

Armidale

Regional Council

BUSINESS PAPER

ORDINARY MEETING OF COUNCIL

To be held on

Wednesday, 7 December 2016
9am

at

Guyra Council Chambers

Members

Administrator, Dr Ian Tiley

AGENDA

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Item: 7.1.1 **Ref:** AINT/2016/08883
Title: Planning Proposal No 12 to amend Armidale Dumaresq LEP 2012
Container: ARC16/0782
Author: Acting Director Planning and Environmental Services
Attachments: 1. Planning Proposal No 12 - December 2016

RECOMMENDATION:

- a) **That Planning Proposal No.12 to amend Armidale Dumaresq Local Environmental Plan 2012, which proposes to:**
- **remove Lot 54 DP 596242 from Item Number I067 in Schedule 5 – Environmental Heritage, and**
 - **amend the Heritage Map to remove Lot 54 DP 596242,**
- be forwarded to the Department of Planning and Environment with a request for a Gateway Determination, in accordance with section 56 of the *Environmental Planning and Assessment Act 1979*.**
- b) **That a further report be provided to Council following public exhibition of Planning Proposal No. 12 to amend Armidale Dumaresq Local Environmental Plan 2012.**
- c) **That the owner of Lot 54 DP596242, 1A Dorothy Avenue, Armidale, be advised of Council’s resolution.**

Introduction:

Council has received representation from the owner of Lot 54 DP 596242, 1A Dorothy Avenue, Armidale, requesting that the property be removed from Schedule 5 – Environmental Heritage of Armidale Dumaresq Local Environmental Plan 2012 (ADLEP 2012).

Lot 54 DP 596242 and adjoining Lot 55 DP 596242 are listed as a single heritage item (Item Number I1067) in Schedule 5 of ADLEP 2012. Lots 54 and 55 DP 596242 were held in single ownership from at least 1978 until late 2015 with property address of 3 Dorothy Avenue. There is an existing Victorian style house on Lot 55 while Lot 54 is vacant, other than for a garage and remnants of a garden on the land. In late 2015 Lot 54 was sold and a new address of 1A Dorothy Avenue was assigned to the property.

The objective of the Planning Proposal is to amend ADLEP 2012 by removing the local heritage listing of Lot 54 DP 596242. The heritage inventory form for the listing only makes reference to the house on Lot 55 DP 596242 at 3 Dorothy Avenue, Armidale, which will remain listed as Item Number I067 in Schedule 5 – Environmental Heritage.

This report recommends that the Planning Proposal prepared by Council officers be forwarded to the Department of Planning and Environment with a request for a Gateway determination.

Report:

The first step in amending an LEP is preparing a Planning Proposal. A Planning Proposal can be prepared by a Council, landowner or developer. Irrespective of who prepares a Planning Proposal, Council is responsible for ensuring that the level of detail is sufficient to respond to the statutory requirements of the *Environmental Planning and Assessment Act 1979* (EPA Act) and the requirements set out in *A Guide to Preparing Planning Proposals* (Department of Planning and Environment, 2016).

Council must ensure that the information is accurate, current and sufficient for issuing a Gateway determination and subsequently detailed enough for the purposes of consulting with agencies and the general community.

In this instance Council officers have prepared the Planning Proposal. A copy of the Planning Proposal is in Attachment 1.

Planning Proposal No. 12

Planning Proposal No. 12 applies to Lot 54 DP 596242 (the Site), which is owned by Ms D Conder. The Site is 850.9m² and is currently vacant, except for a garage, and has a number of trees and a garden. Lot 55 DP 596242, which adjoins the Site, contains a Victorian style stone and brick house.

Both the Site and Lot 55 DP 596242 (Lot 55) are listed as a single local heritage item (Item Number I1067) in Schedule 5 – Environmental Heritage of ADLEP 2012. The address for the listing is 3 Dorothy Avenue, Armidale.

Investigations of Council records have been undertaken into the history of the listing of the Site with the following information obtained:

- a) The 1943 aerial photograph for Armidale shows that the house was on a large farm outside Armidale. A plan of subdivision for the suburban area around Dorothy Avenue was registered in 1969. The Victorian style house was located on a lot identified as Lot 52 DP 238765, which was larger than the surrounding suburban lots. A further subdivision was undertaken in 1978 that subdivided Lot 52 DP 238765 into two lots to create the current Site and Lot 55, consistent with the size and shape of surrounding residential land.
- b) The Site and Lot 55 were held together in single ownership with the property description of 3 Dorothy Avenue until the end of 2015.
- c) The Armidale Heritage Study (1990) undertaken by Perumal Murphy Pty Ltd for Armidale City Council provided the following information for the listing of 3 Dorothy Avenue:
Description: Appears to be an old brick and stone house, now somewhat altered. Victorian style, probably c1890, but possibly earlier. Strong similarity of design to 111 Brown Street which dates from 1860's. Spoilt by painting of masonry and rendering (?). Basic form still recognisable, with original corrugated iron roof. East side appears to have been the original front. Symmetrical design with small bullnosed verandah between projecting, hipped roof sections. Verandah no enclosed. Very good chimneys in dark local brick.
History: Not known.
Significance: Good example of this particular Victorian style, not common locally. One of the oldest houses in this area, built well before the suburban dwellings which now surround it.

There is no mention in the Heritage Study of the gardens or surroundings of the house, or of any feature on the Site having heritage significance or contributing to the heritage significance of the house on Lot 55. All of the features identified as providing heritage significance relate directly to the house on Lot 55. This is also the case for the current heritage listing of 3 Dorothy Avenue on the NSW Office of Environment and Heritage (OEH) database. Copies of the Armidale Heritage Study entry for 3 Dorothy Avenue and the Office of Environment and Heritage database listing are included in the Planning Proposal.

- d) The property at 3 Dorothy Avenue, comprising the Site and Lot 55, was listed as a heritage item under Amendment No. 4 to Armidale Local Environmental Plan 1988, gazetted 20 March 1992. The heritage listings in Amendment No. 4 were based on the findings and recommendations of the Armidale Heritage Study (Perumal Murphy, 1990).
- e) Three (3) applications for the removal of trees from the Site have been granted between 2010 and 2014. Due to the damage the trees were causing to the existing house, safety concerns and internal fungal decay a total of seven (7) Cypress Pines and six (6) Monterey Pines have been removed.
- f) Due to the heritage listing two (2) separate development applications have been approved with conditions for Lot 55 as follows:
- DA-145-2014 – Alterations and additions to existing dwelling – demolition and construction of new front fence (granted 11 September 2014);
 - DA45-2015 – Construction of a carport (granted 28 April 2015).
- Both applications concentrate on the heritage significance of the existing stone and brick dwelling on Lot 55 and do not mention or discuss any items of heritage value on Lot 54.
- g) The property address for the Site was changed to 1A Dorothy Avenue following the sale of Lot 55 in 2015. Lot 55 retained the property address of 3 Dorothy Avenue.

