



## ORDINARY MEETING OF COUNCIL

Held on

Wednesday, 26 May 2021  
4pm

at

Armidale Council Chambers

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

**IN ATTENDANCE:** Mr James Roncon (General Manager), Mr John Rayner (Financial Controller/Temporary Advisor), Mr Scot MacDonald (Director Businesses & Services), Ms Marissa Racamelara (Acting Director Organisational & Corporate Services), Ms Kelly Stidworthy (Manager Financial Services), Mr Ambrose Hallman (Manager Development and Regulatory Services), Ms Jessica Bower (Executive Officer) and Ms Melissa Houlton (Executive Officer).

MINUTES

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(General Manager's Note: The report considers a legal matter and is deemed confidential under Section 10A(2)(c) of the Local Government Act 1993, as it deals with commercial information of a confidential nature which, if disclosed, confers a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business).

**1. CIVIC AFFIRMATION AND ACKNOWLEDGEMENT OF COUNTRY**

Cr Bailey read the Civic Affirmation.

Cr O'Brien read the Acknowledgement of Country.

**2. STATEMENT IN RELATION TO LIVE STREAMING OF COUNCIL MEETINGS**

The General Manager read the statement.

**3. APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE BY COUNCILLORS**

Nil.

**4. DISCLOSURES OF INTEREST**

Name	Item	Nature of Interest	Reason/Intended Action
Cr Tiley	11.2	<input checked="" type="checkbox"/> Pecuniary <input type="checkbox"/> Non Pecuniary – Significant Conflict <input type="checkbox"/> Non Pecuniary – Non Significant Conflict	Reason: A pecuniary gain of approximately \$1000 if adopted.  Intended action: Leave Chamber
Cr Galletly	10.2	<input checked="" type="checkbox"/> Pecuniary <input type="checkbox"/> Non Pecuniary – Significant Conflict <input type="checkbox"/> Non Pecuniary – Non Significant Conflict	Reason: Involved in discussions with the applicant.  Intended action: Leave Chamber

**5. CONFIRMATION OF MINUTES**

**CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 28 APRIL 2021**

192/21

**RESOLVED**

That the minutes be taken as read and be accepted as a true record of the Meeting, with three amendments as noted by the Chairperson, along with the following to be included as part of the "Matters of an Urgent Nature" statement:-

That Council makes a submission, by the closing date of May 7, on the NSW draft Clean Air Strategy, requesting funds for firewood moisture meters and a demonstration project in Armidale City to identify the costs and benefits of heating and home insulation options for our climate and collate and present case studies.

**Moved Cr Murat**

**Seconded Cr O'Connor**

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

**6. MAYORAL MINUTE - NIL**

## 7. NOTICES OF MOTION

### MOTION

193/21

### RESOLVED

That Council note that the nine Notices of Motion were also authored by Cr O'Brien and Cr O'Connor.

**Moved Cr O'Brien**

**Seconded Cr O'Connor**

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

### 7.1 Borrowing Strategy

*Ref: AINT/2021/15500 (ARC16/0025)*

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

**Moved Cr Robinson**

**Seconded Cr O'Connor**

*DIVISION      The result being:-*

*FOR:            Crs D O'Brien, M O'Connor and D Robinson*

*AGAINST:      Crs P Bailey, J Galletly, A Murat and I Tiley*

**The Motion on being put to the vote was LOST.**

### 7.2 Cities Power Partnership

*Ref: AINT/2021/15501 (ARC16/0025)*

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

**Moved Cr O'Connor**

**Seconded Cr Robinson**

*DIVISION      The result being:-*

*FOR:            Crs D O'Brien, M O'Connor and D Robinson*

*AGAINST:      Crs P Bailey, J Galletly, A Murat and I Tiley*

**The Motion on being put to the vote was LOST.**

### **7.3 Making public submissions available to Councillors and the community**

*Ref: AINT/2021/15502 (ARC16/0025)*

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

**Moved Cr Robinson**

**Seconded Cr O'Connor**

*DIVISION      The result being:-*

*FOR:            Crs D O'Brien, M O'Connor and D Robinson*

*AGAINST:      Crs P Bailey, J Galletly, A Murat and I Tiley*

**The Motion on being put to the vote was LOST.**

### **7.4 Request Help - Minister's Performance Order**

*Ref: AINT/2021/15504 (ARC16/0025)*

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

**Moved Cr O'Connor**

**Seconded Cr O'Brien**

*DIVISION      The result being:-*

*FOR:            Crs D O'Brien, M O'Connor and D Robinson*

*AGAINST:      Crs P Bailey, J Galletly, A Murat and I Tiley*

**The Motion on being put to the vote was LOST.**

**7.5 Waiving Fees & Charges - Exceptional Circumstances** *Ref: AINT/2021/15505 (ARC16/0025)*

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

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

**Moved Cr O'Brien**                      **Seconded Cr Robinson**

*DIVISION*                      *The result being:-*

*FOR:*                              *Crs D O'Brien, M O'Connor and D Robinson*

*AGAINST:*                      *Crs P Bailey, J Galletly, A Murat and I Tiley*

**The Motion on being put to the vote was LOST.**

**PROCEDURAL MOTION**

That item 7.6 Water Charges and Policy be deferred to after community consultation.

**Moved Cr O'Connor**                      **Seconded Cr O'Brien**

*DIVISION*                      *The result being:-*

*FOR:*                              *Crs D O'Brien, M O'Connor and D Robinson*

*AGAINST:*                      *Crs P Bailey, J Galletly, A Murat and I Tiley*

**The Motion on being put to the vote was LOST.**

**7.6 Water Charges and Policy**    *Ref: AINT/2021/15506 (ARC16/0025)*

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

**The motion LAPSED for want of a Mover.**



**7.7 Live Streaming**

*Ref: AINT/2021/15508 (ARC16/0025)*

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

**Moved Cr O'Brien**

**Seconded Cr Robinson**

*DIVISION      The result being:-*

*FOR:            Crs D O'Brien, M O'Connor and D Robinson*

*AGAINST:      Crs P Bailey, J Galletly, A Murat and I Tiley*

**The Motion on being put to the vote was LOST.**

**PROCEDURAL MOTION**

*Ref: AINT/2021/15509 (ARC16/0025)*

194/21

**RESOLVED**

That Item 7.8 GM's Performance Criteria be withdrawn.

**Moved Cr O'Connor**

**Seconded Cr Robinson**

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

**7.9 PROCEDURAL MOTION**

*Ref: AINT/2021/15510 (ARC16/0025)*

195/21

**RESOLVED**

That item 7.9 National Air Quality Standards be withdrawn.

**Moved Cr Robinson**

**Seconded Cr O'Connor**

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

## **8. LEADERSHIP FOR THE REGION**

### **8.1 Rescinding of Council Policies**

*Ref: AINT/2021/14160 (ARC17/1770)*

196/21

#### **RESOLVED**

That Council rescind the following policies:

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

**Moved Cr Galletly**

**Seconded Cr O'Connor**

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

### **8.2 Minor Policy Updates**

*Ref: AINT/2021/14436 (ARC17/1770)*

197/21

#### **RESOLVED**

That Council note that the:

- a) Mayoral Robe and Chain Policy
- b) Media Policy
- c) Floodplain Management Policy
- d) Museum Collection Management Policy
- e) Councils Road Maintenance Liability
- f) Tree Clearing on Rural Road Reserves Policy

- g) Dedication and/or Maintenance of Public Roads
- h) Rural Bus Stops Policy
- i) Bus Shelters within the Urban Areas Policy
- j) Vehicular Driveway Construction, Maintenance and Location Policy
- k) Road Intersection (Sight Distance) Policy
- l) Kerb, Guttering and Footpaths Policy

Have been reviewed and are subject to administrative amendments only.

**Moved Cr Galletly**

**Seconded Cr O'Connor**

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

### **8.3 Feedback and Complaints Management Policy and Unreasonable Customer Conduct Policy**

*Ref: AINT/2021/10168 (ARC16/0089-4)*

198/21

#### **RESOLVED**

That Council:

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

**Moved Cr Galletly**

**Seconded Cr O'Connor**

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

### **8.4 Constitutional Referendum Question**

*Ref: AINT/2021/15296 (ARC21/4520)*

199/21

#### **RESOLVED**

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

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

**Moved Cr Robinson**

**Seconded Cr O'Connor**

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

**8.5 Public Exhibition of Private Works Policy**

*Ref: AINT/2021/13602 (ARC17/1877)*

200/21

**RESOLVED**

That Council:

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

**Moved Cr Galletly                      Seconded Cr O'Connor**

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

**8.6 Public Exhibition of Management of Road Reserves Policy**

*Ref: AINT/2021/14290 (ARC17/1763)*

201/21

**RESOLVED**

That Council:

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

**Moved Cr Galletly                      Seconded Cr O'Connor**

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

**8.7 Property Addressing and Naming our Roads and Places Policy - For Adoption  
(Post Public Exhibition)**

*Ref: AINT/2021/13542 (ARC16/1216)*

202/21

**RESOLVED**

That Council:

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

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

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

**8.8 Public Exhibition of Integrated Planning and Reporting - Draft Operational Plan and Budget for 2021-2022**

*Ref: AINT/2021/14171 (ARC20/4344)*

Manager Financial Services Ms Kelly Stidworthy introduced the item.

