and *A Guide to Preparing Local Environmental Plans* (August, 2016) issued by DPE.

Strategic planning framework

The Proposal is considered to be generally consistent with the following strategies/studies:

- *New England North West Regional Plan 2036* (August, 2017) by DPE, and
- *New England Development Strategy* (April, 2010) by WorleyParsons Ltd.

See the responses to Questions 3 and 4 of Attachment A for more details.

State policies and Ministerial directions

Questions 5 and 6 of the Planning Proposal consider whether the Planning Proposal is consistent with relevant State Environmental Planning Policies (statutory plans) and Ministerial Directions under section 9.1 of the EP&A Act 1979.

The Planning Proposal is considered to be consistent with applicable State Environmental Planning Policies and s9.1 Directions, except for Direction No. 1.3 “Mining, Petroleum Production and Extractive Industries”, as the proposed R1 zoning for the Site prohibits mining and extractive activities. However, mining and extractive industries are also prohibited under the current R2 zoning applying to the Site and the inconsistency between the Proposal and the Direction is considered to be of minor significance and therefore justified.

Flooding

The part of Lot 3 not included in the Proposal is flood prone land, per the *Armidale Flood Study Review and Update – Stage 3* (July 17, 2014) by BMT WBM Pty Ltd (the ‘Flood Study’). The Flood Study was adopted by Council on 28 September 2015. A consequent Floodplain Risk Management Study (FRMS) and Floodplain Risk Management Plan (FRMP) is yet to be prepared and adopted by Council.

Under the Planning Proposal the flood prone land is split zoned R2 Low Density Residential and E3 Environmental Management, and it is not proposed to rezone any of this land nor alter the minimum lot size control applying to this land. This is considered the most appropriate approach until such time as a FRMP has been prepared which recommends the most appropriate zonings of land below the flood planning level for the urban reaches of Dumaresq Creek.

Biodiversity

The Department’s *Biodiversity Values Map* (undated) identifies part of Lot 3 as containing land of potential biodiversity value. Figure 6 in Attachment A shows the extent of this identified land. The portion of land included in the statutory *Biodiversity Values Map* is not included in the Site subject to the Planning Proposal. There are no apparent biodiversity values relating to the Site.

Aboriginal cultural heritage

There is limited potential for Aboriginal objects or places of significance to be present, given the Site has been modified by way of dwellings being built at the Site, and ongoing hobby grazing. An archaeological assessment was undertaken in 2010. This Study found the Site contained no materials of archaeological significance (European or Aboriginal). The Study does acknowledge that the outskirts of Armidale – which would have included the Site many years ago – hold some cultural significance to the local Aboriginal community. The Site does not contain any listed Aboriginal sites or places, and no such sites or places are identified within 200m of the Site, per the *Aboriginal Heritage Information Management System* (AHIMS) web search undertaken March 19, 2018 (see p. 39 & 40 of Attachment A).

Proximity to New England Highway

The Site adjoins the New England Highway for the length of its western boundary. A noise assessment for the purposes of residential subdivision was prepared in 2010. The findings of that assessment have been used as an indication of the suitability of the Planning Proposal, with regards to traffic noise impacts. Broadly, it is anticipated that noise impacts can be mitigated at the development application stage through appropriate lot layout and dimensions, and dwelling orientation and placement (building envelopes).

There are established trees along the western boundary of the Site and in the New England Highway road reserve, which act as visual screens between the Site and the Highway (refer to images in Figure 4e of Attachment A).

Physical and social infrastructure

Adequate physical and social infrastructure is available, or can be made available, to serve future general residential development of the Site.

Integrated Planning and Reporting Framework

The *Community Strategic Plan 2017 – 2027* (the 'CSP') was originally adopted as the final CSP by Council on May 17, 2017. The Planning Proposal is considered to align with the following relevant Community Outcomes:

E1 – The unique climate, landscape and environment of the region is protected, preserved and made accessible.

G1 – The community experiences the benefits of an increasing population

G5 – The community has access to transport which enables connectivity both locally and outside of the region

P2 – Community programs, services and facilities meet the needs of the community and provide a safe place to live

Stakeholder Engagement

The review of the submitted Planning Proposal by Council's Strategic Planning staff involved consultations with relevant Council staff.

Schedule 1 of the EP&A Act 1979 requires that Planning Proposals for LEPs be publicly exhibited for 28 days, or any other time period specified in the Gateway Determination issued by DPE. Details in the Gateway Determination will also instruct on the type of public exhibition required. At this time it is proposed to notify the Planning Proposal in a local Armidale newspaper and on Council's website as well as in writing to adjoining landowners.

Given the attributes of the Site and the nature of the Proposal, it is not considered necessary to consult with government agencies. However, the decision as to whether agencies are to be consulted will be included in the requirements of the Gateway Determination.