In summary, removing the Site from Schedule 5 – Environmental Heritage of ADLEP 2012 is considered appropriate for the following reasons:

- There does not appear to be any items of heritage significance on the Site, nor do any features of the Site appear to contribute to the setting of the adjoining heritage item on Lot 55.
- Subdivision of the surrounding land and subsequent residential development since the 1970s and prior to the heritage listing in 1992 have compromised the setting of the Victorian house on Lot 55. The surrounding residential development is not considered to be sympathetic to the style or character of the heritage listed house.
- Including the Site in the heritage listing may have been a result of both properties being held in single ownership and having the same property description of 3 Dorothy Avenue at the time the Armidale Heritage Study was prepared in 1990 and the listing in Armidale LEP 1988 in 1992.
- The Site is 850.9m² and vacant, other than for a garage not associated with the house on Lot 55, and is considered suitable for residential development.
- Future residential development of the Site is unlikely to have a greater impact on the significance of the heritage item on Lot 55 than the existing residential development which has occurred in the locality since the 1970's.

Request for Gateway Determination and local plan making delegations

The next step in progressing the Planning Proposal is to refer it to the Department of Planning and Environment (DP&E) with a request for a Gateway determination.

There are a number of types of Planning Proposals that are routinely delegated to councils, including *“heritage LEPs related to specific local heritage items supported by an Office of Environment and Heritage endorsed study or where the Office of Environment and Heritage provides preliminary support to the proposal”*.

In this instance delegation will not be requested as preliminary consultations with the Office of Environment and Heritage have not been undertaken. The Planning Proposal recommends that consultations with the Office of Environment and Heritage be undertaken following the issuing of a Gateway determination.

Community Engagement and Internal Consultation

Part 5 of Planning Proposal No. 12 suggests that community consultation comprise public exhibition of the proposal for 14 days, including notification to adjoining landowners. The final form of the community consultation will be specified in the Gateway determination.

Section D of the Planning Proposal recommends the Commonwealth and State agencies to be consulted regarding the proposal, subject to the Gateway determination.

Financial Implications

Clause 11 of the *Environmental Planning and Assessment Regulation 2000* (EPA Regulation) allows Council to enter into an agreement or arrangement with a person who requests preparation of a Planning Proposal for the payment of the costs and expenses incurred by Council in undertaking studies and other matters required in relation to the Planning Proposal. Council has entered into an agreement with the landowner for Planning Proposal No. 12 to pay for costs associated with preparing the proposal.

Good Governance

Statutory

An LEP is a statutory document and preparation and making of an amending LEP must be in accordance with the EPA Act and EPA Regulation. Section 55(2) of the EPA Act sets out the matters to be included in a Planning Proposal.

Section B of the Planning Proposal also considers whether the Planning Proposal is consistent with relevant State Environmental Planning Policies (statutory plans) and Ministerial Directions under section 117 of the EPA Act.

The Planning Proposal is considered to be consistent with applicable State Environmental Planning Policies and section 117 Directions, except for the following direction:

- Section 117 Direction 2.3 *Heritage Conservation* – this direction provides that a Planning Proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the DP&E that:
 - a) the environmental or indigenous heritage significance of the item, area, object or place is conserved by existing or draft environmental planning instruments, legislation or regulations that apply to the land, or
 - b) the provision of the planning proposal that are inconsistent are of minor significance.

The inconsistency is considered to be of minor significance for the reasons outlined in this Report and the Planning Proposal, and therefore justified. The Planning Proposal also recommends that the Office of Environment and Heritage be consulted, subject to a Gateway determination.

Integrated Planning and Reporting Framework

By facilitating residential development of the Site, the Planning Proposal is considered to support the following Strategic Objectives in Council's *Community Strategic Plan 2013-2028*:

- Our People – to have a strong and resilient local economy

Sustainability Assessment

Social and physical infrastructure

The Site is considered suitable for residential development. Physical infrastructure is available or can be made available to the Site. The Site can access social infrastructure within Armidale. The impact of future development on the Site on existing infrastructure is considered to be minimal.

Heritage

The Planning Proposal recommends that consultation with the Office of Environment and Heritage be undertaken subject to a Gateway determination. The Office of Environment and Heritage may require an assessment to be undertaken by a Heritage consultant.

Environmental protection

The Planning Proposal is unlikely to have any adverse environmental impacts as it does not propose to change the permissible uses on the Site which is located in an existing residential area.

Item: 7.1.2 **Ref:** AINT/2016/09360
Title: Modification to DA-19-2009 - Deletion of Condition 36B **Container:** DA-19-2009/A
Author: Acting Director Planning and Environmental Services
Attachments: Nil

RECOMMENDATION:

That Council delete Condition 36B from DA-19-2009 and allow for the consideration of the remainder of the proposed modification under delegation.

Introduction:

Council has received a modification under Section 96(2) of the Environmental Planning and Assessment Act, 1979 in relation to DA-19-2009. DA-19-2009 was approved on the 22 March 2010 and allowed for the undertaking of a 72 lot subdivision on land predominantly located within the R2 – Low Density Residential Zone. The proposed development is considered to have achieved physical commencement. The application (DA-19-2009/A) proposes to make a number of modifications to the existing consent. Some of the proposed modifications are considered to be administrative in nature (e.g. reordering of proposed stages and refining of engineering requirements) while other sought changes are considered to be more significant (e.g. deletion of a requirement to undertake riparian planting along the southern bank of Dumaresq Creek, deletion of internal footpath and reliance upon NBN wireless connections rather than fixed landlines).

This report concerns the deletion of Condition 36B only. Condition 36B reads as follows:

That the development incorporate an easement 6 metres wide for a future shared path for public access adjacent to the alignment of Dumaresq Creek, at an exact location to be determined in consultation with Council's Director of Engineering and Works or nominee, to connect Tombs Road and Inces Road.

Confirmation is also sought from Council that the remainder of the proposed modification may be dealt with under delegation as the layout of the approved subdivision will remain largely unchanged.

Report:

DA-19-2009 was determined at a Council Meeting held on the 18 March 2010. At that meeting, the Councillors passed a resolution that an additional condition be included on any consent issued in relation to the creation of an easement for a future shared pathway. The minutes of that meeting reflect the following passed resolution:

That an additional consent condition be included that an easement be provided for future construction of a shared pathway for public access from Tombs Road to Inces Road.

This requirement became Condition 36B with the following more detailed emphasis:

That the development incorporate an easement 6 metres wide for a future shared path for public access adjacent to the alignment of Dumaresq Creek, at an exact location to be determined in consultation with Council's Director of Engineering and Works or nominee, to connect Tombs Road and Inces Road.

The applicant is seeking the deletion of this condition, having provided the following justification:

Not in the Public's interest to include this provision and detrimental to future sale and value of Lots fronting Dumaresq Creek. Also difficult and expensive to create or maintain a gravel footpath due to flood-prone land and inherent soil profile (silty clay).

