



SUPPLEMENTARY ITEMS BUSINESS PAPER

ORDINARY MEETING OF COUNCIL

To be held on

Wednesday, 28 February 2018
1pm

at

Armidale Council Chambers

Members

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

SUPPLEMENTARY AGENDA

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Item: 7.1 **Ref:** AINT/2018/03127
Title: FOR DECISION: Mayoral Minute - Development of New England Rail Trail **Container:** ARC16/0085
Author: Peter Wilson, Acting Program Leader Governance, Risk and Legal
Attachments: Nil

RECOMMENDATION:

- a) **That Council note its previous in principle support for a New England Rail Trail from Black Mountain to Ben Lomond.**
- b) **That Council:**
- **Engage with the State Government following the community consultation conducted by the Office of Premier and Cabinet as to its current position on the New England Rail trail**
 - **Conduct a comprehensive investigation and discovery of all relevant information, so that a business case may be developed for a New England Rail Trail (Armidale – Ben Lomond)**
 - **Conduct extensive community consultation once the investigations and business case has been completed.**

Background:

The proposal to develop a rail trail on the disused New England rail line has potential economic benefit for the Northern Tablelands area and is worthy of investigation.

A detailed study needs to be undertaken to investigate all aspects of establishing a rail trail from Armidale to Ben Lomond. Some issues to be considered, but not limited to, would be;

- The costs and benefits of establishing a rail trail,
- Biosecurity and liability issues for surrounding landholders,
- The costs of maintaining the rail corridor,
- Ensuring an enhanced understanding of the economics associated with future uses of the rail corridor,
- Documented case studies highlighting the benefits and risks of Rail Trails,
- The potential enhancement of the regional tourism industry,
- Identification of funding sources for the development and maintenance of a rail trail,
- The preservation of the rail corridor in the event that a rail service was to be reintroduced in the future.

The Glen Innes Severn Council is also interested in development of a rail trail and will need to be engaged as part of understanding the broader regional economic benefits of a potential New England rail trail.

Significant regional stakeholder consultation is also warranted given that the community is divided in its opinion as evidenced by recent community polling.

Jetty Research were engaged to conduct a random and representative telephone survey of 200+ adult residents in the 2365 postcode – an area containing the town of Guyra and surrounding properties early this month. The survey was designed to understand levels of community

support for a proposed New England Rail Trail in the immediate proximity to the Ben Lomond to Black Mountain disused line.

In all, 220 residents completed the survey and the response rate was excellent, with 65% of those agreeing to participate.

The survey commenced with a question asking respondents whether they had heard of the New England Rail Trail project. Some 97% of respondents claimed to have heard of the proposed rail trail.

Once awareness of the project had been established, all respondents were informed that:

Council is working in conjunction with the NSW Government to secure funding for the development of the New England Rail Trail project. The Rail Trail will be 30km in length from Ben Lomond to Guyra and onto Black Mountain and will be constructed within the existing rail corridor. The trail would be used for cycling, walking and other recreational activities.

They were then asked, "With all that in mind, do you support the development of the rail trail?"

Of the 220 respondents 45% supported the development and 44% opposed it. The remaining 11% were unsure.

Results were sharply divided by age. Of those aged 18-39, 63% supported the development against just 26% opposed. And of those aged 40-59, the support/oppose ratio was 54 to 31%. However there was strong opposition among those aged 60+, with 37% supporting against 54% opposed.

There were no significant differences by gender. However rural residents were more likely to support the project than those living in Guyra, at 51% and 38% respectively.

When asked to briefly explain why they supported or opposed the development, there were one or two broad themes in each camp. Supporters focussed largely on the benefits to tourism, the local economy and/or the region generally. Some also noted that rail trails had worked successfully elsewhere, and/or that the rail wasn't coming back so that the tracks should be used for something productive.

Opponents, meanwhile, focussed largely on: (a) a belief that establishing the rail trail would preclude once and for all the return of rail services to Guyra; and/or (b) that it was "a waste of money".