I am pleased to recommend to Council the Draft Operational Plan and Budget 2021-2022. The suite of documents Council is requested to endorse today for public exhibition include the Draft Operational Plan and Budget, Revenue Policy and Fees and Charges.

Council is also being asked to endorse a proposed four year rates harmonisation implementation framework outlined in the Revenue Policy.

If endorsed, the documents and proposed rates harmonisation framework will be placed on public exhibition as required by the Local Government Act for a period of 28 days. The community will be encouraged to have their say on The Draft Operational Plan and Budget 2021-2022, including rates harmonisation, until Thursday, 24 June 2021.

Following the public exhibition period public, submissions will be reviewed and reported back to Council at a public meeting date to be determined but prior to 30 June 2021.

Council has set a budget that seeks to strike a balance between remaining fiscally responsible and meeting standards of service delivery that ensure public services and infrastructure are maintained at acceptable levels.

As noted in the report, budget challenges have included impacts from COVID-19, growing asset renewal backlogs, resourcing and meeting the requirements of the Performance Improvement Order and implementation of rates harmonisation.

Despite these challenges, a modest surplus budget position has been achieved although the forecast for unrestricted cash remains unchanged. As Council is aware from the extent of items included in the deferred and deleted budget items list, this position will require strong financial management to maintain and achieve and this will be critical to ensure that the outlook for unrestricted cash is not affected.

Council was successful in receiving approval from IPART to make the existing temporary special rate variation permanent. The special rate variation will mean that our rates income remains consistent with previous levels and it is simply replacing the expired SRV from Armidale Dumaresq Council.

IPART's SRV instrument requires Council to improve its financial sustainability, manage the infrastructure backlog and maintain service levels in line with the application submitted. Council is also required to report on actual results in its annual report each year.

The Draft Operational Plan and Budget 2021-2022 is the first step of a long and disciplined road in maintaining levels of service to the community and improving Council's financial position.

203/21

**RESOLVED**

That Council:

- a) Approve the inclusion of the 10.5% permanent Special Rate Variation determined by IPART in the Draft Operational Plan and Budget 2021-2022 and associated documents;
- b) Endorse the following draft documents for public exhibition for a minimum period of 28

days pursuant to the requirements of the NSW Local Government Act 1993:

1. Draft Operational Plan and Budget 2021-2022;
  2. Draft Revenue Policy 2021-2022; and
  3. Draft Fees and Charges 2021-2022.
- c) Note that the community engagement will also cover the proposed four year rates harmonisation implementation framework effective 1 July 2021;
- d) Note that the Draft Operational Plan and Budget 2021-2022 public exhibition period will run from Friday, 28 May to Thursday, 24 June 2021; and
- e) Following the exhibition period a report be presented to Council, which outlines community submissions received, along with the final 2021-2022 Integrated Planning and Reporting documents.

**Moved Cr Bailey**

**Seconded Cr Robinson**

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

## **9. GROWTH, PROSPERITY AND ECONOMIC DEVELOPMENT**

### **9.1 Update on Alterations to Parking Time Limits within the Armidale CBD**

*Ref: AINT/2021/10184 (ARC18/2956)*

204/21

#### **RESOLVED**

That Council

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

**Moved Cr Galletly**

**Seconded Cr Murat**

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

## 9.2 Armidale Airside Business Park - Stage 2: Cul-de-sac Street Naming

Ref: AINT/2021/06562 (ARC16/1405)

205/21

### RESOLVED

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

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

b) That Council's preferred priorities for these names be 1, 2 and 3 as outlined above.

**Moved Cr Tiley**

**Seconded Cr Galletly**

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

## 9.3 Armidale Airside Business Park - Adoption of agreed vision, purpose, objectives and target business profiles

Ref: AINT/2021/15268 (ARC17/1499)

206/21

### RESOLVED

That Council:

- 1) Endorses the agreed vision, purpose, and objectives provided in this report and includes the words "and destination" after the words "visible thoroughfare" in the first line of "Vision" on page 45 of the Agenda.
- 2) Agrees that all net sale proceeds from Armidale Airside Stage 1 Lots be reserved and accounted for separately in order to fund the next stages of development and directs the General Manager to prioritise where practical:
  - i. Northern airside cul-de-sac lots adjacent to the runway;
  - ii. The connecting road to the terminal (known as Tydd Boulevard).
  - iii. Feasibility and sale options for the land immediately south of the Airside Business Park known as "The Croft." (OCM Resolution 9.12, 27<sup>th</sup> January 2021, Ref. AINT/2021/01197)

- 3) Pursuant to previous Council Resolution 9.2 (9<sup>th</sup> December 2020, Ref. AINT/2020/41901), Council requests the General Manager to:
- a) Refine success metrics for evaluating how Armidale Airside Business Park and the broader Armidale Region are tracking against these objectives.
  - b) Work alongside other land developments to help attract a variety of different industries to help ensure their success in the region.
  - c) Entertain all unsolicited offers for Council owned and/or alternative land, in a manner consistent with these objectives.

**Moved Cr O'Connor**

**Seconded Cr Robinson**

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

#### **9.4 Update on Moore Street Decked Carpark**

*Ref: AINT/2021/13603 (ARC18/2956)*

207/21

#### **RESOLVED**

That Council:

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

**Moved Cr Bailey**

**Seconded Cr Robinson**

*FOR: Crs P Bailey, J Galletly, A Murat, D Robinson and I Tiley*

*AGAINST: Crs D O'Brien and M O'Connor*

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

#### **FOR INFORMATION: 9.5 Cash and Investment Report 30 April 2021**

*Ref: AINT/2021/14116 (ARC16/0001-6)*

208/21

#### **RESOLVED**

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

**Moved Cr Galletly**

**Seconded Cr Murat**

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



**9.6 2020/21 Third Quarter Budget Review**

*Ref: AINT/2021/14141 (ARC20/4360)*

209/21

**RESOLVED**

That Council:

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

**Moved Cr Tiley**

**Seconded Cr Murat**

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

**9.7 Mayor and Councillor Remuneration 2021/22**

*Ref: AINT/2021/15467 (ARC16/1056)*

210/21

**RESOLVED**

That Council:

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

**Moved Cr Galletly**

**Seconded Cr Murat**

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

**9.8 NSW Country Gymnastics Championship 2021 - 2023**

*Ref: AINT/2021/15166 (ARC18/2961)*

211/21

**RESOLVED**

That Council:

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

contributions toward the upcoming Country Championship event and throughout the facility construction, as well as the financial assistance provided in acting as guarantee for a loan.

**Moved Cr Galletly**

**Seconded Cr Murat**

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

### **9.9 Armidale City Gymnastics Club - Request for Loan Guarantee**

*Ref: AINT/2021/15196 (ARC16/0083-2)*

212/21

#### **RESOLVED**

That Council:

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

**Moved Cr Galletly**

**Seconded Cr Murat**

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

### **9.10 Public Exhibition of Procurement Policy**

*Ref: AINT/2021/14410 (ARC16/0313-6)*

213/21

#### **RESOLVED**

That Council:

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

**Moved Cr O'Brien**

**Seconded Cr Murat**

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

A question was put to the General Manager by Cr Bailey requesting that upon adoption of the Procurement Policy a seminar be held with the community about working with Council, to which the General Manager agreed.

### 9.11 Public Exhibition of Debt Recovery and Hardship Policies

*Ref: AINT/2021/14712 (ARC17/1727-4)*

214/21

#### **RESOLVED**

That Council:

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

**Moved Cr O'Brien**

**Seconded Cr Robinson**

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

### 9.12 Investment Policy - For Adoption (Post Public Exhibition)

*Ref: AINT/2021/10152 (ARC16/0522-3)*

215/21

#### **RESOLVED**

That Council:

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

**Moved Cr Galletly**

**Seconded Cr Murat**

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

## 10. ENVIRONMENT AND INFRASTRUCTURE

### 10.1 Approval of Development Application DA-125-2020 at 156-160 and 162 Bradley Street, Guyra, for a Centre-Based Child Care Facility and associated works

Ref: AINT/2021/07661 (DA-125-2020)

216/21

#### RESOLVED

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

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

Moved Cr Bailey

Seconded Cr Tiley

DIVISION      *The result being:-*

FOR:            *Crs P Bailey, D O'Brien, D Robinson and I Tiley*

AGAINST:      *Crs J Galletly, A Murat and M O'Connor*

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

#### PART A – DEFERRED COMMENCEMENT CONDITION:

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

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

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

- A revised Arboricultural Impact Assessment (AIA) shall be provided together with amended car parking/internal access road area plans as required. The AIA and amended plans are to demonstrate retention of the English Elm (*Ulmus procera*) (in addition to the Holm Oak [*Quercus ilex*] also to be retained adjacent to the parking/internal access road area).
- Any revised car parking and access layout shall provide a minimum of Twenty Eight (28) car parking spaces. Entry and Exit locations and pick up / set down drop of area shall be generally in accordance with those details shown on the submitted plans.

The revised Arboricultural Impact Assessment must be prepared by a qualified

arborist who has a Diploma of Horticulture (Australian Qualifications Framework Level 5).

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

The report is to include as a minimum:

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

The revised report must:

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

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

#### **PART B – OPERATIONAL CONDITIONS:**

##### **PRESCRIBED CONDITIONS**

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

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

- (1) For the purposes of section 4.17 (11) of the Act, the following conditions are prescribed

in relation to a development consent for development that involves any building work:

- (a) that the work must be carried out in accordance with the requirements of the Building Code of Australia.
- (2) In this clause, a reference to the *Building Code of Australia* is a reference to that Code as in force on the date the application is made for the relevant:
- (a) construction certificate.