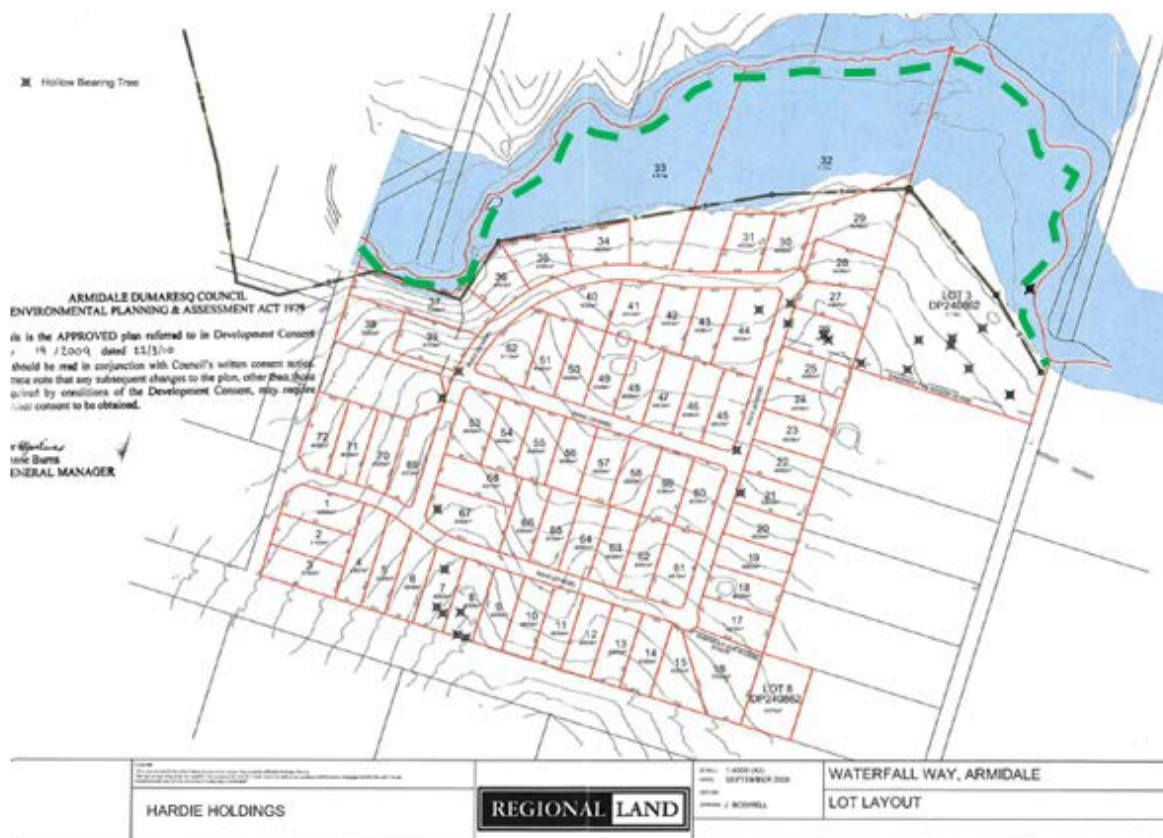


Figure 1: Approved plan of subdivision. The green dotted line indicates the approximate location of the proposed shared pathway easement giving effect to Condition 36B.

The required easement would pass through future Lots 32 and 33 and an existing allotment known as Lot 3 in DP240862. The easement would therefore pass through three parcels of private land for the purpose of public access.

The necessity to consider the fate of Condition 36B has been brought forward ahead of the full determination of DA-19-2009/A due to the submission of a redefinition plan in relation to Lot 3 in DP240862 (redrawing of creek boundary to follow the natural alignment of the creek – the top of the creek bed forms the northern and eastern boundaries of the allotment). The redefinition plan shows the creation of a new easement along the southern boundary of the allotment which will provide future emergency access to the development as a whole (being a requirement of DA-19-2009). It does not show the creation of the required shared pathway easement in accordance with Condition 36B. As a decision has not been made in regard to the deletion of Condition 36B, it is not possible to sign the proposed redefinition plan on behalf of Armidale Regional Council.

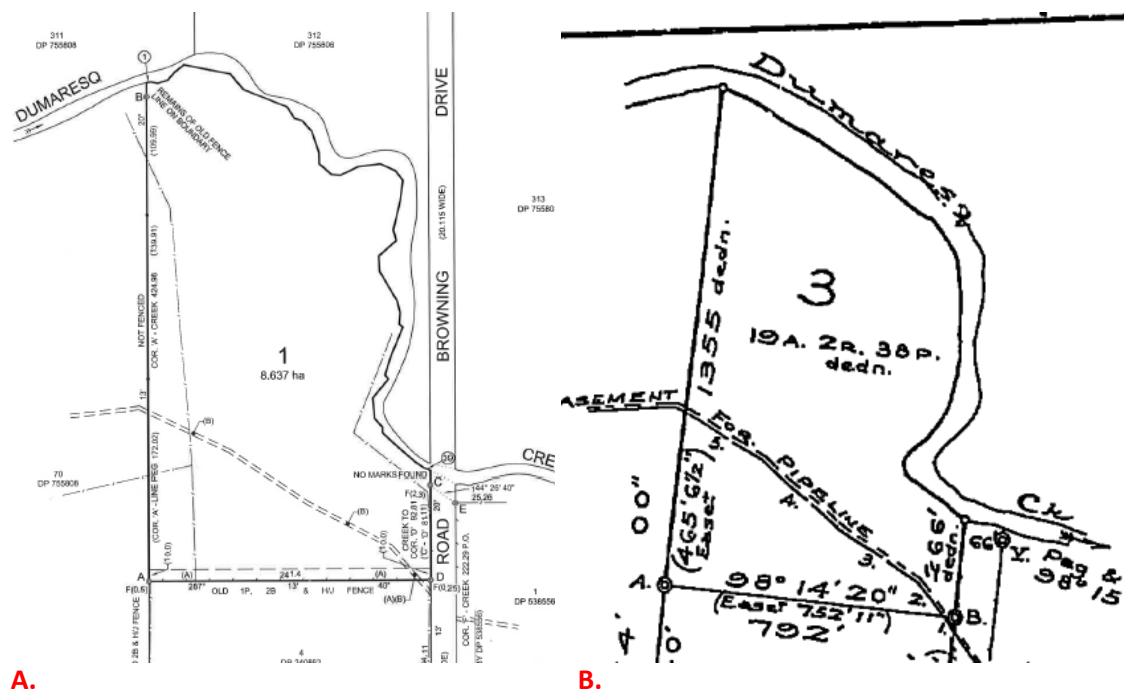


Figure 2: **A** = Proposed redefinition plan for Lot 3 in DP240862 and **B** = Current plan of subdivision for Lot 3 in DP240862.