Financial Implications

Clause 11 of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation 2000) allows Council to enter into an agreement or arrangement with a person who requests the preparation of a Planning Proposal, for the payment of the costs and expenses incurred by Council in undertaking studies and other matters required in relation to the Planning Proposal. Council has entered into an agreement with the proponent (one of the landowners) for Planning Proposal No. 11, to pay for costs associated with preparing the Proposal in accordance with the Fee Schedule in Council's Operational Plan 2017-2018.

Next Steps

The next step in progressing the Planning Proposal is to refer it to DPE with a request for a Gateway Determination.

Council will be seeking to use its local plan-making delegations, subject to the agreement of the Gateway, as the Planning Proposal is considered to be of local significance.

The Gateway Determination will specify any government agencies to be consulted, the terms of community consultation/public exhibition, and whether or not Council may exercise its local plan-making delegations. Once all of these matters have been addressed, a further report will be presented to Council advising on whether changes to the Planning Proposal are required, and whether the LEP amendment can proceed to be made.

Item:	12.3	Ref: AINT/2018/08569
Title:	FOR DECISION: Modification to DA-198-2016/A - New Boarding School constructed at The Armidale School - Modification concerns the re-calculation of Water and Sewer Contributions under Section 64 of the Local Government Act, 1993	Container: ARC16/0001-3
Author:	Linda Graham, Town Planner	
Attachments:	<ol style="list-style-type: none">1. Attachment 1 - Modification application documents2. Attachment 2 - Data provided by the applicant- <i>As this attachment deals with commercial information of a confidential nature which, if disclosed, confers a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business (Section 10A(2)(c) of the Local Government Act 1993). Council closes the meeting, in accordance with Council's Code of Meeting Practice, as consideration of this matter in open Council would be contrary to the public interest. (Applicant has requested that details regarding school enrolment and staff numbers remain confidential)</i>3. Attachment 3 - Legal advice- <i>As this attachment deals with advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege (Section 10A(2)(g) of the Local Government Act 1993). Council closes the meeting, in accordance with Council's Code of Meeting Practice, as consideration of this matter in open Council would be contrary to the public interest. (Legal advice sought by Council for benefit of Council only)</i>	

RECOMMENDATION:

That Council resolve to investigate the application of Developer Servicing Plan (DSP) contributions based upon the devising of an Equivalent Tenement (ET) per person, being either an enrolled student or full-time staff member. The method of devising an ET would be based upon water usage data retained by Council.

Background:

Council has received DA-198-2016/B which seeks to modify the consent by way of deleting Condition 26. The modification application was received on the 9 February 2018 (refer to Attachment 1). DA-198-2016 was issued on the 14 December 2016 and permitted the construction of a new school boarding house. Condition 26 on DA-198-2016 reads as follows:

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

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

The modification concerns the payment of DSP contributions to Council under Section 64 of the Local Government Act, 1993. While the applicant is not arguing that DSP contributions are not applicable under any circumstance, the applicant is arguing that DSP contributions are not payable in connection with the boarding house approved and constructed under DA-198-2016. The applicant is arguing a number of points being:

- The correct method for calculating DSP contributions should be based upon overall student and staff numbers, this being a better representation of true demand.
- The presence of an existing DSP credit, having been generated due to increases and decreases in student enrolment and staff over a number of years. The school claims the credit extends to a figure disclosed to Council, with all enrolments and staff increases above this figure being subject to the collection of DSP contributions (refer to Attachment 2).

Report:

The following history is relevant in considering the modification:

- DA-98-2015 was issued on the 9 June 2015. It allowed for “Educational Establishment – Alterations and Additions to Existing Boarding house (White House)”. DSP contributions were required to be paid prior to the issue of a Construction Certificate. The DSP contributions were calculated using the “boarding house” category listed in the NSW Water Directorate’s “Section 64 Determinations of Equivalent Tenements Guidelines”.
- The decision to apply the “boarding house” category in calculating water and sewer contributions was reviewed by Council at a Council Meeting held on the 22 February 2016. At that meeting it was resolved to recalculate the water and sewer contributions using the “hostel” category rather than “boarding house”. This resulted in a reduction of DSP contributions from \$96,289.60 to \$37,459.84.
- DA-198-2016 was issued on the 14 December 2016, reverting back to use of “boarding house” as the method of calculation. The amount calculated for payment was \$302,833.30. Unlike DA-98-2015, DA-198-2016 required the DSP contributions to be paid prior to the issue of an Occupation Certificate.
- DA-198-2016/A was amended on the 23 January 2018, to refer specifically to the payment of DSP prior to the issue of a Final Occupation Certificate, allowing an Interim Occupation Certificate to be issued on the 24 January 2018.