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

- (1) For the purposes of section 4.17 (11) of the Act, the requirements of subclauses (2) and (3) are prescribed as conditions of a development consent for development that involves any building work, subdivision work or demolition work.
- (2) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
  - (a) showing the name, address and telephone number of the principal certifying authority for the work, and
  - (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
  - (c) stating that unauthorised entry to the work site is prohibited.
- (3) Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- (4) This clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

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

## GENERAL CONDITIONS

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

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

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

The approved document is listed below:

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

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

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

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

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

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

3. All Engineering works to be designed by a competent person and carried out in accordance with Council's Engineering Code suite, unless otherwise indicated in this consent, to ensure that these works are of a sustainable and safe standard.
4. External colours, materials and finishes are to be in accordance with the approved plans. Reflective colours, materials and finishes are not be used.

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

5. In accordance with the provisions of Section 6.6 and 6.7 of the *Environmental Planning and Assessment Act 1979*, construction works approved by this consent must not commence until:
  - a) a Construction Certificate has been issued;
  - b) a Principal Certifying Authority has been appointed; and
  - c) at least two days notice has been given to Council of the intention to commence work (using the online service on Council's website - click on the SELF SERVICE tab, register and follow the prompts).

Documentation required under this condition must show that the proposal complies with all relevant development consent conditions and is not inconsistent with the approved plans, the Building Code of Australia and the relevant Australian Standards.

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

#### **BEFORE RELEASE OF CONSTRUCTION CERTIFICATE**

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

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

- Chapter 4 of the Child Care Planning Guideline (NSW, Planning and Environment), August 2017. This includes specific detail relating to:
  - Chapter 4.1: Indoor space requirements.
  - Chapter 4.2: Laundry and hygiene facilities.
  - Chapter 4.3: Toilet and hygiene facilities.
  - Chapter 4.4: Ventilation and natural light.
  - Chapter 4.5: Administrative space.
  - Chapter 4.6: Nappy change facilities.
  - Chapter 4.7: Premises designed to facilitate supervision.

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

*The Building Code of Australia, part of the National Construction Code series, is now available online at [abcb.gov.au](http://abcb.gov.au)*

8. To ensure that the proposed childcare centre is not adversely affected by noise from the adjacent roads, appropriate construction measures shall be taken to ensure that the following LAeq levels are not exceeded:
  - a) In any sleeping area in the building—35 dB(A) at any time during hours of operation of the centre.

Details shall be in accordance with the approved Acoustic Report and are to be



submitted for the approval of the relevant Certifying Authority prior to the issue of a Construction Certificate for the development.

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

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

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

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

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

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

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

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

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

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

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

- Provision of a minimum of 28 off-street parking spaces to serve the development (of which at least 1 is to be designated accessible parking space).
- Parking and drop off / pick up bays, including spaces allocated for people with disabilities, are to be clearly identified by appropriate markings.
- An all-weather, nuisance-free surface for pedestrians and vehicles is to be provided throughout the site, including parking areas and driveways.
- The surface shall be provided with effective edge support / drainage control and landscaped areas adjacent to kerbing to be self-draining to the kerb.

- Car parking facilities, including all internal parking and manoeuvring areas, are to be designed and constructed in accordance with Australian Standards AS/NZS 2890.1 (current edition): Off-street car parking, AS/NZS 2890.2 (current edition): Off-street commercial vehicle facilities and AS/NZS 2890.6 (current edition): Off-street parking for people with disabilities.
- Bicycle facilities are to be provided in accordance with the Guyra Development Control Plan 2015.

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

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

- The plans supplied with the Construction Certificate must allocate a hand wash basin in the kitchen.

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

Details to be submitted for the approval of the Council's Environmental Health Officer before the issue of a Construction Certificate.

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

#### **DURING CONSTRUCTION**

17. No storage of building materials, soil or equipment is to occur on Council's property or roads without the written consent of Council's General Manager or authorised delegate. No unfenced, potentially dangerous activity or material to be located in close proximity to the street boundary or pedestrian walkway adjoining the site. No unsupervised transit of plant, equipment or vehicles across public areas or other obstruction of those areas is permitted.
18. Non-slip materials complying with AS 3661 (current edition) Slip resistance of pedestrian surfaces -  
  
Guide to the reduction of slip hazards and AS 4586 (current edition) Slip resistance classification of new pedestrian surface materials, are to be used for the paving of public areas within the development, to ensure safe public use of these areas.
19. Effective dust control measures to be maintained during construction to maintain public safety/amenity and construction activities are to be restricted solely to the subject site.

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

20. Any fill which is placed on the site shall be free of any contaminants and placed in accordance with the requirements of AS 3798 (current edition) *Guidelines on Earthworks for Commercial and Residential Developments*. The developer's structural engineering consultant shall:
  - Identify the source of the fill and certify that it is free from contamination; and
  - Classify the area within any building envelope on any such filled lot in accordance with the requirements of "Residential Slabs and Footings" AS 2870.1 (current edition).
21. The hours of building work are to be restricted to between 7.00am and 6.00pm on Monday to Friday and 8.00am to 1.00pm on Saturdays, to maintain the amenity of the locality.

Any proposed building work to be undertaken outside these hours or on Public Holidays

must be the subject of prior written agreement from Council - consideration may be given to special circumstances and non-audible work if applicable.

*ADVISING: Breaches of this condition may result in the issuing of a Penalty Infringement Notice or prosecution.*

22. Excavations and backfilling must be executed safely and in accordance with appropriate professional standards and be properly guarded and protected to prevent them from being dangerous to life or property.

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

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

*ADVISING: Should excavation identify any Aboriginal objects or European relics you will be required to cease work and follow the relevant procedures in the National Parks and Wildlife Act 1974 or the Heritage Act 1977. Further details are provided under the heading 'ADVICE' in this consent.*

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

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

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

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

25. Roof and surface stormwater from paved and impervious areas is to be collected and directed to a legal point of discharge and in accordance with the approved stormwater management plan, to protect the site and adjoining property from effects of flooding. Relevant work to be carried out immediately once the roof and guttering is installed.
26. Toilet facilities are to be provided at, or in the vicinity of the work site, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be connected to an accredited sewage management facility approved by the council or some other sewage management facility approved by the council.
27. The development must be carried out in accordance with *Managing Urban Stormwater: Soils & Construction* (4th edition, Landcom, 2004), commonly referred to as the "Blue Book" and as in force at the date of this consent; to maintain public and environmental safety and amenity, and prevent erosion and sedimentation.

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

28. A hoarding or fence must be erected between the work site and any public place if the work is likely to cause traffic (pedestrian or vehicular) in a public place to be obstructed

or otherwise inconvenienced. The erected hoarding is to comply with AS 4687 (current edition) -

Temporary fencing and hoardings to sufficiently prevent any substance from or in connection with the work falling into the public place. The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place. The hoarding, fence or awning is to be removed once the work has been completed.

#### **BEFORE OCCUPATION / WHEN WORKS ARE COMPLETED**

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

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

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

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

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

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

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

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

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

#### **OPERATIONAL MATTERS**

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

Cr Jon Galletly left the meeting, the time being 05:39 PM

**10.2 DA-116-2018/D - Motel Development - (Modification Requesting Deletion of Condition 25A)**

*Ref: AINT/2021/10621 (DA-116-2018/D)*

217/21 That Council having regard to the assessment of DA-116-2018/D refuse the Applicant's request for the waiver of the Developer Services Plan charges for the development at 141 Dumaresq Street, Armidale.

AMENDMENT

Moved Cr Bailey

That Council waive DSP charges to the extent of \$100,000 in light of the extensive contributions the Developer has made.

The Amendment lapsed for want of a seconder.

**RESOLVED**

That Council having regard to the assessment of DA-116-2018/D refuse the Applicant's request for the waiver of the Developer Services Plan charges for the development at 141 Dumaresq Street, Armidale.

**Moved Cr O'Connor                      Seconded Cr Tiley**

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

Cr Jon Galletly returned to the meeting, the time being 05:42 PM.

**10.3 DA-104-2019/B - Construction of a Service Station - (Consent Modification) at 19 Kia-Ora Rd & 10558 New England Highway**

*Ref: AINT/2021/14569 (DA-104-2019/B)*

218/21 **RESOLVED**

That Council having regard to the assessment of DA-104-2019/B for the erection of a pylon sign and review of the DSP charges previously calculated for the development:

- a. Grant consent to the development subject to the conditions as set out below.
- b. Note that the DSP charges for the development have been calculated in accordance with POL181.