The concept of a shared pathway along Dumaresq Creek is considered to be a good outcome from a planning and community perspective, however the reasons below need to be also taken into consideration is the assessment of deleting Condition 36B:

- The landowner does not consent to the creation of an easement for public access purposes.
- Council's current bicycle strategy (Armidale Bicycle Strategy and Action Plan, 2012) does not explicitly refer to the creation of a shared pathway along this Southern section of Dumaresq Creek. Strategic justification for the creation of the easement is considered to be limited given future bicycle linkages along Dumaresq Creek have not been accounted for within the strategy.
- The creation of an easement for public access purposes across private land is considered to be a potential source of future land use conflict.
- Any easement would likely require fencing in order delineate between the private and public realm. Land along the creek frontage is considered to be flood liable meaning that the replacement or repair of fencing following a flood event is likely and would place additional costs upon Armidale Regional Council.
- DA-19-2009 does not require the developer to construct a shared pathway within the easement. The purpose of the easement is to merely set aside land for the construction of a future easement. It is understood that the construction of a shared pathway along this Southern section of Dumaresq

Creek does not form part of Council's capital works programme. As such, there is uncertainty as to when a shared pathway would be constructed, which is further complicated by the lack of justification within Council's current bicycle strategy.

- It is noted that internal discussions held prior to the determination of DA-19-2009 focussed upon the possible creation of a public reserve along Dumaresq Creek. It was decided at officer level that Council could not legally impose such a requirement given the then landowner was not amenable (unless satisfactory compensation was made) and Council was not administering a contribution plan which sought to collect funds for the construction of a shared pathway. In some ways this situation remains unchanged. It is considered to be legally precarious to impose a requirement to create an easement for public access purposes over private land where there is not strong justification (e.g. a bicycle plan which seeks to create future linkages along this section of the creek). Arguably some justification for the creation of the easement can be derived from the former Development Control Plan (DCP), 2007 (under which DA-19-2009 was determined). Section C1 of the former DCP, which refers to urban residential subdivision, contains a section in relation to public open space. The provision does not contain a threshold at which public open space must be provided instead deferring to any open space strategy administered by Council or the DCP itself. Given the former DCP makes no specific reference to the location or size of future public open space, the assessing officer would have turned to possible open space strategies developed by Council's Parks and Gardens Department. The assessing officer in respect of DA-19-2009 provided the following commentary in relation to public open space:

It is not proposed that this development would provide any additional public open space. Council's Civic and Recreational Services staff have indicated that provision of additional public land in this location is not desired due to existing amount of open space controlled by Council an associated maintenance costs.

The preference in this instance was for land adjacent to Dumaresq Creek to be incorporated into allotments and maintained privately.

Additionally, it was considered that in the context of the low density residential subdivision (with allotments in excess of 4000m²), demand for passive recreational pursuits could be accommodated within individual allotments. Active recreational pursuits could be carried out at existing facilities within the urban area.

Council's position at officer level in relation to the creation of new public open space remains unchanged.

- The more appropriate mechanism would be to consider some form of future acquisition following a resolved position upon bicycle linkages along Dumaresq Creek. Without such a position, it is difficult to defend a connection between the imposition of the condition and its purpose.

Community Engagement and Internal Consultation

DA-19-2009/A has not been subjected to public notification. It is noted that the original application attracted five submissions. Public notification was not undertaken due to the layout of the proposed subdivision remaining unchanged. The proposed modification does not introduce any new impacts to adjoining residents beyond that already considered under the original consent. The deletion of the easement for public access along Dumaresq Creek in one sense can be considered as a loss for the community however the consent did not require the actual pathway to be constructed and there remains opportunity for Council to consider extending linear connections along Dumaresq Creek through a process of consultation and acquisition.

It is noted further that part of the modification seeks to remove an estimated five to seven poplar trees from the Grafton Road reserve due to current Roads and Maritime Services specifications in terms of intersection works (being the intersection of Tombs Road with Grafton Road). A plan showing the intersection works and proposed tree removal was received by Council on the 25 October 2016. The majority of poplar trees located along this section of Grafton Road are identified as being Heritage Items (No. I244 – AIF Memorial Avenue of Trees WW1). Consultation with the Armidale RSL will be undertaken prior to determining the modification. If an objection is received from the Armidale RSL in relation to tree removal, the modification will be returned to Council for a decision.

Financial Implications

There is considered to be possible financial implications for Armidale Regional Council as a public authority. Possible financial implications do not appear to have been costed but would include costs associated with the construction of a shared pathway (to bitumen standard in accordance with relevant engineering code), fencing and replacement/repair of fencing following flood events.

Good Governance

All relevant sections of the Environmental Planning and Assessment Act, 1979 have been taken into consideration in the preparation of this report and will be taken into the consideration during the assessment of the remainder of the proposed modification.

Integrated Planning and Reporting Framework

Not applicable.

Sustainability Assessment

Although this report considers the deletion of a shared pathway, which can be considered to promote a healthy community, the development will still make provision for cycling along new internal roads and will extend an existing bicycle link along Grafton Road.

Item:	7.1.3	Ref: AINT/2016/09365
Title:	DA-52-2016 - 37 Residential Lot Subdivision (5 Stages) - Land bounded by Stevenson, Prisk and Ollera Streets, Guyra	
Author:	Acting Director Planning and Environmental Services	
Attachments:	Container: DA-52-2016	
	1. DA-52-2016 - 6-8 Stevenson Street GUYRA NSW 2365 - S79C Report to Council	
	2. DA-52-2016 - Subdivision Plans	
	3. DA-52-2016 - Submissions	

RECOMMENDATION:

That Council grant consent in relation to DA-52-2016, subject to the conditions set out in the attachments to this report and that all persons who made submissions to the application be notified of the determination in writing.

Introduction:

The proposed development relates to Lots 338, 339, 351 of DP 755824, and Lot 2 DP 1121486, known as 6-8 Stevenson Street, 2 Stevenson Street, 55 Prisk Street, and 71 Prisk Street GUYRA NSW 2365, and proposes a 37 lot residential subdivision in 5 stages.

Report:

The key issues in relation to the proposed subdivision can be summarised as follows:
The proposal was publicly notified in accordance with Council's DCP including written notification to the owners of adjoining properties between 21 March 2016 and 8 April 2016. The development was re-advertised due to a change in design between 26 September 2016 to the 14 October 2016 to neighbouring property owners and those who had made submissions. At the close of the notification period eleven (11) written submissions were received by Council.

The key planning matters raised in the adjoining owners' submissions can be summarised as:

- Water, sewer and stormwater infrastructure
- Density of the development
- Traffic
- Character of the housing

The application has been assessed having regard to the relevant State Environmental Planning Policies and Council's Local Environmental Plan and Development Control Plan and the matters raised in the submissions have also been considered as part of the assessment. As a result of this assessment the proposed development is recommended for approval subject to the recommended conditions of consent as set out in the attachments to this report.

Community Engagement and Internal Consultation

The development application was subjected to public notification in accordance with the Guyra Development Control Plan.

Financial Implications

There is not considered to be any unexpected financial implications for Council should the development proceed. All subdivision works, which will become future Council assets, have been reviewed by Council's development engineer during the assessment of the application.

Good Governance

The development application has been assessed in accordance with all relevant legislative requirements.

Integrated Planning and Reporting Framework

Not applicable.

Sustainability Assessment

The development application has been assessed taking into consideration sustainability objectives.