As mentioned above, the applicant is proposing to delete Condition 26 (requiring no payment of DSP contributions in relation to the recently constructed boarding house) in favour of adopting a formula for calculating DSP contributions based upon student and staff numbers. In reviewing the past application of DSP contributions the following is relevant:

- DA-1011-2006 (Cricket Sight Screen): DSP contributions were not collected which is not unexpected given the minor nature of the proposed works.
- DA-1147-2006 (Additions to Class Room Building): DSP contributions were not collected. The rationale behind the non-collection was not found on the file.

- DA-94-2007 (Garage): DSP contributions were not collected as the works were minor in nature.
- DA-182-2007 (New Creative Arts Building): DSP contributions were payable prior to the issue of a Construction Certificate. The amount calculated was \$686.40, based upon 0.1 ET for water and sewer usage. The rationale behind the calculation was not found on the file.
- DA-254-2009 (Alterations and First Floor Additions to Junior School and Construction of New Roof over Outdoor Learning for Transition Classroom): DSP contributions were not collected based upon the following rationale:

“The proposed development includes new staff room computer store room and Multifunction Space. In accordance with the Water Directorate Table 6 Standard ET figures, water and sewer ET figure depends on the number of persons and for the proposed development it has been mentioned in SEE that there will be no increase in the pupils and staffs because of the development. Hence no DSP charge applicable”.

- DA-201-2010 (Alterations and Additions to Boarding House and Classrooms): DSP contributions were payable prior to the issue of an Occupation Certificate. The amount calculated was \$29,626.75. The following provides the basis for the calculation:

*“The proposed development will add 8 bed rooms and 2 dorms which all together will have 17 beds to provide accommodation for additional 16 students. This also involves other minor changes which is not considered to generate any significant additional demand on the Council’s water and sewer system. It has been mentioned that the addition of accommodations will not increase in overall no of students and staff but will increase the school’s ability for term-time boarders. Given the above situation the ET figures from NSW Water Directorate Table 6 Standard ET Figures for Hostel 0.15 Water ET and 0.23 Sewer ET per bed is considered to be relevant. So,
Water = 17*0.15 ET = 2.55 ET
Sewer = 17*0.23 ET = 3.91 ET”.*

- DA-274-2010 (New Sports Courts): DSP contributions were not payable based upon the following rationale:

“NSW Water Directorate suggest to use Food Preparation & Amenities in case of General Amenities and Indoor Facilities. As no additional amenities and food preparation area has been proposed as part of this development, additional demand on water and sewer is considered to be minimum and no developer servicing charge is applicable”.

- DA-313-2010 (Tree Removal): DSP contributions are not applied to applications seeking permission to remove vegetation.
- DA-98-2015 was issued on the 9 June 2015. It allowed for “Educational Establishment – Alterations and Additions to Existing Boarding house (White House)”. DSP contributions were required to be paid prior to the issue of a Construction Certificate. The DSP contributions were calculated using the “boarding house” category listed in the NSW Water Directorate’s “Section 64 Determinations of Equivalent Tenements Guidelines”. The rationale behind applying the “boarding house” rate is as follows:

“Based on discussions with JG, and a search of previous DA submissions, it appears there are no existing DSP credits that can be applied, other than the standard ET credits applicable in POL-181 (see below).

TAS may elect to make written representations to justify a reduction in these fee’s, noting any submission must address the likely demand placed on existing infrastructure i.e. they may argue that the existing number of boarders has been reduced over recent years and hence the 24 new beds are bringing the numbers back up to the pre-existing demand. However, I would make the point that if there is adequate room in other buildings to accommodate existing students, without any need for additions/alterations to that building, TAS could simply proceed with accommodating these existing students in the other building and we have lost any opportunity to be paid for the cost of a. the increase in usage demand, and b. any future maintenance liabilities.

As per POL-181 Utilities DSP for Water and Sewer Table 6: Boarding House:

Provides for a suggested value of 0.33ET/bed for water and 0.5ET/bed for sewer. The proposal is to create 24 more beds as part of additions/alterations to an existing boarding house. Therefore:

Water 24 x 0.33ET = 7.92ET

Sewer 24 x 0.5ET = 12.0ET

A search of Council records indicates there are no current DSP credits that could be applied, however, given the overall site has been paying water and sewer access charges for more than 10 years, under POL-181 I can apply a 1.2ET credit for water, and 1.0ET credit for sewer. Therefore:

Water 24 x 0.33ET = 7.92ET – 1.2ET Credit = 6.72ET

Sewer 24 x 0.5ET = 12.0ET – 1.0ET Credit = 11.0ET

The information above was forwarded to Council’s Water Manager, and internal DCU staff, so as to confirm the suggested amounts have been calculated correctly. Given no response was received I will assume there is no objection to the proposed amounts, and the DA will be conditioned accordingly”.