**Moved Cr Murat                              Seconded Cr Robinson**

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

**Proposed Conditions:**

**PRESCRIBED CONDITIONS**

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

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

- (1) For the purposes of section 4.17 (11) of the Act, the following conditions are prescribed in relation to a development consent for development that involves any building work:
  - (a) that the work must be carried out in accordance with the requirements of the Building Code of Australia,

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

- (1) For the purposes of section 4.17 (11) of the Act, the requirements of subclauses (2) and (3) are prescribed as conditions of a development consent for development that involves any building work, subdivision work or demolition work.
- (2) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
  - (a) showing the name, address and telephone number of the principal certifying authority for the work, and
  - (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
  - (c) stating that unauthorised entry to the work site is prohibited.
- (3) Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

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

**GENERAL CONDITIONS**

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

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

Plan Drawer	Plan Numbers / Revision	Date
D & C Projects	Project No: 20193, Sheets DA00, DA10, DA11, DA20, DA30, DA31 & DA40; REV 5	9/2/21

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



2. All Engineering works to be designed by a competent person and carried out in accordance with Council's Engineering Code suite, unless otherwise indicated in this consent, to ensure that these works are of a sustainable and safe standard.
3. Existing native trees located within the landscape easement along the western boundary of the lot adjoining the New England Highway, are to be retained and incorporated within the landscape plan/area, to provide habitat for native species. Such trees are to be protected from damage during work on the site to maintain the visual amenity of the locality and no utility service mains are to be installed within 3 metres of the trunks of these trees, so as not to prejudice their future retention.
4. In accordance with the provisions of Section 6.6 and 6.7 of the *Environmental Planning and Assessment Act 1979*, construction works approved by this consent must not commence until:
  - a) a Construction Certificate has been issued by Council or an Accredited Certifier. Either Council or an Accredited Certifier can act as the "Principal Certifying Authority."
  - b) a Principal Certifying Authority has been appointed and Council has been notified in writing of the appointment.
  - c) at least two days notice, in writing has been given to Council of the intention to commence work.

The documentation required under this condition must show that the proposal complies with all development consent conditions and is not inconsistent with the approved plans, the Building Code of Australia and the relevant Australian Standards.

5. Separate authorisation is required from SafeWork NSW for the installation/ operation of any fuel storage facilities on the site, to address employee and public safety issues.
6. No mechanical plant/equipment is to be mounted/attached to the roof of the building/canopies to minimise any adverse visual impacts on the locality. All plant/equipment is to be ground mounted and screened from direct view.

#### **BEFORE RELEASE OF CONSTRUCTION CERTIFICATE**

7. The plans accompanying the Construction Certificate for the development are to demonstrate compliance with the Building Code of Australia (BCA).

Plans and documents are to be submitted to the Principal Certifying Authority for the authentication of BCA compliance and issue of a Construction Certificate.

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

*The Building Code of Australia, part of the National Construction Code series, is now available online at [abcb.gov.au](http://abcb.gov.au)*

8. Prior to the issue of a construction certificate for the development, detailed plans must be provided that demonstrate that the food preparation and service area will comply with *AS4674 Design and Construction of Food Premises*. Plans must provide information in relation to the following areas:
  - *Waste storage areas*
  - *Cool rooms / Freezers*

- *Handwashing basins / equipment sinks*
- *Finishes to walls and floors*
- *Floor waste sinks*
- *Service and dining areas*
- *Cooking and exhaust ventilation equipment.*

The design and construction of food premises must:

- be appropriate for the purposes for which they are used
- provide adequate space for food production and equipment
- facilitate cleaning, sanitising and maintenance
- prevent access by and harbourage of pests
- keep out dust, dirt, fumes, smoke and other contaminants.

be in accordance with the Food Standards Australia New Zealand (FSANZ) *Food Safety Standards 3.2.3 Food Premises and Equipment*, to ensure the public health and safety of patrons and staff.

Documents are to be submitted and approved by the Accredited Certifier before the issue of a Construction Certificate.

*Advice: A copy of the Standards can be downloaded from the FSANZ website [www.foodstandards.gov.au](http://www.foodstandards.gov.au)*

9. The preparation of an Erosion and Sediment Control Plan (ESCP) and accompanying specifications for the construction phase of the works shall be submitted to and approved by the relevant certifying authority before the issue of a Construction Certificate for each stage of the development.

The approved ESCP controls shall be implemented, inspected and approved prior to the commencement of any site works and maintained for the life of the construction period and until revegetation measures have taken hold. The ESCP shall include, but not be limited to:

- Provision for the diversion of runoff around disturbed areas;
- Location and type of proposed erosion and sediment control measures;
- Location of and proposed means of stabilisation of site access;
- Approximate location of site sheds and stockpiles;
- Proposed staging of construction and ESCP measures;
- Clearance of sediment traps on a regular basis and after major storms;
- Proposed site rehabilitation measures, including seeding of all bare un-grassed areas and turfing where erosion or scouring is likely to occur;

Standard construction drawings for proposed erosion and sediment control measures.

10. An all-weather, nuisance-free surface for pedestrians and vehicles is to be provided throughout the site, including parking areas and driveways.

The surface shall be provided with effective edge support / drainage control and landscaped areas adjacent to kerbing to be self-draining to the kerb.

Car parking facilities, including all internal parking and manoeuvring areas, are to be designed and constructed in accordance with Australian Standards AS/NZS 2890.1 (current edition): Off-street car parking, AS/NZS 2890.2 (current edition): Off-street commercial vehicle facilities and AS/NZS 2890.6 (current edition): Off-street parking for people with disabilities, and Council's Development Control Plan 2012.

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

*ADVISING: Bitumen sealed compacted gravel pavement or reinforced concrete to current best practice standards, will satisfy the above requirement. Alternatively, segmental paving may be used provided it is installed as part of a pavement design in accordance with the Cement & Concrete Association of Australia's "Guide to Design and Construction" for Interlocking Concrete Road Pavements, July 1986.*

11. The fuel dispensing forecourt areas shall be sealed with reinforced concrete and appropriately graded to limit pooling. This area is to be suitably bunded to prevent storm water inflows to this area. The bunding shall be at least 60mm in height and 300mm wide. In addition, the forecourt area shall be suitably roofed with a canopy. The canopy must have an overhang of at least 10 degrees to prevent rainfall from entering the dispensing forecourt area.

Details to be shown on construction plans with an application for a Construction Certificate.

12. All spills and liquids captured within the forecourt area must be directed to a bunded and covered forecourt wastewater collection pit. The wastewater collection pit capturing liquid waste from the forecourt area must be emptied on a regular basis as necessary to prevent overflows. A fitted alarm indicator will indicate when the collection pit is at capacity.

The liquid waste must be collected by an authorised liquid waste contractor and records of all pump outs must be kept onsite for review.

Details and specifications of the abovementioned system must be provided prior to the issue of a construction certificate.

13. The submission of a detailed Construction Management Plan for the approval of the relevant Certifying Authority, prior to the issue of a Construction Certificate for the development, to ensure that work is undertaken safely and to minimise nuisance to the surrounding area during all construction/work on site. This Plan shall include, as a minimum, provision for:

- Off-street parking for employees, contractors, sub-contractors and visitors to the site.
- Site access for construction vehicles and equipment.
- Storage and removal strategies for construction wastes.
- Construction Traffic Management Plan.
- Provision of sanitary amenities and ablution facilities for employees.
- Fire precautions during construction.
- Dust suppression.
- Control of noise arising from the works in accordance with the requirements of

the Protection of the Environment Operations Act 1997 and guidelines contained in the New South Wales Environment Protection Authority Environmental Noise Control Manual.

- Fencing and security details, including site hoardings to be provided, safeguarding both contractors and the public while works are being carried out on any public footpath areas. Contractor should endeavour to minimise disturbance to pedestrian / vehicle traffic in the vicinity of the site.
- Details of all construction-related signs.
- Careful management of construction activities to prevent any contaminant discharge from the site (including oils, fuels, paints or chemicals), particularly with respect to excess concrete or concrete truck washings.
- Location of all public utility facilities and methods of protecting them
- Method of support to any excavation adjacent to adjoining properties, or the road reserve.

*Advising: The chief contractor involved in the development should contact Council's Local Traffic Committee and Rangers Team Leader if they wish to make arrangement for temporary parking arrangements for the duration of the building work.*

14. The proposed development is to be landscaped to enhance its appearance and provide shade and environmental benefits.

In this regard, significantly dense landscaping of the development within the site and setback areas is to be undertaken to help visually integrate the development within the local environment.

The landscape plan needs to include some vertical elements within the design such as a mix of small/medium/large deciduous & non deciduous trees that will grow once established to a height consistent with the bulk and scale of the building and area of the site and substantially dense plantings are to be undertaken along the street frontages and site boundaries to soften the proposed development when viewed from the roadways. Some suitably advanced trees/vegetation are to be included in the landscaping plan and planted prior to the issue of a final occupation certificate to help integrate the development immediately on completion. Additionally, the plan should include the following:

- Incorporation of landscaping around the service area adjoining the building to provide visual relief/softening to this area of the site. Such landscaping is to extend along the full extent of this area.
- Retention and inclusion of any existing native trees greater than 5m in height which are already located within the landscaping area, to provide habitat for local fauna and maintain the visual amenity of the locality.
- Additional trees/larger shrubs are to be incorporated within the landscape area along the northern and eastern boundaries of the development area to provide additional vertical elements to help soften the bulk and scale of the overall development.

Details to be indicated on plan to the satisfaction of the Certifying Authority before the issue of a Construction Certificate for the development. Detailed landscaping plans to indicate the proposed species to be used (which must be appropriate for the

New England climate), height and spread at maturity, and a specification for soil preparation, drainage, weed control, watering, fertilising and general maintenance during establishment.

New tree planting to be a minimum of 3m horizontal distance from the line of buildings or underground services to reduce risk of future damage by limbs, roots, etc. Approved landscaping is to be maintained at all times to the satisfaction of the Manager Development & Regulatory Services or nominee.