Item:	7.1.4	Ref: AINT/2016/09366
Title:	DA-170-2016 - 305 Glenshiel Road, Llangothlin - Proposed Extractive Industry (Gravel Pit)	Container: DA-170-2016
Author:	Acting Director Planning and Environmental Services	
Attachments:	1. DA-170-2016 - 305 Glenshiel Road LLANGOTHLIN NSW 2365 - S79C Report to Council 2. 305 Glensheil Road Guyra - DA-170-2016 - Plan 3. DA-170-2016 - Submission	

RECOMMENDATION:

That Council grant consent in relation to DA-170-2016 in accordance with the conditions set out in the attachment to this report and that all persons who made a submission in relation to the application be advised of the determination in writing.

Introduction:

The proposed development relates to Lot 13 DP 1072136, known as 305 Glenshiel Road Llangothlin NSW 2365, the proposal involves the use of agricultural land for the use of a gravel pit. The extracted gravel is proposed to be removed and stored as needed, the gravel will be completely extracted, and the site will then be rehabilitated.

Development consent for the temporary gravel extraction of the proposed pit was approved by Guyra Shire Council on the 25 May 2015 and referenced as DA-57-2015. The proposal was for a 12 week operation to remove up to 5000m² of gravel. The development was approved but never commenced due to the designated timeframe. The new proposal will see the gravel extracted until the resource has been completely removed.

Report:

The key issues for the development can be summarised as follows:

The proposal was publicly notified in accordance with Council's DCP including written notification to the owners of adjoining properties between the 5 October 2016 and the 24 October 2016. The key planning matters raised in the submissions can be summarised as:

- Road and ramp damage on Glenshiel and Crystalbrook Roads.
- Safety at the intersection of Llangothlin Road and the New England Highway.
- Safety of staff and stock near route.

The Application has been assessed having regard to the relevant SEPPs and Council's LEP and DCP and the matters raised in the submissions have also been considered as part of the assessment. As a result of this assessment the proposed development is recommended for approval subject to the conditions set out in the attachment to this report.

Community Engagement and Internal Consultation

The application was subjected to public notification in accordance with the Guyra Development Control Plan.

Financial Implications

There is not considered to be any unexpected financial implications for Council should the development proceed. A condition has been recommended which seeks to guard against any damage to Council's road due to use vehicles associated with the extractive industry.

Good Governance

The development application has been assessed in accordance with all relevant legislative requirements.

Integrated Planning and Reporting Framework

Not applicable.

Sustainability Assessment

The development application has been assessed taking into consideration sustainability objectives.

Item:	7.2.1	Ref: AINT/2016/08547
Title:	Cash & Investments Report October 2016	Container: ARC16/0291
Author:	Chief Finance and Information Officer	
Attachments:	Nil	

RECOMMENDATION:

That the Cash & Investments report for Armidale Regional Council as at 31 October 2016 be received and noted.

Introduction:

Cash and Investments for the month of October 2016.

Report:

The following is the cash and investments particulars for the period 1 October 2016 to 31 October 2016.

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

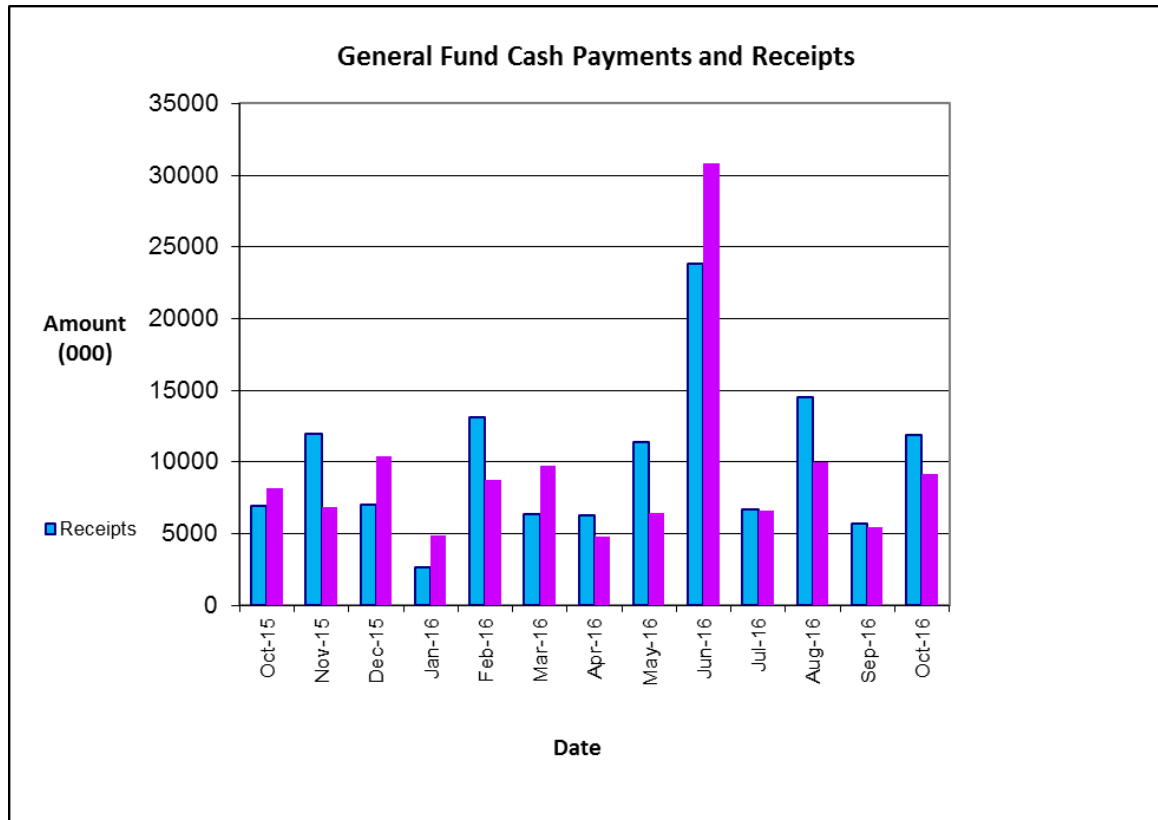
- Council Investment Policy POL152
- Local Government Act 1993 – Section 625
- Local Government Act 1993 – Order of the Minister dated 12 January 2011
- The Local Government General Regulation 2005 Reg 212.

At the end of the October period, Council held \$72,156,436.07 in investments and a consolidated bank account balance of \$10,622,229.31 excluding the Trust Fund.

During the month of October, total payments and receipts were \$9.2 million and \$11.8 million respectively.