Other issues raised related to the impact on grazing leases, weed management, waste management, public liability and safety for both trail users and livestock.

A meeting of the Armidale Ratepayers Association was also held recently and discussion on the NERT also indicated a divided opinion on the proposal.

It is recognised that all ARC ratepayers have an interest in the Rail Trail given that, if it was to proceed, Council would probably incur maintenance costs which would have to be met by all ratepayers. Hence the importance of further engagement with the total community once all the relevant information is secured and before Council takes a decision whether or not to proceed.

Item: 7.2

Ref: AINT/2018/03158

Title: FOR DECISION: Mayoral Minute - Acceptance of the CEO Resignation and Appointment of Acting CEO

Container: ARC16/0025

Author: Peter Wilson, Acting Program Leader Governance, Risk and Legal

Attachments: Nil

RECOMMENDATION:

That Council:

- a) Note the resignation of Peter Dennis from the position of CEO and acknowledge his outstanding leadership over the past 13 months.
- b) Delegate authority to the Mayor to oversee the CEO Recruitment and Appointment process including the tasks as identified in the Guidelines; and
- c) To appoint Chris Rose as Acting CEO, to undertake the role and responsibilities of the CEO from 21 March 2018 until the commencement of a permanent CEO.

Background:

The CEO Peter Dennis tendered his resignation on 20 February 2018 to take up a position in the private sector. Peter commenced the CEO role with the new Council on 30 January 2017 and will cease his employment on 20 March 2018.

Mr Dennis has accepted a position within the private sector as Managing Director of Hunter H2O, which was formerly the commercial arm of Hunter Water Corporation. Mr Dennis has provided four weeks notice. An interim CEO will be appointed and recruitment will commence to appoint a new CEO.

It is however business as usual for Council to deliver outstanding service to the community and to continue on the region's upward trajectory for growth and prosperity.

My priorities for the region have not changed. Sustainable economic growth, job creation and value for money in the delivery of services to our community are a priority and will continue to be as we commence recruitment for a new CEO.

Peter's leadership has left an indelible mark on the new Armidale Regional Council. A strong foundation for success has been achieved through the establishment of a capable and forward thinking leadership team and a new organisation structure, workplace safety and wellbeing program, creating a positive customer service focused culture and developing a plan for long term financial sustainability.

Since commencing my role as Mayor and during the administration period Peter has demonstrated outstanding leadership and initiated numerous programs that will deliver outstanding customer service for our community.

Peter has done a wonderful job for our community and will be sorely missed. On behalf of the Council we wish him all the success in his new role.

The Local Government Act 1993 section 334 requires Council to appoint a person to the position of CEO (or appoint a person to act in the vacant position). The position of CEO is a senior staff position.

Mr Chris Rose is a highly regarded local government professional with 42 years experience in Local Government. Most recently Chris held the position of CEO for Logan City, one of the largest local governments in Australia, for over 10 years. He has also been CEO for Toowoomba City Council and undertaken general manager roles for a number of councils in NSW. Chris has assisted Armidale Regional Council through the amalgamation process and has good knowledge of the opportunities and challenges that are facing a new council.

The Office of Local Government has developed guidelines, *Guidelines for the Appointment and Oversight of General Managers* (the Guidelines), to guide councillors through the process of recruiting and appointing general managers. The Guidelines are designed to promote a consistent approach to the recruitment and appointment of general managers across NSW councils and ensure compliance with the Act.

Item: 9.3 **Ref:** AINT/2018/03686
Title: FOR DECISION: Consultation on Draft Model Code of Meeting Practice
Container: ARC16/0620
Author: Peter Wilson, Acting Program Leader Governance, Risk and Legal
Attachments: 1. Draft Model Code of Meeting Practice

RECOMMENDATION:

That Councillors provide comments on the draft Model Code of Meeting Practice, by Friday 9 March 2018, for inclusion in a Council submission to OLG.