15. The owner is required to pay a contribution towards water and sewer infrastructure provided by Council for the benefit of this site in accordance with Council's Development Servicing Plan for Water and Sewerage.

Upon payment of the required contribution or completion of appropriate arrangements for payment, which must be made before the issue of the Construction Certificate, Council will issue a Certificate of Compliance, pursuant to s.64 of the Local Government Act 1993, and Division 5 of Part 2 of Chapter 6 of the Water Management Act 2000.

*ADVISING: At the date of determination of this application the applicable contributions are \$87,920.00. Please be advised that contributions are indexed annually at the end of each financial year.*

*Contributions applicable at the date of payment can be reviewed on Council's website (select the SELF SERVICE tab then 'Application Payments' under the 'Pay for it' heading).*

16. Dangerous Goods Site Layout Plan for proposed fuel system and prepared by a suitably qualified and accredited dangerous Goods Consultant is to be submitted to the satisfaction of the Certifying Authority prior to the release of a Construction Certificate for the development.

All equipment must be designed and installed in accordance with the submitted Preliminary Hazard Analysis and Summary, prepared by Myros Design Pty Ltd, and utilising the latest technology and techniques available at the date of certification.

17. Details of materials and their finishes/colours, which are to be selected to blend with the surrounding landscape and which are not to be reflective in nature, **are to be submitted for all structures including signage**, to the approval of the relevant Certifying Authority before the release of the Construction Certificate, to ensure that the building is visually integrated with its environment and locality.

18. Full details of all proposed internal and external lighting for the development, which is to be prepared by a suitably qualified consultant, is to be submitted to the satisfaction of the Certifying Authority prior to the release of a Construction Certificate.

Any lighting structures or fixtures are to be designed to comply with the current standards of AS/NZS 1680 and be installed in accordance with the requirements of the Civil Aviation Safety Authority (CASA) standards for "Lighting in the Vicinity of Aerodromes", and comply with AS 4282 – Control of the obtrusive Effects of Outdoor lighting, to protect the amenity of the locality.

19. A Stormwater Management Plan (SMP) is to be prepared by a suitably qualified engineer. The SMP is to be designed and constructed in accordance with AS3500 standards and should be supplemented by Armidale Regional Council's suite of Engineering Codes where applicable. Stormwater quality measures are to be

incorporated into the SMP to ensure current best practice stormwater quality standards are met.

Plans showing compliance with these requirements are to be submitted to the satisfaction of the relevant Certifying Authority prior to the issue of a Construction Certificate.

Works are to be completed in accordance with the approved plans prior to the release of any Occupation Certificate for the development.

*ADVISING: Where the industrial subdivision does not account for 100% impervious area across the entire estate, additional detention measures must be undertaken by the developer to ensure pre-development discharge flows are achieved and that the public stormwater infrastructure system is not overloaded by the additional stormwater flows generated by the development.*

20. Council's approval must be obtained by a detailed application under the Local Government Act 1993, for the discharge of any trade waste or chemical material into Council's sewerage system, to prevent any unauthorised use of the system.

An approved grease trap/arrestor is to be incorporated in the internal drainage to ensure no site wastewater enters Council's sewer without prior grease removal.

Additionally, an approved oil separator/separators is/are to be incorporated in the internal drainage to ensure no site wastewater from collection wells in the two forecourt fuel pump areas enters Council's sewer without prior oil and fuel removal

A hydraulic design reflecting the above and all current (2019) Australian Standards for Trade Waste systems, and prepared by a suitably qualified consultant, must be submitted for approval prior to the issue of a Construction Certificate for the development.

21. Details of a suitable CCTV camera network to be installed throughout the development, is to be provided to the satisfaction of the relevant Certifying Authority prior to the release of a Construction Certificate. In this regard, the CCTV network must be designed in accordance with the current standards under AS 4806 and be capable of achieving satisfactory surveillance of the entire complex, including but not limited to the fuel bowser areas for cars/heavy vehicles for number plate recognition and internal/external areas of the building for night worker protection and surveillance.

Additionally, the following comments/recommendations have been received from the local NSW Police following their CPTED assessment of the development and which is encouraged to be taken into consideration during the design of the CCTV network and finalising of construction drawings for the development, to reduce opportunities for anti-social and criminal behaviour.

- Restriction measures should be placed on the rear access door on the northern elevation of the building (near the amenities). This can be done either by CCTV in combination with a locked door and buzzer. Customers wanting access can use the buzzer/doorbell system, while staff can see and control access to the building, particularly at night and/or outside peak hours of activity.
- Door control measures and systems should be installed on the front entrance doors to enable staff to restrict access at night. At this time night workers are more vulnerable during periods of low patron turnover when the risk of serious crimes are more likely to occur.

*Advising:*

*Given that the above condition is a recommendation of the NSW Police Force following a CPTED review of the proposed development, it is recommended that discussions be undertaken with the Police to clarify any matters regarding the suitability of any system to be installed and the coverage areas.*

22. Approval is required from Council for the following activities pursuant to Chapter 7, Section 68 of the Local Government Act 1993 for:

- Water supply work,
- Sewerage work,
- Stormwater drainage work ,

Where relevant, approvals must be obtained prior to the issue of a Construction Certificate for the development.

#### **DURING CONSTRUCTION**

23. Approval from Council under the Plumbing and Drainage Act 2011 and Regulations 2012 and the Plumbing Code of Australia (NCC 2016) to carry out plumbing and drainage work defined as -

- Water Services (cold water, heated water, non-drinking water, fire-fighting water)
- Sanitary plumbing, and drainage
- Stormwater drainage (roof drainage, surface and subsurface drainage)

A Plumbing and Drainage Permit must be obtained by a licensed plumber prior to plumbing work commencing.

*ADVICE: This is an online service for the plumbing industry - go to [www.armidaleregional.nsw.gov.au](http://www.armidaleregional.nsw.gov.au)*

24. Approval is to be obtained from Council as the roads authority pursuant to s138 of the Roads Act 1993 for all construction work required on Council road reserves, specifically installation of property vehicular accesses (driveway cross-over), and any footpath paving and/or stormwater disposal to kerb work.

The approval is to be obtained through a s138 application prior to any such works being undertaken within the road reserve, confirming that the works will meet Council's Driveway Handbook and standard drawings, which can be found on Council's website ([www.armidaleregional.nsw.gov.au](http://www.armidaleregional.nsw.gov.au)).

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

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

26. Non-slip materials complying with AS 3661 (current edition) Slip resistance of pedestrian surfaces - Guide to the reduction of slip hazards and AS 4586 (current edition) Slip resistance classification of new pedestrian surface materials, are to be

used for the paving of public areas within the development, to ensure safe public use of these areas.

27. Pipes, stack work and vents (below the roof line) are to be concealed to prevent their deterioration and improve the aesthetics of the building.
28. Effective dust control measures to be maintained during construction to maintain public safety/amenity and construction activities are to be restricted solely to the subject site.  
*ADVISING: Failure to take effective action may render the developer liable to prosecution under the NSW Protection of the Environment Operations Act.*
29. Materials must not be burned on-site. All waste generated on site must be disposed of at Council's Waste Disposal Depot or Waste Transfer Station, to protect the amenity of the area and avoid the potential of air pollution.
30. Any fill which is placed on the site shall be free of any contaminants and placed in accordance with the requirements of AS 3798 (current edition) *Guidelines on Earthworks for Commercial and Residential Developments*. The developer's structural engineering consultant shall:
  - identify the source of the fill and certify that it is free from contamination; and
  - classify the area within any building envelope on any such filled lot in accordance with the requirements of "Residential Slabs and Footings" AS 2870.1 (current edition).

31. The hours of building work are to be restricted to between 7.00am and 6.00pm on Monday to Friday and 8.00am to 1.00pm on Saturdays, to maintain the amenity of the locality.

Any proposed building work to be undertaken outside these hours or on Public Holidays must be the subject of prior written agreement from Council - consideration may be given to special circumstances and non-audible work if applicable.

*ADVISING: Breaches of this condition may result in the issuing of a Penalty Infringement Notice or prosecution.*

32. Toilet facilities are to be provided at, or in the vicinity of the work site, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be connected to an accredited sewage management facility approved by the council or some other sewage management facility approved by the council.
33. The development must be carried out in accordance with *Managing Urban Stormwater: Soils & Construction* (4th edition, Landcom, 2004), commonly referred to as the "Blue Book" and as in force at the date of this consent; to maintain public and environmental safety and amenity, and prevent erosion and sedimentation.

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

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



Temporary fencing and hoardings to sufficiently prevent any substance from or in connection with the work falling into the public place. The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place. The hoarding, fence or awning is to be removed once the work has been completed.

35. Roof and surface stormwater from paved and impervious areas is to be collected and directed to a legal point of discharge, to protect the site and adjoining property from effects of flooding. Relevant work to be carried out immediately following the installation of the roof and guttering and completion of hard stand surface areas.
36. Arrangements are to be made with the Airport Reporting Officers for the issuing of any Notices to Airmen (NOTAMs) when any crane is operating with a boom height which may infringe on the OLS for the various runways. A minimum of 24 hours' notice is required to allow the issuing of the NOTAM.