It appears that the reason for opting for the “boarding house” calculation rather than applying the “hostel” formula had to do with the level of servicing, in particular:

“The advice indicates that whilst the activities of laundering, food preparation and cleaning may not necessarily occur within the proposed additional boarding area, they will still need to be provided on the site as a result of the additional boarders”.

- The decision to apply the “boarding house” category in calculating DSP contributions was reviewed by Council at a Council Meeting held on the 22 February 2016. At that meeting it was resolved to recalculate the DSP contributions using the “hostel” category rather than “boarding house”. This resulted in a reduction of water and sewer contributions from \$96,289.60 to \$37,459.84.
- DA-198-2016 was issued on the 14 December 2016, reverting back to use of “boarding

house” as method of calculation. The amount calculated for payment was \$302,833.30. Unlike DA-98-2015, DA-198-2016 required the DSP contributions to be paid prior to the issue of an Occupation Certificate.

- DA-198-2016/A was amended on the 23 January 2018, to refer specifically to the payment of DSP contributions prior to the issue of a Final Occupation Certificate, allowing an Interim Occupation Certificate to be issued on the 24 January 2018.

From the above, it is clear that Council has at various times viewed school boarding facilities as a form of “hostel” and at other times applied the “boarding house” category (as defined within the NSW Water Directorate Guidelines). Whichever formula is applied, the method of calculation should reflect the true demand placed upon public water and sewer infrastructure, as a consequence of development proceeding. The desire to apply DSP charges based upon residential categories stems from perceived demand created by activities beyond that associated with a typical school day (e.g. laundering, showering, food preparation, cleaning etc.). In considering application of DSP charges based upon student/staff numbers there is no differentiation between those persons associated with day schooling and those persons associated with boarding. Whether the formula contained within the NSW Water Directorate Guidelines is intended to capture both day and boarding schools is unknown, ultimately however it is the responsibility of the planning authority to interpret and apply the guidelines as seen fit.

In an effort to pursue the idea of collecting DSP contributions based upon student/staff numbers, legal advice was initially sought as to what mechanisms needed to be put into place. The advice returned the following observations (refer to Attachment 3):

- DSP contributions can only be collected where a demand on existing water and sewer public infrastructure is identified. DSP contributions can only be collected upon assessment of a development application.
- Disagreement that the school can claim a credit.
- The “student/staff” category in the NSW Water Directorate guidelines (which Council administers) is not necessarily inclusive of residential accommodation. It is considered more likely that the category represents the more common scenario being daytime attendance.
- The waiving of DSP contributions in relation to DA-198-2016 may set an undesirable precedent and may not advance the objective of “equity” as set out in Council’s policy.

In considering the applicant’s request to modify DA-198-2016/A, the following options are open to Council to pass immediate resolution upon:

- Refusal of the modification, resolving to retain Condition 26 and the DSP calculation based upon “boarding house”;
- Refusal of the modification, resolving to retain Condition 26 but varying the method of DSP calculation to be consistent with the application of the “hostel” formula (as previously resolved by Council in relation to DA-98-2015); or

- Resolving to support the applicant's request resulting in the deletion of Condition 26 and the future calculation of DSP contributions using the "person" formula currently contained within the NSW Water Directorate Guidelines.

This report recommends that Council continue to investigate the use of the "person" category as the basis for calculating DSP contributions, but that Council devise an ET specific to the school which is based upon current water usage. In this way, the devised ET would better reflect the actual demand on Council's water and sewer infrastructure generated by the school and would be inclusive of the school's residential component. It is likely that the devised ET for the school would be greater per person than that set out in the NSW Water Directorate Guidelines, however the basis of the exercise is to ensure that fair compensation is made, particularly going into the future.

The continued investigation will also need to:

- Continue to consider the appropriateness of waiving DSP contributions for the boarding house approved under DA-198-2016, particularly in light of recent legal advice.
- Devise the wording of a Memorandum of Understanding (or similar agreement) between Council and the applicant in the event that calculation of DSP based upon "person" is accepted. The Memorandum of Understanding would "enshrine" the number of students and full-time staff members above which contributions would be collected. The Memorandum of Understanding would also need to set out the terms under which DSP contributions will be collected.

Key Issues and Risks

Risk extends to the use of incorrect formulas to calculate DSP contributions. The use of incorrect formulas may result in the collection of insufficient funds. Alternatively, the use of incorrect formulas may exaggerate the demand generated by new development.

Integrated Planning and Reporting Framework

All relevant matters have been taken into consideration.

Stakeholder Engagement

Not applicable. The modification has not been subject to public notification and external referrals were not undertaken.

Financial Implications

All decisions made in relation to DSP contributions must be economically responsible, in so far as the wider community is not disadvantaged.

Next Steps

To advise the applicant of Council's decision in regard to this report.