Council's bank account balance as per bank statements at the end of the period 31 October 2016 are as follows:

General Fund	10,622,229.31
Trust Fund	1,200,494.83
Total Bank Balances	11,822,724.14



Investments

	%
30 day BBSW Index	1.63
Average Interest Rate on Term Deposit Investments	2.86

The following are the details of Council's investments as at the beginning of the period

Institution	Investment at Market Value	Interest Rate %	% of Portfolio
Term Deposits			
Credit Union Australia	1,000,000.00	2.75%	1.31%
Peoples Choice Credit Union	1,200,000.00	2.82%	1.57%
Bank of Queensland	2,000,000.00	3.05%	2.62%
AMP	1,000,000.00	3.00%	1.31%
IMB	2,000,000.00	2.70%	2.62%
ING	2,000,000.00	3.00%	2.62%
Bank of Queensland	2,000,000.00	2.80%	2.62%
Rural Bank	1,000,000.00	2.90%	1.31%
Rural Bank	1,000,000.00	2.75%	1.31%
ING	1,500,000.00	2.83%	1.96%
ME Bank	1,000,000.00	2.85%	1.31%
Credit Union Australia	2,000,000.00	2.95%	2.62%
Peoples Choice Credit Union	1,000,000.00	2.89%	1.31%
NAB	5,000,000.00	2.99%	6.55%
Credit Union Australia	2,000,000.00	2.90%	2.62%
ING	1,000,000.00	2.81%	1.31%
Bank of Queensland	2,000,000.00	2.90%	2.62%
NAB	1,034,887.53	2.85%	1.36%
Rural Bank	2,000,000.00	2.60%	2.62%
ME Bank	1,000,000.00	3.00%	1.31%
ME Bank	1,000,000.00	3.05%	1.31%
ME Bank	2,000,000.00	3.05%	2.62%
ME Bank	1,000,000.00	3.05%	1.31%
ING Bank	500,000.00	3.10%	0.65%
Bank of Queensland	1,000,000.00	2.70%	1.31%
Westpac	2,000,000.00	2.63%	2.62%
Rural Bank	2,000,000.00	3.00%	2.62%
Rural Bank	1,000,000.00	3.00%	1.31%
Credit Union Australia	1,000,000.00	3.10%	1.31%
Credit Union Australia	1,500,000.00	3.10%	1.96%
Westpac	2,000,000.00	2.63%	2.62%
ME Bank	1,000,000.00	3.07%	1.31%
Bank of Queensland	1,000,000.00	3.05%	1.31%
NAB	7,565,824.00	2.64%	9.91%
AMP	2,000,000.00	3.00%	2.62%
NAB	504,709.59	2.80%	0.66%
NAB	513,719.15	2.80%	0.67%
ME Bank	2,000,000.00	2.65%	2.62%

Bendigo Bank	1,000,000.00	2.65%	1.31%
AMP	1,000,000.00	2.75%	1.31%
AMP	1,000,000.00	2.75%	1.31%
Sub Total	65,319,140.27		
High Interest At Call Savings Account	11,022,417.70		14.44%
Total	76,341,557.97		

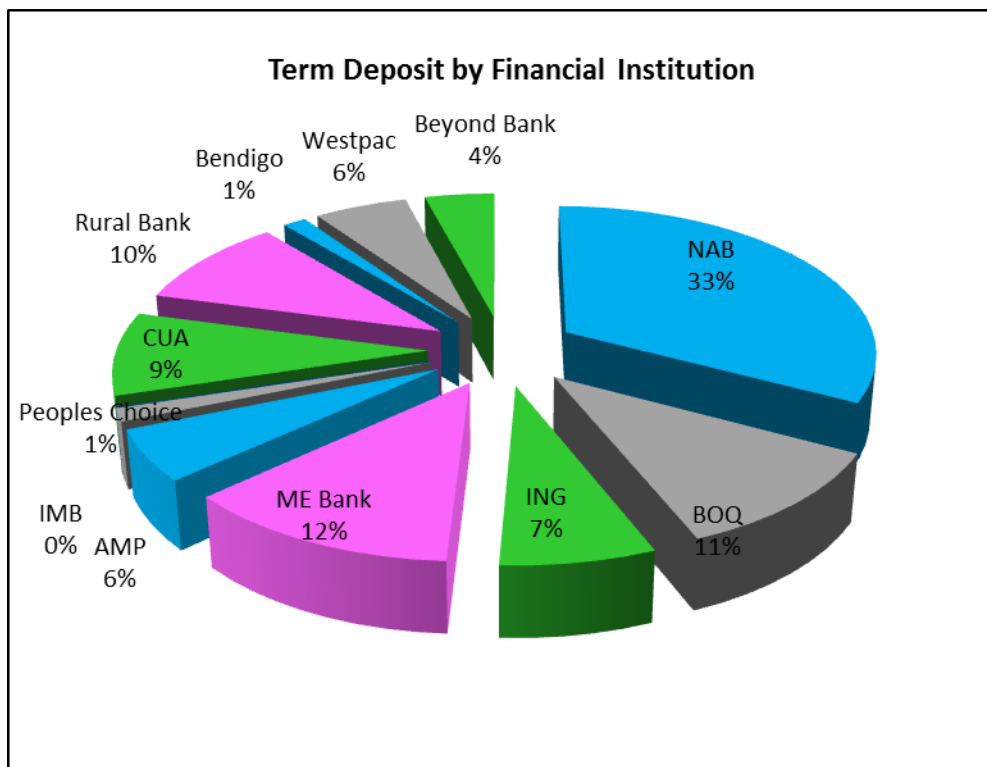
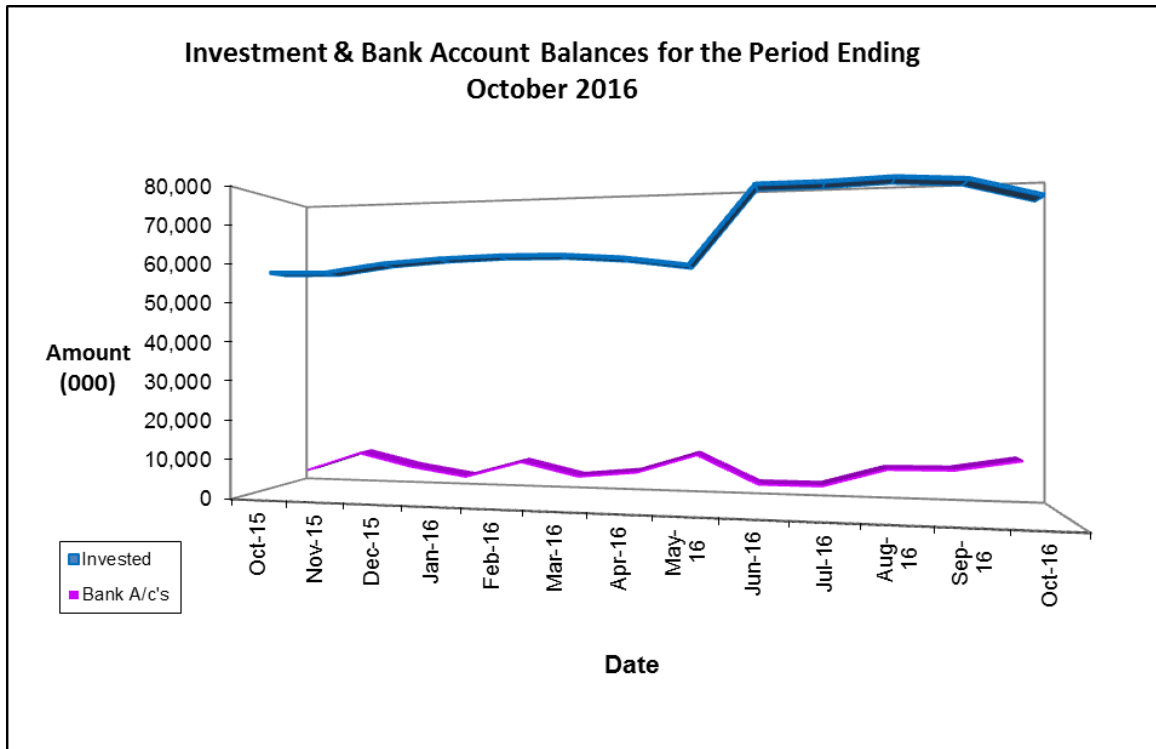
Redemptions to the NAB General and Business A/c's	- 7,200,000.00	
Funds Transferred from the NAB General and Business A/c's	3,000,000.00	
Increased principal due to roll over of funds	14,878.10	
Closing Balance at the end of the Period	72,156,436.07	