#### **BEFORE OCCUPATION / WHEN WORKS ARE COMPLETED**

37. Before the issue of an Occupation Certificate, the Accredited Certifier shall be provided with a copy of the Council Certificate issued to the Plumbing Contractor confirming that the contractor has had approval to do the work and has also had the required mandatory inspections completed and the required mandatory documentation submitted to the regulator as stipulated in the *Plumbing and Drainage Act 2011*.

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

*ADVISING: Failure to obtain an Occupation Certificate is an offence under the legislation (Penalties do not apply to uses detailed in 109M and 109N; i.e. crown projects, or as detailed for certain temporary structures).*

39. Construction of the food premises is to be completed in accordance with the approved design and inspected by Council's Environmental Health Officer prior to the issue of an Occupation Certificate, to ensure the public health and safety of patrons and staff.

40. A written notice is to be provided to Council prior to the issue of an Occupation Certificate, advising of the commenced use of the food premises, in accordance with the *Food Act 2003* and to ensure the business is placed on Council's register of food premises.

41. All proposed driveways must be constructed to meet Council's Driveway Handbook clause D1.37 Internal Driveways and clause D1.38 Private Access ways within Specification D1.

Driveways are to be wide enough to allow for two-way vehicle movements. The driveway servicing heavy vehicles is to be a minimum of 18m wide to ensure unobstructed two-way vehicular movement across the crossover.

Driveway construction approval is to be determined by Council through submission of a s138 application. Driveway construction to be completed prior to release of any Occupation Certificate for the development.

42. The property number is to be provided in a visible place on or near the entrance for the convenience of visitors, emergency services and postal services prior to the issue

of a Final Occupation Certificate. Numbers shall be 100mm high x 50mm wide (minimum) and of a colour contrasting with the surface to which they are affixed.

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

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

44. Provision of on-site car parking and heavy vehicle spaces, loading/unloading areas to serve the development (as shown on the approved plans for the development and in accordance with Council's Development Control Plan 2012, Chapter 2.9) is to be completed before the issue of an Occupation Certificate, to ensure these facilities are available before the use commences.

Approved parking bays, including spaces allocated for people with disabilities, are to be clearly identified by appropriate pavement markings prior to the issue of a Final Occupation Certificate.

Bicycle facilities to serve the proposed development are to be completed before the issue of an Occupation Certificate. Provision of facilities to be in accordance with Council's Parking Code.

*ADVISING: Provision of parking spaces and dimensions of spaces to be in accordance with Council's Development Control Plan 2012, Chapter 2.9. Spaces adjacent to walls (or other obstructions which may affect the opening of a car door or vehicle manoeuvring) are to be widened by 300mm on the side of the obstruction(s), to facilitate safe use of these spaces.*

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

- Earthwork,
- Stormwater drainage work,
- Landscaping work,
- Erosion and sedimentation control work,
- Excavation work,
- Mechanical work,
- Structural work,
- Hydraulic work,
- Work associated with driveways, hard stand surface areas and parking bays,
- Any matter that relates to the external finish of a building,

are to be satisfied and inspected by the relevant Certifying Authority, before the issue of the relevant Occupation Certificate for the development.

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

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

47. The design and installation of the underground petroleum storage system (UPSS) is to comply with AS 4897-2008 and meet the minimum requirements of the *Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2019*, and where required the *Protection of the Environment Operations (Clean Air) Regulation 2010*. The new system must not operate until the Principal Certifying Authority has been provided with a evidence of the following matters, to the satisfaction of the appropriate regulatory authority:

- The UPSS is designed, installed and commissioned to meet relevant industry standards and specifications, by a duly qualified person.
- Design of the UPSS must include mandatory pollution protection equipment in accordance with the Regulation, and installed by a duly qualified person.
- Design and installation of groundwater monitoring wells and preparation of an installation report in accordance with the Regulation requirements by a duly qualified person (including six-monthly monitoring);
- An Environment Protection Plan, including loss monitoring, detection and incident management procedures has been prepared and is in place.
- Include 'as-built' drawings of the system;
- An equipment integrity test must be conducted by a duly qualified person before the UPSS is commissioned and a certificate must accompany the results of the test.

Details of the qualifications and experience of the duly qualified person are to be submitted in support of all of the above information.

48. Prior to the issuing of an Occupation Certificate for the development a commissioning certificate must be provided confirming that the mechanical exhaust ventilation equipment servicing the food preparation and service area, has been installed in accordance with AS 1668 Parts 1 & 2 (*The use of ventilation and air-conditioning in buildings*).

49. All equipment in connection with the fuel outlet is to be installed in accordance with the manufacturer's specifications and must comply with all relevant standards and recommendations contained within the Multi-Level Risk Assessment and Appendices prepared by Myros Design Pty Ltd for the development.

Written evidence of compliance with this, is to be provided by a suitably qualified and accredited consultant prior to the release of an Occupation Certificate.

50. SafeWork NSW Dangerous Goods Notification is to be provided to the PCA prior to the release of an Occupation Certificate.

51. Prior to the release of an Occupation Certificate for the development, written evidence is to be provided confirming that all relevant inspections and certification works in relation to the installation of all underground tanks and all ancillary

equipment, including but not limited to pipe work, fittings, pumps, leak detectors, dispensers etc have been satisfactorily undertaken and that they fully comply with all relevant legislation and Australian Standards.

52. Landscaping is to be completed in accordance with the approved landscape plan prior to the issue of a Final Occupation Certificate for the development.

Given the current drought conditions and water restrictions, the landscaping of the site is to be completed in accordance with the approved landscape plan within 12 months of occupation of the building, or within such timeframe as approved by Council if the drought conditions continue.

- 52a The proposed development relies on the completion of civil and subdivision works approved under DA-29-2019 and the creation of Lot 1 on which the development is to be erected. In this regard, prior or to the issue of any Occupation Certificate, evidence is to be provided to the satisfaction of the Certifying Authority, that the subdivision certificate to create the subject lot has been registered with Land Registry Services (LRS) and that the Lot has been legally created on separate Title.

#### **OPERATIONAL MATTERS**

53. A Fire Safety Statement shall be provided to Council at least once every 12 months as required, to ensure that the required fire safety measures for the building are being properly maintained.

A copy of the Statement is also to be forwarded to the NSW Fire Brigades ([afss@fire.nsw.gov.au](mailto:afss@fire.nsw.gov.au)) and an additional copy to be displayed in a prominent location within the building, in accordance with clause 172 of the Environmental Planning and Assessment Regulation 2000.

54. All loading and unloading being carried out on-site or in the loading bay, to provide for safe off-street loading and unloading of vehicles servicing the site and prevent interference with the use of the public road by vehicles and pedestrians.

55. All vehicles are to enter and leave the site in a forward direction, to ensure traffic/pedestrian safety.

- 56. Any lighting used on site in connection with the development is to comply with AS 4282 – “Control of the Obtrusive Effects of Outdoor Lighting” (current version), and be installed and maintained in accordance with the requirements of the Civil Aviation Safety Authority (CASA) standards for “Lighting in the Vicinity of Aerodromes” for the life of the development, to protect the amenity of the locality and the ongoing safety and operation of the airport.**

57. Approved landscaping is to be maintained to the satisfaction of Manager Development & Regulatory Services or nominee, for the life of the development.

58. Storage facilities for waste and recyclables sufficient for the maximum accumulation between collections shall be provided in a secure location screened from public view, to protect the amenity of the locality.

59. All Hazard Prevention Equipment and Hazard Response Procedures detailed in the Preliminary Hazard Analysis prepared by Myros Design Pty Ltd and dated 10 May 2019, are to be implemented for the life of the development, to ensure that the risk of an incident to the subject site, patrons and adjoining property is minimised.

60. The residual area of proposed Lot 1 which is not shown on the approved plans for the service station development, is not to be used for any purpose in connection with the development, such as but not limited to parking, loading/unloading, vehicle manoeuvring, storage, until such time as this area of the site has been constructed and sealed in accordance with the approved construction plans, to ensure that vehicles are not using unsealed surfaces and preventing further erosion of this area and the tracking of soils/materials onto public roads.

**61. All signage on site is to be maintained in a good and effective manner to the satisfaction of Council for the life of the development.**

**FOR INFORMATION: 10.4 Interim actions on air quality** Ref: AINT/2021/05736 (ARC16/0864)

219/21

**RESOLVED**

That Council note the actions being undertaken on air quality in Armidale and the amendment to the Budget to deliver the goal of making air quality data accessible in a cost effective manner.

**Moved Cr Murat**

**Seconded Cr Robinson**

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

**10.5 Malpas Dam Upgrade Assessment Report**

Ref: AINT/2021/14126 (ARC18/2622)

220/21

**RESOLVED**

That Council

- a) Note the reports from NSW Public Works Advisory on Malpas Dam Upgrade Options Assessment; NSW Urban Water Services Armidale Yield Study (Progress Report #4) and the Malpas Dam Upgrade Assessment by Council staff.
- b) Seek funding for concept design and investigation works from NSW DPIE Safe and Secure Funding Programme (SSWP) or other suitable funding source.
- c) Assign delegation to the General Manager to approve and execute a grant offer for funding of the concept design and investigation studies provided that any co-contribution does not exceed the General Manager's existing delegation.
- d) Adopt the recommendation from Public Works Advisory and Council staff to proceed with the option to raise the Malpas Dam spillway by 6.49metres (plus associated works).
- e) Note the project cost of \$25,723,979 is a high level, preliminary estimate and is subject to further concept design, scoping and investigation.
- f) Note Council should commence the preparation of a Business case for this project including clarity on funding source, impact on Council's financial sustainability, impact on operating costs and affordability (including willingness to pay) for residents and businesses.
- g) Note this option is projected to increase the storage of Malpas Dam from 12.2GL to

27.6GL.