Item: 13.1 **Ref:** AINT/2018/08385
Title: FOR DECISION: Request to waive fees for the use of the Town Hall
Container: ARC16/0137-2
Author: Mark Piorkowski, Group Leader Service Delivery
Attachments: Nil

RECOMMENDATION:

That Council endorse a donation of 50% of the total cost for the Hire of the Town Hall fees for IMSA (International Muslim Student Association) to hold two community dinners in accordance with S356 of the *Local Government Act 1993*.

Background:

On 26 April 2018 Council received a request to waive the fees for the hire of the Armidale Town Hall.

The request is from IMSA (International Muslim Student Association), a group based at the University of New England. The group has made a booking for 2 and 9 June 2018, where they will hold dinners for the Muslim, non Muslim, students and local guests.

The group are trying to get people from different backgrounds and religions together as they have done previously to help close the gap.

Key Issues and Risks

Helping bridge the gap between international residents and the community.

Integrated Planning and Reporting Framework

In line with P4.4.2 -Develop strategies which promote inclusiveness of people from a cultural and linguistically divers (CALD) background.

In line with P4.4.3-Support Community Events and celebrations.

Stakeholder Engagement

UNE has a MOU with Council which promotes partnership.

Financial Implications

The total cost of the hire of the Town Hall for two nights is \$964.44, a donation of 50% of these fees total \$482.22.

Next Steps

That the applicants be advised full payment will be required and if the request is endorsed by Council, a refunded of the amount approved will be forthcoming.

Item: 14.1 **Ref:** AINT/2018/08472
Title: FOR INFORMATION: Cash & Investments Report for April 2018
Container: ARC17/2209
Author: Deborah Walls, Accountant
Attachments: 1. ARC Dashboard Report April 2018

RECOMMENDATION:

That Council note the Cash & Investments Report, as at 30 April 2018, reporting Investments held of \$60,313,900.74 and a consolidated Bank Account balance of \$4,361,925.93, excluding the Trust Fund.

Background:

Cash and Investments for the month of April 2018.

The following is the cash and investments particulars for the period 1 April 2018 to 30 April 2018. At the end of the April period, Council held \$60,313,900.74 in investments and a consolidated bank account balance of \$4,361,925.93 excluding the Trust Fund.

During the month of April, total payments and receipts were \$5.3 million and \$5.8 million respectively. Council's bank account balance as per bank statements at the end of the period 30 April 2018 are as follows:

Bank Accounts	
General Fund	4,361,925.93
Trust Fund	1,241,018.94
Total Bank Balances	5,602,944.87

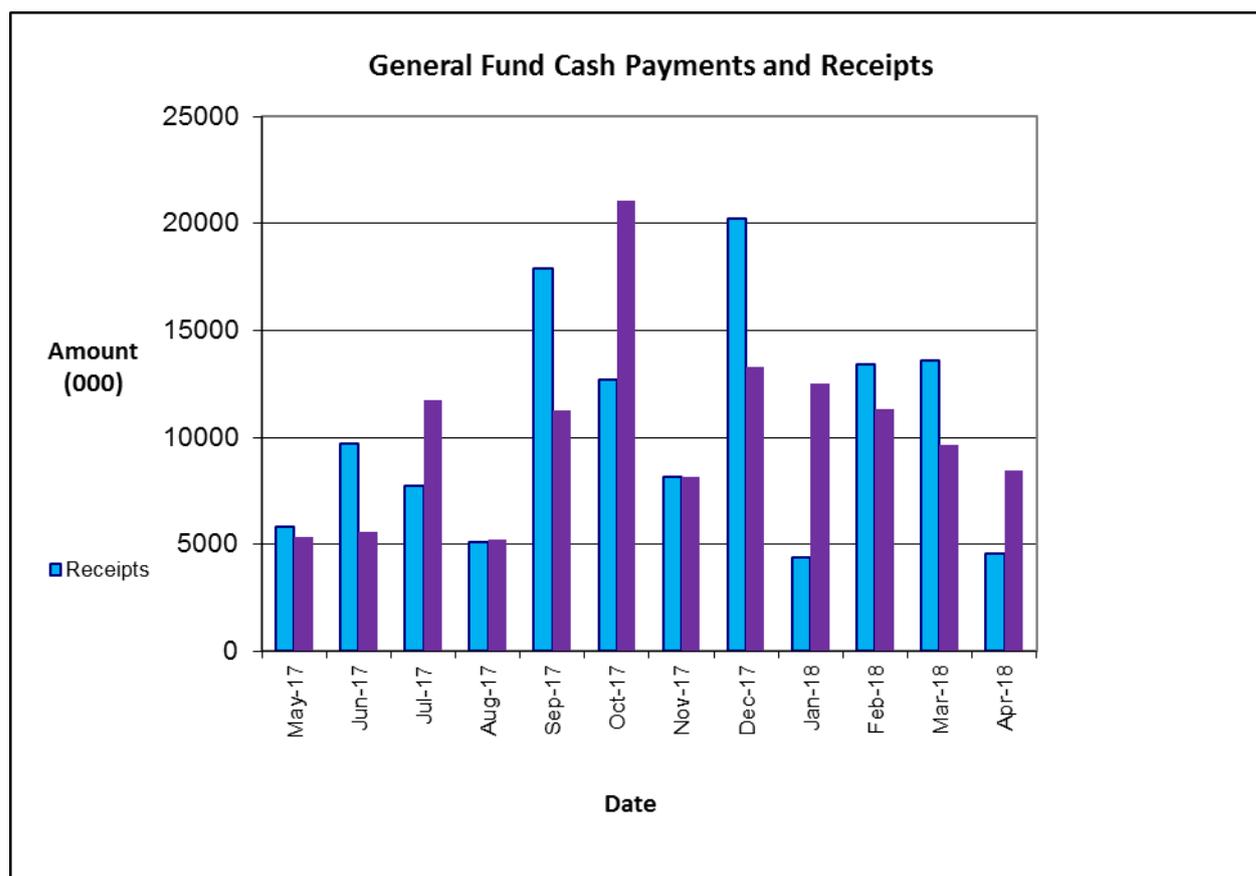
	%
30 day BBSW Index	1.60
Average Interest Rate on Term Deposit Investments	2.58