Background:

In December the Office of Local Government (OLG) issued a new Model Code of Meeting Practice consultation draft. Any submissions to be made to OLG should be made by Friday 16 March 2018.

Key Issues and Risks

Amendments made to the Local Government Act 1993 in August last year, by the Local Government Amendment (Governance and Planning) Act 2016, provide for a model code of meeting practice (Model Meeting Code) to be prescribed by regulation.

The Model Meeting Code has two elements:

1. It contains mandatory provisions (indicated in black font) that reflect the existing meetings provisions of the Act and adapt those currently contained in the Regulation. The existing meetings provisions of the Regulation have been updated and supplemented to reflect contemporary meetings practice by councils and to address ambiguities and areas of confusion in the existing provisions based on feedback from councils.
2. It contains non-mandatory provisions (indicated in red font) that cover areas of meetings practice, that are common to most councils but where there may be a need for some variation in practice between councils based on local circumstances. The non-mandatory provisions will also operate to set a benchmark based on what OLG sees as being best practice for the relevant area of practice.

The draft Model Code of Meeting Practice proposes a uniform set of meeting rules for councils across the state to ensure more accessible, orderly, effective and efficient meetings.

The Code makes provision for pre-meeting briefing sessions (Page 13), holding of a public forum (Have Your Say) prior to a meeting (Page 15), more transparent decision making process where source of funding must be identified where a motion or an amendment requires expenditure of funds (Page 33), names of councillors voting for and against to be recorded (Page 37), provision for dealing with items by exception (Page 43) and time limits on council meetings (Page 61).

Integrated Planning and Reporting Framework

Community Strategic Plan Theme – Leadership for the Region

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

Delivery Program:

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

L2.2.2 – Implement a Good Governance Framework

Stakeholder Engagement

The Office of Local Government (OLG), in consultation with councils, has prepared a consultation draft of the proposed Model Meeting Code. Once this is finalised, it will replace the meeting rules currently prescribed in the Local Government (General) Regulation 2005 (the Regulation).

LGNSW is preparing a sector-wide submission.

Financial Implications

There are no financial implications associated with the consultation draft.

Next Steps

When the Model Meeting Code is finalised, councils will be given a period of 6 months in which to adopt a code of meeting practice based on the Model Meeting Code.

Item:	10.3	Ref: AINT/2018/03419
Title:	FOR DECISION: Community Engagement Results- Mall Project	Container: ARC16/0875
Author:	Greg Lawrence, Service Leader Economic Development and Marketing	
Attachments:	1. Mall Revitalisation Online Engagement Summary 2. Mall Submissions and Feedback Summary 260218	

RECOMMENDATION:

- a) **That the community consultation survey results, submission feedback summary and management responses on the proposed mall design concept be noted.**
- b) **That the Business Advisory Committee be charged with the responsibility to:**
- i. **undertake a review of the community's feedback on the Mall design;**
 - ii. **establish a Reference Group to work with Council Officers to prepare a new design for the mall; and**
 - iii. **report back to council at regular intervals.**

Background:

The Armidale Central Mall and CBD precinct has been a significant area of discussion with the community since 2012 when traders requested that Council help them to address the decline in trading in the mall. More recent engagement with the community has occurred through the preparation of plans including the Community Strategic Plan and the Economic Development Strategy in which the CBD and mall precinct features as a key priority for Council. Additionally and more specific to the mall precinct, the Mall Vibrancy Plan was prepared over a twelve month period and adopted by Council on 22 March 2017.

A review of the CBD/Mall precinct was undertaken to determine how to best implement elements of the mall vibrancy plan. An outcome of this review was the preparation of a vision and concept for the CBD/Mall precinct. The concept developed was used to support Council's Expression Of Interest application for the *Stronger Country Communities Fund* (SCCF) for the significant Central Mall redevelopment Project. Council's application for the SCCF funding has subsequently been withdrawn in response to community concerns about the concept design and to provide more time for the community to be consulted on this important project.