- h) Note upgrading the storage of Malpas Dam to 27.6GL does not meet the projected town water dry year demand for Armidale and Guyra in 30 years in the 1C climate warming scenario. Meeting a secure yield for the LGA will require further options assessment for water supply.
- i) Note that a Request for Quotation will be released in June calling for quotations to develop an Armidale Regional Council Catchment Water Quality Strategic Plan.
- j) This Strategic Plan will encompass a 10 year plan to elevate water quality in Council's storages and improve catchment health to enable higher water quality entering and being stored in Council's storages.
- k) The proposed budget for 2021-2022 for this project is \$100,000.

**Moved Cr Murat**

**Seconded Cr O'Brien**

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

#### **10.6 Local Roads and Community Infrastructure Phase 1 - Reallocation of proposed projects**

*Ref: AINT/2021/15419 (ARC17/2177-6)*

221/21

**RESOLVED**

That Council:

- a) Apply to the Federal Department of Infrastructure, Transport, Regional Development and Communications to vary its proposed projects in Phase 1 of the Local Roads and Community Infrastructure program and request an extension to complete the projects by the 31 December 2021;
- b) Note the variation proposed is not to proceed with the Guyra Community Precinct project allocation of \$985,000; and
- c) In place of the Guyra Community Precinct, request that funds be reallocated to the 2021/22 renewal program for Council assets including Kerb and Guttering, Footpaths, Urban road reseals, Rural road reseals, Gravel road resheeting, stormwater drainage improvements and Building renewals.

**Moved Cr Murat**

**Seconded Cr Robinson**

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

**10.7 Policy for Food Vans**

*Ref: AINT/2021/14372 (ARC16/1132)*

222/21

**RESOLVED**

That Council

- a) Note the current legislative framework relating to Food Vans (Mobile Food and Drink Outlets), which permit them opening and operating either without approval in certain circumstances or with approval, subject to owners consent;
- b) Include a fee for the operation of Food Vans (Mobile Food and Drink Outlets) on Council land in the 2021/22 fees and charges;
- c) Undertake community consultation on the introduction of a new fee in the 2021/22 fees and charges; and
- d) Allow its consent as the property owner for the operation of Food Vans (Mobile Food and Drink Outlets) on land that Council owns.

**Moved Cr O'Connor**

**Seconded Cr Bailey**

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

**10.8 Public Exhibition of Events on Public Roads Policy**

*Ref: AINT/2021/12503 (ARC17/1759)*

223/21

**RESOLVED**

That Council:

- a. Endorse the draft Events on Public Roads Policy (POL086) for public exhibition until Monday 28 June 2021.
- b. Recognise the inclusion of the Delegated functions related to the Roads Act 1993 and the requirement for endorsement by the Traffic Advisory Committee and Council.
- c. Receive a further report at the conclusion of the exhibition period.

**Moved Cr Murat**

**Seconded Cr Robinson**

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

**10.9 Public Exhibition of Mall Market Operations Policy**

*Ref: AINT/2021/12504 (ARC17/1772)*

224/21

**RESOLVED**

That Council:

- a. Endorse the draft Mall Market Operations Policy (POL078) for public exhibition until Monday 28 June 2021.
- b. Receive a further report at the conclusion of the exhibition period.

**Moved Cr Murat**

**Seconded Cr Robinson**

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

#### **10.10 Public Exhibition of Grazing Permits on Road Reserves Policy**

*Ref: AINT/2021/12506 (ARC17/1762)*

225/21

#### **RESOLVED**

That Council:

- a. Endorse the draft Grazing Permits on Road Reserves Policy (POL094) for public exhibition until Monday 28 June 2021.
- b. Receive a further report at the conclusion of the exhibition period.

**Moved Cr Murat**

**Seconded Cr Robinson**

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

#### **10.11 Public Exhibition of road closure of Mills Road**

*Ref: AINT/2021/13532 (ARC17/2196)*

226/21

#### **RESOLVED**

That Council:

- a) Place the closure of the Mills Road connection point to the New England Highway and subsequent diversion to connect Mills Road to the eastern leg of the new airport roundabout on public exhibition for a minimum of 28 days.
- b) Formally advise the Transport for NSW of this closure seeking their agreement.
- c) Refer the road closure to the Local Traffic Committee for comments.

**Moved Cr Bailey**

**Seconded Cr Murat**

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

#### **10.12 Public Exhibition of Planning Proposal (LEP Amendments) Policy**

*Ref: AINT/2021/13555 (ARC17/1882)*

227/21

#### **RESOLVED**

That Council:

- a. Endorse the Draft POL231 Planning Proposals (LEP Amendments) for public exhibition until 25 June 2021; and
- b. Receive a further report at the conclusion of the exhibition period.

**Moved Cr Murat**

**Seconded Cr Robinson**

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



**10.13 Public Exhibition of Water Supply Policy**

*Ref: AINT/2021/14127 (ARC18/2622)*

228/21

**RESOLVED**

That Council:

- a. Endorse the draft Water Supply Policy for public exhibition until Monday 28 June 2021.
- b. Receive a further report at the end of the exhibition period.

**Moved Cr Murat**

**Seconded Cr Robinson**

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

**10.14 Public Exhibition of Draft Reduction of Water Consumption Charges Due to Undetectable Leakage Policy**

*Ref: AINT/2021/14568 (ARC16/0350)*

229/21

**RESOLVED**

That Council:

- a. Endorse the draft Reduction of Water Consumption Charges Due to Undetectable Leakage Policy for public exhibition until Monday 28 June 2021.
- b. Receive a further report at the end of the exhibition period.

**Moved Cr Murat**

**Seconded Cr Robinson**

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

**10.15 Public Exhibition of Urban Watercourse Revegetation Policy**

*Ref: AINT/2021/13309 (ARC17/1797)*

230/21

**RESOLVED**

That Council:

- a) Endorse the reviewed Urban Watercourse Revegetation Policy (POL204) for public exhibition until Monday 28th June 2021.
- b) Receive a further report at the conclusion of the exhibition period.

**Moved Cr Murat**

**Seconded Cr Robinson**

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

#### **10.16 Public Exhibition - Aquatic Centres Patron Code of Conduct**

*Ref: AINT/2021/14214 (ARC17/1793)*

231/21

#### **RESOLVED**

That Council

- a. Endorse the draft Aquatic Centres patron Code of Conduct Policy (POL135) for public exhibition until Monday 28 June 2021.
- b. Receive a further report at the conclusion of the exhibition period.

**Moved Cr Murat**

**Seconded Cr Robinson**

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

#### **10.17 Gates and Stock Grids on Council Roads - For Adoption (Post Public Exhibition)**

*Ref: AINT/2021/11528 (ARC16/0652)*

232/21

#### **RESOLVED**

That Council;

- a. Adopt the revised Gates and Stock Grids on Council Roads Policy to come into effect 1<sup>st</sup> July 2021 for all grids and gates on Council roads.
- b. Permit a period of no more than 12 months for council staff to determine ownership of existing grids and gates on Council roads where ownership is uncertain. At the end of that period, Council may remove a grid or gate where ownership has not been clarified.
- c. Permit a transition period of 12 months from the 1st July 2021 for existing grid and gate owners to upgrade, repair, remove or replace non-compliant grids and bring them into compliance with the updated policy POL087. All associated costs are the responsibility of the grid or gate owner.

**Moved Cr Murat Seconded Cr Robinson**

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

### 10.18 Correspondence Report: Mining in Clarence River Catchment

Ref: AINT/2021/15243 (ARC16/1331)

233/21

#### RESOLVED

That Council receive and note the request from Clarence Valley Council for a moratorium on mining and mining exploration in the Clarence River Catchment.

**Moved Cr Galletly**

**Seconded Cr Murat**

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

Cr Ian Tiley left the meeting, the time being 05:44 PM.

Cr O'Brien chaired the meeting in Cr Tiley's absence.

## 11. OUR PEOPLE AND COMMUNITY

### 11.1 Community Connectivity Grants

Ref: AINT/2021/12950 (ARC21/4528)

234/21

#### RESOLVED

That Council:

- a. Approve the successful applicants provided in this report for the Community Connectivity Grants program.
- b. That the remaining balance of \$35,316.05 be reallocated to projects as determined by the General Manager that meet the goals of the grants program, being to support local economic stimulus and social positivity post bushfire disaster.

**Moved Cr Galletly**

**Seconded Cr O'Connor**

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

Cr Ian Tiley returned to the meeting and assumed the Chair, the time being 05:45 PM.