Investments Register

At the end of the April period Council held \$60,313,900 in investments, this is a net decrease of \$987,886.93 from the end of the March period. General fund bank account balances have also increased by approximately \$568,657.28

Investment Summary

Opening Balance at the beginning of the Period	61,301,787.67
Redemption term Deposit to NAB General Fund	
Decreased principal from roll over of funds	(987,887.93)
Closing Balance at the end of the Period	60,313,900.74



Row Labels	Sum of Investment at Market Value	Average of Interest Rate %
AMP	4,000,000.00	2.62%
AMP Bank	1,000,000.00	2.75%
Bank of Queensland	5,000,000.00	2.55%
Bendigo Bank	1,000,000.00	2.45%
Beyond Bank	4,000,000.00	2.65%
Beyond Bank		
Australia	2,000,000.00	2.55%
Credit Union		
Australia	1,000,000.00	2.50%
ING	7,000,000.00	2.55%
ME Bank	5,000,000.00	2.56%
NAB	12,565,824.00	2.56%
Rural Bank	6,000,000.00	2.58%
Westpac	5,000,000.00	2.55%
Grand Total	53,565,824.00	2.58%

At Variable Market Rate

Key Issues and Risks

As per the attached dashboard, Council has a deficient of approx. \$6.6 million in unrestricted funds as at 30 April 2018.

Integrated Planning and Reporting Framework

Cash and investments management is part of "Council demonstrates strong financial performance" in our CSP.

An Investment Report needs to be tabled at an Ordinary Meeting of Armidale Regional Council by the end of each month.

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

- Council Investment Policy POL152.
- Local Government Act 1993 – Section 625.
- Local Government Act 1993 – Order of the minister dated 12 January 2011.
- The Local Government General Regulation 2005 Reg 212.

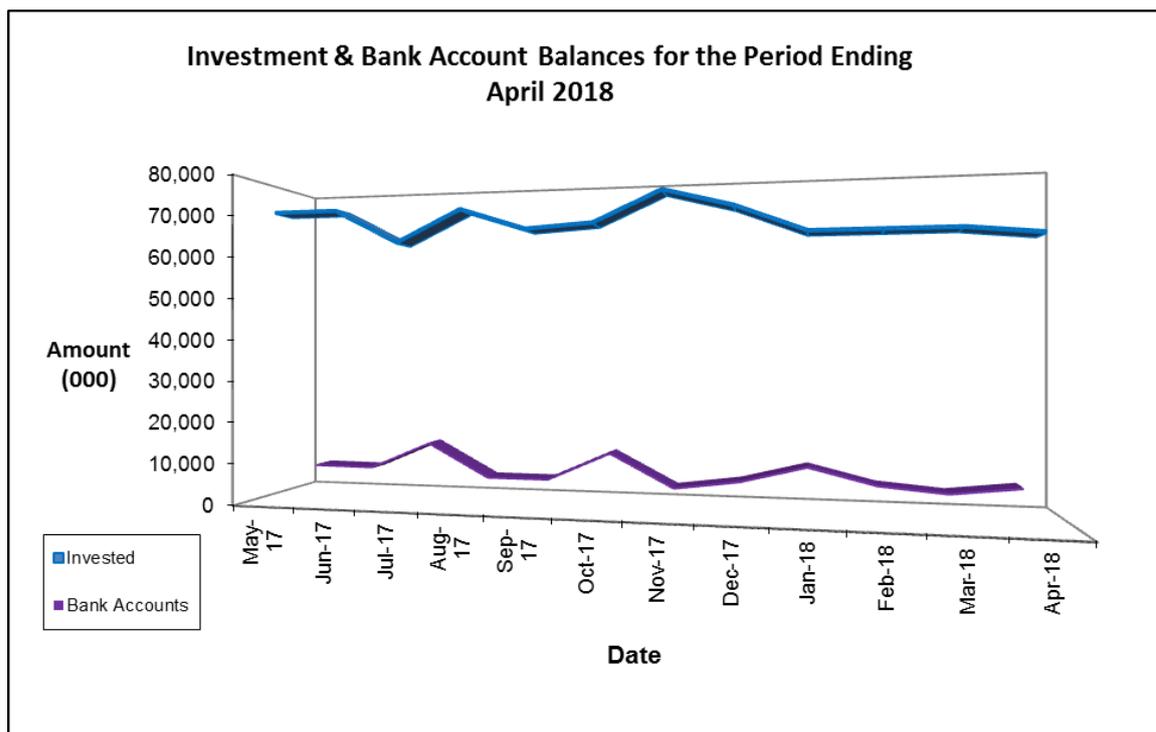
The investment policy covers aspects of risk associated with interest rates and bank security.