Consultation on the mall concept design commenced on 29 November 2017 and closed 16 February 2018 and Council Officers have now completed a review of the submissions, online survey results and other feedback received. The engagement and consultation process has been successful and it has stimulated significant community interest with more than 650 people having formally provided feedback through written submissions, completed surveys, emails, letters and other means on the proposed concept design.

Council can now carefully consider all of the feedback received and use this to inform the preparation of a new design for the mall and CBD precinct. The results of the engagement are as follows:

Your Say Armidale Website – Online Survey

Armidale CBD Revitalisation page statistics during consultation period:

- Total number of unique visitors: 1,323

- Number of online surveys completed: 358
- Number of times draft plans downloaded: 216
- Number of times video viewed: 252
- Number of visits to Frequently Asked Questions page: 182

Community Connect Engagement Centre

Statistics during Armidale CBD Revitalisation consultation period

- Total number of visitors: 941
- Number of comments in guest book: 123
- Number of comments on Comments Board: 23

Written Submissions:

- Total written submissions received (including emails, letters, word documents and completed paper surveys): 161

Community Petitions:

Two petitions were received containing 48 signatories “Save Our Mall” and 70 signatories “Not build a road through the Mall”.

Key Issues and Risks

Key issues and areas of concern raised by the community through the consultation process are:

- The re-introduction of vehicles to the Central Mall:
 - The re-introduction of vehicles was strongly opposed by a significant majority of the community.
 - Proposed response: Future design options for the Central Mall will not include reopening the mall to traffic.
- Multi Purpose Stage:
 - Whilst many respondents did not support the proposed multi-purpose stage design, the majority are in favour of retaining a stage.
 - Proposed response: The design of the stage will be changed to reflect the views of the community.
- Reconciliation Fountain:
 - Many respondents did not support the relocation of the Reconciliation Fountain.
 - Proposed response: Community views on the fountain will be considered carefully in future design options.
- Design:
 - Many people expressed a view that the modern design does not fit with heritage buildings:
 - Proposed response: Future design options will be sympathetic to the heritage environment.
- Playground; lighting; CCCTV; landscaping and outdoor furniture:
 - Other elements of the design (as listed above) received mixed feedback.

- Proposed response: the Community's feedback on all key elements of the proposed concept will be carefully considered in future design options.

The opportunity before Armidale Regional Council is to carefully consider the feedback received from the Community through the engagement process and to prepare a new design for the Central Mall and CBD precinct, in preparation for future grant funding opportunities, that will achieve community support.

Integrated Planning and Reporting Framework

Community Strategic Plan – Growth, Prosperity and Economic Development

G3.4 – Implement the Armidale Mall Vibrancy Plan

G3.6 – Provide Central Business District (CBD) infrastructure that supports a more vibrant and varied offering of shopping experiences for tourists

G3.6.1 – Develop and implement CBD revitalisation programs for Armidale and Guyra

Stakeholder Engagement

Consultation on the proposed concept design commenced on 29 November 2017 with a meeting with mall traders and business owners and on 14 December 2017 for the broader Community. A range of engagement and feedback channels were provided to the Community allowing people to view the concept design and to provide their feedback directly to Council Officers at ARC's Community Connect Engagement Centre located in the mall or online through ARC's "Your Say" website. ARC encouraged feedback from the community either through completing a survey or written submissions which allowed people to express their views on the concept design. Councillors and key stakeholders will continue to be engaged through the next phase of the design process.

Financial Implications

It is expected that the Stronger Country Community Fund or potentially other future Government funding opportunities will cover the cost of the Mall design.

Next Steps

It is proposed that the Business Advisory Committee will take carriage of the preparation of the new design for the Mall/CBD precinct and establish a specific Reference Group to be made up of key stakeholders that will include representatives from: Mall Traders and Business Owners; Chambers of Commerce, Locals for Locals; Aboriginal Community; Disability and Access Group; Emergency Services and Council Officers.