### 11.2 Arts and Culture Small Grants 2020/21

Ref: AINT/2021/14566 (ARC16/0443-5)

235/21

#### RESOLVED

That Council approve funding of \$20,000 under the Arts and Culture Grants program for the following projects:

Applicant	Project	Funding Amount
The Armidale Playhouse	Purchase of audio visual equipment	\$3,000
Lizzie Horne Creative	Purchase of mobile printmaking studio	\$3,000
Leah Bullen	Artist residency at the Museum of Printing at NERAM	\$3,000
The Musicians of Armidale	Live at Black Gully – Payment of musicians for the Black Gully Music Festival	\$3,000
Mike Terry	Interactive Photographic Exhibition of Hillgrove Photography collection	\$2,200

Helena Pastor	Creation of a sample chapter and audio recording about life on the Silver City Mission in East Armidale in collaboration with Anaiwan elder Aunty Kerry Moran.	\$3,000
Mad Proppa Deadly Indigenous Corporation	Purchase of PA and DJ controller and artists fees for Mad Proppa Deadly Live – a music event in collaboration with local young Koori artists	\$2,800
	<b>TOTAL</b>	<b>\$20,000</b>

**Moved Cr O'Connor**                      **Seconded Cr Murat**

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

**11.3 Anaiwan Language Revival Program Office Accommodation - Lease of Kent House Office**

*Ref: AINT/2021/14125 (ARC16/0605)*

236/21

**RESOLVED**

That Council:

- a) Agrees to enters into a 12 month lease agreement with the Nēwara Aboriginal Corporation for office space at the Kent House Facility at 141 Faulkner Street, Armidale.
- b) It is proposed that the rental amount be set at the peppercorn rate of \$557.70 per annum, which is based on the amounts set by Crown Lands.

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

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

**11.4 Reimbursement of petrol costs for carting hay to flood affected Mid North Coast communities**

*Ref: AINT/2021/15686 (ARC20/4360)*

237/21

**RESOLVED**

That the reimbursement be made from the Mayor's allowance.

**Moved Cr O'Connor**                      **Seconded Cr Galletly**

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

**11.5 Public Exhibition of Community Engagement Policy** *Ref: AINT/2021/14739 (ARC17/1884)*

238/21

**RESOLVED**

That Council:

- a. Endorse the Community Engagement Policy for public exhibition of 28 days.
- b. Receive a further report following public exhibition on the feedback received.

**Moved Cr O'Connor**

**Seconded Cr Murat**

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

**11.6 Library Collection Development Policy - For Adoption (Post Public Exhibition)**

*Ref: AINT/2021/14219 (ARC20/4249)*

239/21

**RESOLVED**

That Council adopt the Library Collection Development Policy.

**Moved Cr O'Connor**

**Seconded Cr Murat**

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

**11.7 Library Community Information Display Policy - For Adoption (Post Public Exhibition)**

*Ref: AINT/2021/14497 (ARC20/4249)*

240/21

**RESOLVED**

That Council adopt the Library Community Information Display Policy.

**Moved Cr O'Connor**

**Seconded Cr Murat**

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

**11.8 Library Use and User Code of Conduct Policy - For Adoption (Post Public Exhibition)**

*Ref: AINT/2021/14528 (ARC20/4249)*

241/21

**RESOLVED**

That Council adopt the Library Use and Code of Conduct Policy.

**Moved Cr O'Connor**

**Seconded Cr Murat**

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

## 12. COMMITTEE REPORTS

### 12.1 Community Wellbeing Committee - Minutes of meeting held 29 April 2021

*Ref: AINT/2021/13617 (ARC16/1052)*

242/21

#### RESOLVED

That the Minutes of the Community Wellbeing Committee meeting held on 29<sup>th</sup> April be noted.

That the following recommendations of the Committee be considered by Council:

- a. Recognise and endorse the demands in the March for Justice Petition in the form of a supporting letter to State and Federal members (see appendix for petition demands).
- b. Provide an update to the Committee as to the status of the Crime Prevention Plan and Working Group.

**Moved Cr O'Brien**

**Seconded Cr Robinson**

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

### 12.2 Traffic Advisory Committee - Minutes of meeting held 4 May 2021

*Ref: AINT/2021/14041 (ARC16/0168-6)*

243/21

#### RESOLVED

That Council:

- a. Note the Minutes of the Traffic Advisory Committee meeting held on 4<sup>th</sup> May 2021.
- b. Endorse the recommendation of one half hour parking space on Barney Street at the intersection with Markham Street, to provide a safe place for elderly residents attending the U3AA facility who require time to unload and make drop offs.
- c. Endorse the recommendation to maintain the current 15 tonne load limit on the Kempsey Armidale Rd.
- d. Note the advice provided in two (2) Notices of Intentions to hold a public assembly that have been provided by Police. Both events will be on the footpath and will not interfere with traffic, both events have been endorsed by Police and reminded of COVID19 health restrictions and social distancing requirements.
  1. The annual Reconciliation Bridge Walk to promote Aboriginal – Non Aboriginal harmony walk, as part of Reconciliation Week occurring 30<sup>th</sup> May 2021 in Curtis Park.
  2. School Strike 4 Climate Change occurring 21 May in Curtis Park.

**Moved Cr Galletly**

**Seconded Cr Murat**

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

### **12.3 Economic Development Committee - Minutes of meeting held 21 April 2021**

*Ref: AINT/2021/14247 (ARC19/3530)*

244/21

#### **RESOLVED**

That the Minutes of the Economic Development Committee meeting held on 21 April 2021 be noted, and that the following recommendations of the Committee be considered by Council:

- a) That prior to the next meeting, the latest version of the DRAFT Tourism Strategy be circularised for consideration by the Committee, and that this be placed on the agenda for discussion with technical officers at the next meeting.
- b) That prior to next meeting, the latest version of the Economic Development Strategy be circularised for consideration by the Committee, and that this be put on the agenda for the next meeting.
- c) That prior to the next meeting, that the latest version of Council's water policy be also circularised and tabled for discussion
- d) That, in recognition of concerns raised regarding the adequacy of electricity supply and distribution networks within the Armidale LGA, the Committee requests Armidale Regional Council to identify emerging supply-demand deficits in the Region, with a view to informing stakeholder groups and effectively advocating for improvements where Council deems this necessary.

**Moved Cr Galletly**

**Seconded Cr Murat**

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

### **FOR INFORMATION: 12.4 Sports Council - Minutes of meeting held 5 May 2021**

*Ref: AINT/2021/14413 (ARC16/0330)*

245/21

#### **RESOLVED**

That the Minutes of the Sports Council Committee meeting held on 5 May 2021 be noted and they include:

- a. To amend the current Sports Council Priority List to have the extension of the Armidale District Cricket Association clubhouse in priority position number 1 and to move the renovation of the grass cricket pitch at Moran Oval to priority position number 4 on the 'Medium' projects list (projects \$50,000 and under)
- b. To amend the current Sports Council Priority list to have the Rologas Cricket Storage Shed project in first priority position and the Guyra Tennis Clubhouse security improvement project moved to priority position number 2 on the minor projects list (projects \$20,000 and under)
- c. To combine the Jack Vallance field renovation project with the Jack Vallance Oval lighting installation project to form one large project rather than 2 individual projects.
- d. To create a project priority list that does not categorise projects based on cost (currently categorised as 'Major', 'medium' and 'minor').

- e. To create a project list of all projects on the Sports Council Priority List that have current applications submitted for grant funding opportunities.
- f. That Council note the Sports Council grant application preferences to be considered for the Stronger Country Communities Fund round 4 grant opportunities as follows:
  - a) Armidale District Cricket Association to apply for \$110,000 for stage 4 of the Armidale Cricket Indoor Training Facility project.
  - b) Armidale Regional Council to apply for:
    - Newling Oval field lighting installation - \$400,000
    - Jack Vallance Oval upgrade including field lighting installation and field surface renovation - \$400,000
    - Lynches Road Netball Courts lighting installation - \$380,000.

**Moved Cr Galletly**

**Seconded Cr Murat**

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

### **13. MATTERS OF AN URGENT NATURE – NIL**

### **14. QUESTIONS ON NOTICE**

#### **14.1 Questions on Notice - Cr Robinson**

*Ref: AINT/2021/15528 (ARC16/0033)*

That Council note the response to the Question on Notice submitted by Cr Robinson.

The Chairperson acknowledged the contribution of Acting Director Organisational & Corporate Services Ms Marissa Racomelara.



**MOTION**

246/21 **RESOLVED**

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

15.1 Proposal for battery storage on Council land. (AINT/2021/15730) - (***General Manager's Note: The report considers a legal matter and is deemed confidential under Section 10A(2)(c) of the Local Government Act 1993, as it deals with commercial information of a confidential nature which, if disclosed, confers a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.***)

b) **That Council exclude the press and public from the proceedings of the Council in Confidential Session pursuant to Section 10A, subsections 2 & 3 and section 10B of the Local Government Act 1993, on the basis that the items to be considered are of a confidential nature.**

c) **That Council make the resolutions made in Confidential Session public as soon as practicable.**

Moved Cr O'Connor

Seconded Cr Robinson

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

Council entered Closed Session at 5:54pm.

Council returned to Open Session at 5:58pm.

**RESUMPTION OF MEETING**

247/21 **RESOLVED**

**That the recommendations of Closed Session be adopted.**

Moved Cr Robinson

Seconded Cr O'Connor

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

**15. CLOSED SESSION**

**15.1 Proposal for battery storage on Council land**

*Ref: AINT/2021/15730 (ARC16/0325)*

248/21 **RESOLVED**

That Council accept the proposal of Risen Energy to lease 3.7 Ha of Council owned land for 30 years at the Armidale Sewer Treatment Plant farm (473 Grafton Road) for a Battery Energy Storage System (BESS) installation at a rate of \$50,000 per annum excl. GST with an annual CPI increase.

There being no further business the Chairperson declared the meeting closed at 5:59pm.