Stakeholder Engagement

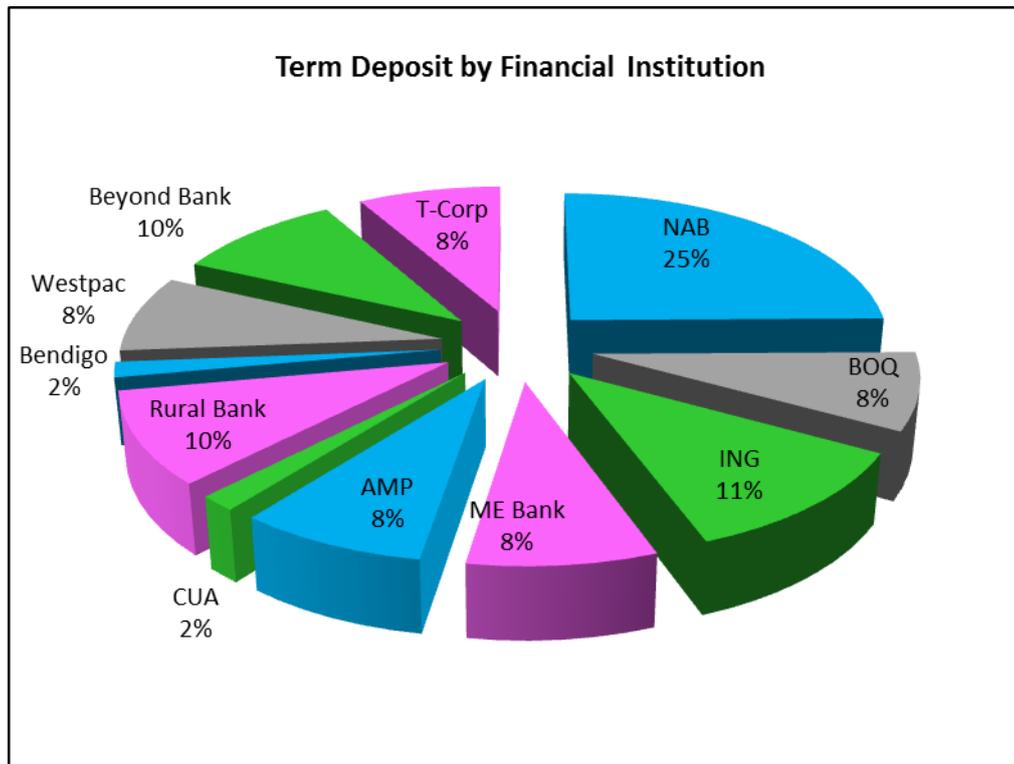
Cash and investments management is part of "Council demonstrates strong financial performance" in our CSP.

Financial Implications

That sufficient working capital is retained and restrictions are supported by cash. Cash management complies with the NSW Local Government regulations 2005.



It should be noted that at this point in time we have the following:



Next Steps

Continue to monitor the financial position of Armidale Regional Council, including the cash flow and unrestricted funds.

Item:	14.2	Ref: AINT/2018/09549
Title:	FOR INFORMATION: Independent Report on the Feasibility of a Rail Line Between Armidale and Tenterfield	Container: ARC16/0085
Author:	Lindsay Woodland, Group Leader Organisational Services	
Attachments:	1. AEC Feasibility Study of Rail Line Between Armidale and Tenterfield	

RECOMMENDATION:

That Council note the independent desktop report on the feasibility of a rail line between Armidale and Tenterfield.