The following are the details of Council's investments as at the end of the period

Institution	Investment at Market Value	Interest Rate %	% of Portfolio
Term Deposits			
ING	2,000,000.00	3.00%	2.77%
Bank of Queensland	2,000,000.00	2.80%	2.77%
Rural Bank	1,000,000.00	2.90%	1.39%
Rural Bank	1,000,000.00	2.75%	1.39%
ING	1,500,000.00	2.83%	2.08%
ME Bank	1,000,000.00	2.85%	1.39%
Credit Union Australia	2,000,000.00	2.95%	2.77%
Peoples Choice Credit Union	1,000,000.00	2.89%	1.39%
NAB	5,000,000.00	2.99%	6.93%
Credit Union Australia	2,000,000.00	2.90%	2.77%
ING	1,000,000.00	2.81%	1.39%
Bank of Queensland	2,000,000.00	2.90%	2.77%
NAB	1,034,887.53	2.85%	1.43%
Rural Bank	2,000,000.00	2.60%	2.77%
ME Bank	1,000,000.00	3.00%	1.39%
ME Bank	1,000,000.00	3.05%	1.39%
ME Bank	2,000,000.00	3.05%	2.77%
ME Bank	1,000,000.00	3.05%	1.39%
ING Bank	500,000.00	3.10%	0.69%
Bank of Queensland	1,000,000.00	2.70%	1.39%
Westpac	2,000,000.00	2.63%	2.77%

Rural Bank	2,000,000.00	3.00%	2.77%
Rural Bank	1,000,000.00	3.00%	1.39%
Credit Union Australia	1,000,000.00	3.10%	1.39%
Credit Union Australia	1,500,000.00	3.10%	2.08%
Westpac	2,000,000.00	2.63%	2.77%
ME Bank	1,000,000.00	3.07%	1.39%
Bank of Queensland	1,000,000.00	2.65%	1.39%
Beyond Bank	2,000,000.00	2.75%	2.77%
Bank of Queensland	2,000,000.00	2.70%	2.77%
NAB	7,565,824.00	2.64%	10.49%
AMP	2,000,000.00	3.00%	2.77%
NAB	504,709.59	2.80%	0.70%
NAB	513,719.15	2.80%	0.71%
ME Bank	2,000,000.00	2.65%	2.77%
Beyond Bank	1,000,000.00	2.75%	1.39%
Bendigo Bank	1,000,000.00	2.65%	1.39%
AMP	1,000,000.00	2.75%	1.39%
AMP	1,000,000.00	2.75%	1.39%
Sub Total	63,119,140.27		
High Interest At Call Savings Account	9,037,295.80		12.52%
Total	72,156,436.07		



Community Engagement and Internal Consultation

This monthly report provides the community with a snapshot of Council's cash and investment particulars for the period 1 October 2016 to 31 October 2016.

Financial Implications:

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

Good Governance

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

- Council Investment Policy POL152.

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

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

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

Integrated Planning and Reporting Issues:

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

Sustainability Assessment

Council's financial position is a key component in its economic sustainability in the future.

Item:	7.2.2	Ref: AINT/2016/09932
Title:	Adopt Draft Financial Statements for Former Armidale Dumaresq and Guyra Shire Council	Container: ARC16/0347
Author:	Chief Finance and Information Officer	
Attachments:	1. Armidale Dumaresq Council statements 2015-16 2. Guyra Shire Council Financial Statements 2015-16	

RECOMMENDATION:

- a) **The Draft Financial Statements for the former Armidale Dumaresq Council be adopted under section 413 (2) c of the *Local Government Act 1993*.**
- b) **The Draft Financial Statements for the former Guyra Shire Council be adopted under section 413 (2) c of the *Local Government Act 1993*.**
- c) **Both sets of accounts are referred to the External Auditor for Audit.**

Introduction:

Section 416 (1) of the *Local Government Act 1993* requires that a Council's financial reports for a year must be prepared and audited within the period of four months after the end of that year. The Responsible Accounting Officer is required to prepare a set of statements in the approved form in accordance with the Australian Accounting Standards, *Local Government Act 1993*, *Local Government Financial Regulations 2007*, and Local Government Code of Accounting Practice.

The Code of Accounting Practice 24a made a provision for councils merged on the 12 May 2016 to have the statutory reporting period extended to the 31 December 2016.

Report:

The former Armidale Dumaresq Council was amalgamated on 12 May 2016 with the former Guyra Shire Council to form the new Armidale Regional Council. In accordance with the Australian Accounting Standards, Council has recognised 100% of the rates revenue for the 2015/16 rating year as control over rates revenue is obtained at the commencement of the rating year or, where earlier, upon receipt of the rates.

Council has also recognised 100% of the Federal Financial Assistance Grants (FAGs) revenue as grants are recognised upon receipt or upon earlier notification that the grant has been secured. As a consequence these financial statements include all the rates and FAGs revenue for the period from 1 July 2015 to 30 June 2016 but expenditure obligations are recognised only for the period 1 July 2015 to 12 May 2016. Expenditure obligations for the period from 13 May 2016 to 30 June 2016 will be included in the financial statements of the new Armidale Regional Council.

A provision for the impairment on rates receivables has not been established as unpaid rates represent a charge against the rateable property that will be recovered when the property is next sold.

Control over granted/contributed assets is normally obtained upon their receipt (or acquittal) or upon earlier notification that a grant has been secured, and is valued at their fair value at the date of transfer.

Revenue from contributions is recognised when the Council either obtains control of the contribution or the right to receive it:

- (i) it is probable that the economic benefits comprising the contribution will flow to the Council and;
- (ii) the amount of the contribution can be measured reliably.

Where grants or contributions recognised as revenues during the financial year were obtained on condition that they be expended in a particular manner or used over a particular period and those conditions were undischarged at balance date, the unused grant or contribution is disclosed in Note 3 (g).

Because of the above, the indicators for both former councils for the year ended 12 May 2016 are not consistent with prior periods.