Background:

Following the Ordinary Council Meeting of 28 February 2018 and in response to the resolution of Council in respect of the Mayoral Minute – Development of New England Rail Trail: resolution Part b) *Conduct a comprehensive investigation and discovery of all relevant information and conduct extensive community consultation once the investigations have been completed as per the Economic Development Strategy*; Council Officers planned to perform two separate but related studies: 1. an independent desktop study into the feasibility of reopening the Northern Line between Armidale and Tenterfield; and 2. a comprehensive business case for the potential development of the Rail Trail.

Council has commenced and now completed the first study into the feasibility of reopening the Northern Line between Armidale and Tenterfield, undertaken by independent expert consultants AEC Group, while the second study – a business case for the proposed Rail Trail has not yet commenced.

In regard to the first study into the feasibility of reopening the Northern Line between Armidale and Tenterfield, the final report is attached for the information of Council.

Key Issues and Risks

The desktop study findings indicate that a proposal to reopen the Northern Line for commercial uses for freight and passenger services is not viable under any scenario examined.

Integrated Planning and Reporting Framework

Community Strategic Plan - Growth, Prosperity and Economic Development

G1.1 – Develop a strategy to promote the region as a destination for new residents and workers

G1.1.1 – Implement Economic Development Strategy (Tourism Strategy)

Stakeholder Engagement

Council workshops will be undertaken as studies are completed. Further community engagement will commence when the investigations have been completed.

Financial Implications

An allocation from the Tourism & Economic Development Budget of \$50,000 for the rail trail business case/feasibility study and desktop analysis of freight and passenger rail services has been made. The first study has been completed at a cost of \$7,500 (ex GST).

Next Steps

Council will consider its options for the development of the business case for the proposed rail trail in order to complete the work as specified in the resolution of Council outlined above.

Engagement with Councillors and the Community will occur once the investigative work is completed.

Item: 17.1 **Ref:** AINT/2018/08371
Title: FOR DECISION: Minutes - Traffic Advisory Committee - 1 May 2018
Container: ARC16/0168
Author: Belinda Ackling, Personal Assistant
Attachments: 1. Minutes - Traffic Advisory Committee - 01 May 2018

RECOMMENDATION:

- (a) That the Minutes of the Traffic Advisory Committee meeting held on Tuesday 1 May 2018 be noted;
- (b) That the application for the 2018 Armidale Athletic Club's Wednesday Winter Social Cross-Country be approved, as per the Special Event Transport Management Plan;
- (c) That 2 half hour parking bays be installed on the northern side of Drew Street in front of Armidale Pumps and Irrigation;
- (d) That Council deny the request from the Guyra and District Historical Society Machinery Group 'Trike's', to operate past the Ollera Street Crossing, until the group meets with the RMS Roads and Traffic Authority and Rail Authority, and addresses the safety and legal requirements in accordance with the relevant Australian Standards and NSW legislation and that:
- 1) a full risk assessment is completed by the RMS Roads and Traffic Authority, as the RMS has oversight for all road approaches to level crossings, to ensure all standards are to be met; and
 - 2) a full risk assessment on the condition and useability of the lines be completed by the Rail Authority, and an agreement for the use of the line be entered into with the Rail Authority to ensure all the requirements are satisfied as per the Rail Authority's legislation 107 Interface coordination—rail infrastructure and public roads.
- (e) That Council deny the request from the Guyra and District Historical Society Machinery Group 'Trike's', to operate past the Ollera Street crossing until such time as the group addresses the following concerns of the Committee:
- 1) infrequent use of Trike and local traffic not being on the look out for the Trike;
 - 2) minimum sight and visibility for approaching traffic;
 - 3) traffic control and awareness;
 - 4) pedestrians crossing the railway track;
 - 5) the need for lights and bells to comply with the current standards;
 - 6) substandard stacking length between the railway line and the highway;
 - 7) Ollera Street Crossing is off the New England Highway and is the main access road to Inverell and the intersection carries B-Double's, Articulated Vehicles and large volumes of traffic;
 - 8) congestion and confusion during the Lamb and Potato Festival; and
 - 9) Guyra and District Historical Society Machinery Group investigate an alternative route.
- (f) That temporary kerbing be installed as a trial measure, in the south bound kerb side parking lane, north of the marked pedestrian crossing on Glen Innes Road near Duval Street Armidale.

Item: 17.2 **Ref:** AINT/2018/07748
Title: FOR INFORMATION: Minutes - Environmental Sustainability Advisory
Committee - 18 April 2018 **Container:** ARC16/0864
Author: Ambrose Hallman, Service Leader Sustainability and Development
Attachments: 1. Minutes - Environmental Sustainability Advisory Committee - 18
April 2018

RECOMMENDATION:

That Council note the Minutes of the Environmental Sustainability Committee meeting held on 18 April 2018, as there were no Committee recommendations that require a Council decision.