Council is required under section 413 (2) c of the *Local Government Act 1993*, to resolve that:

The attached Annual Financial Statements have been drawn up in accordance with:

- The *Local Government Act 1993* (as amended) and the Regulations.
- The Australian Accounting Standards and professional pronouncements.
- The Local Government Code of Accounting Practice and Financial Reporting.
- The Local Government Asset Accounting Manual.

To the best of Council's knowledge and belief, these reports:

- Present fairly the Council's financial position and operating result for the year, and
- Accord with Council's accounting and other records

And sign the two declarations for the:

- a) General Purpose Financial Reports and
- b) Special Purpose Financial Reports.

Once these declarations are made, the completed set of financial statements will be formally referred to Council's Auditor. After the completion of an external audit the statements will be placed on public display for comment. Council's Auditor will present an audit report to Council with an Audit opinion after the advertising period taking into account any submissions from the public.

Community Engagement and Internal Consultation

The financial reports will be placed on public exhibition with the audit report.

Financial Implications

Both reports will be combined and presented as the opening balance in Armidale Regional Council.

Good Governance

Will be sent to Internal Audit and improvement committee for detailed review.

Integrated Planning and Reporting Framework

The financial Statements form part of the annual report.

Sustainability Assessment

Financial Sustainability issues identified will need to be addressed in the Long Term Financial Plan (LTFP).

Item:	7.2.3	Ref: AINT/2016/09455
Title:	Proposed Meeting Dates for February - June 2017 ARC16/0001	Container:
Author:	Chief Finance and Information Officer	
Attachments:	Nil	

RECOMMENDATION:

That Council adopt the following schedule for Ordinary Meetings to be held on the following dates commencing at 9am, at the locations listed below:

- 8 February 2017 (Tingha Town Hall, 23 Ruby Street, Tingha)**
- 1 March 2017 (Guyra office Council Chamber, 158 Bradley St, Guyra)**
- 22 March 2017 (Armidale office Council Chamber, 135 Rusden Street, Armidale)**
- 12 April 2017 (Armidale office Council Chamber, 135 Rusden Street, Armidale)**
- 3 May 2017 (Guyra office Council Chamber, 158 Bradley St, Guyra)**
- 24 May 2017 (Armidale office Council Chamber, 135 Rusden Street, Armidale)**
- 14 June 2017 (Armidale office Council Chamber, 135 Rusden Street, Armidale).**

Introduction:

Listed above are the proposed Armidale Regional Council meeting dates for the February to June 2017.

Report:

Within the recommendation above are the proposed dates. Council is required, under the Act, to meet at least ten times per year, each time in a different month.

Community Engagement and Internal Consultation

Section 9 of the *Local Government Act 1993* requires Council to give notice of the times and venue for its meetings. A single advertisement of the dates for meetings satisfies the requirement for Council's regular Ordinary Meetings. The frequency of the meetings along with the adoption of the Public Forum and Deputations of Community Groups segments provides the community with an increased opportunity to engage with Council and raise issues and initiatives for consideration.

Financial Implications

Meetings are currently budgeted.

Good Governance

Armidale Regional Council's Code of Meeting Practice applies to the conduct of the meetings. No risk management issues are considered in this report. The schedule complies with the *Local Government Act 1993*.

Integrated Planning and Reporting Framework

Council meetings facilitate the delivery of initiatives as identified in Council's Integrated Planning and Reporting plans.

Sustainability Assessment

Economic, environmental and social issues, outcomes and considerations arising from Council meetings are extensive and varied.

Item:	7.2.4	Ref: AINT/2016/09979
Title:	IPART Rate Peg 2017/2018	Container: ARC16/0441
Author:	Chief Finance and Information Officer	
Attachments:	Nil	

RECOMMENDATION:

That Council notes the Rate Peg determination of 1.5% for the 2017/2018 budget year.

Introduction:

IPART has released the Rate Peg limit for NSW Local Councils to be capped at 1.5%. The method by which IPART calculates the rate peg limit is based on the Local Government Cost Index that was introduced in 2010. The change in the index from September to September less a productivity factor determines the rate peg.

The calculated rate peg for 2017/2018 was calculated to be 1.47% rounded to 1.5%.

Report:

The rate peg methodology continues to be a significant constraining factor in how councils operate. The calculations are based on net cost movements but this does not equate to or reflect the real costs of operating that councils are confronted with or demand for services. The basket of costs in determining the index is reasonable. The makeup of each cost item is unique to each council and the index, which is based on NSW wide costs, does not always match the real operating cost.

Many of the services that the Council provide are labour intensive such as libraries, community centres, administration and regulatory compliance, yet this cost has been discounted in the IPART index by the reduction in the cost of fuel that is not used in these service.

Other costs such as Information Technology, Leasing and Electricity have been deemed to have decreased in the sector in the past twelve months. While there has been reforms to drive these costs down these expenses are all under contracts for 3-4 years. Therefore costs are fixed for the period of the contract.

While unit costs of Information technology has come down in the past five years the demand for technology solutions to drive productivity has increased so the scope has increased. The largest part of Information Systems is communications and repairs. Communications are contracted and repairs have a large labour component so the cost of this service is not reflected in the index. Once the fixed costs for Armidale Regional Council are taken into account the LGCI would be 10 points higher to 1.6%. The following table is extracted from the IPART cost index analysis. The highlighted changes are not representative of the costs in Armidale Regional Council.

Operating cost items	Effective weight as at end Sep 2015 (%)	Price change to end-Sep 2016 (% annual average)	Contribution to index change (percentage points)
Employee benefits and on-costs	41.3	2.3	0.94
Plant & equipment leasing	0.3	-2.7	-0.01
Operating contracts	1	1.7	0.02

Legal & accounting services	0.8	1.3	0.01
Office & building cleaning services	0.3	1	0
Other business services	5.9	1.9	0.11
Insurance	1.6	6.6	0.1
Telecommunications, telephone & internet services	0.6	-7.1	-0.04
Printing publishing & advertising	0.6	-3.3	-0.02
Motor vehicle parts	0.3	1.2	0
Motor vehicle repairs & servicing	0.6	3	0.02
Automotive fuel	0.8	-10.5	-0.08
Electricity	2.7	-0.9	-0.02
Gas	0.1	-10.4	-0.01
Water & Sewerage	0.4	-0.9	0
Road, footpath, kerbing, bridge & drain building materials	2.5	0.6	0.02
Other building & construction materials	0.5	2.7	0.01
Office supplies	0.2	-0.4	0
Emergency services levies	1.4	3.3	0.05
Other expenses	8.9	1.5	0.13
Capital cost items			
Buildings – non-dwelling	3.9	2.7	0.11
Construction works – road, drains, footpaths, kerbing, bridges	19.5	0.6	0.13
Construction works – other	2	0.6	0.01
Plant & equipment – machinery, etc	3.5	0.2	0.01
Plant & equipment – furniture, etc	0.1	2.1	0
Information technology & software	0.5	-3.7	-0.02
Total change in LGCI	100		1.47

Below is an example using IPART's assessment above and Armidale Regional Council's current employment costs. The IPART review recognises an increase in employment costs of 2.3%. The 2017 adopted award increase is 2.5%. The IPART calculations assume employment costs represent approximately 40% of total expenditure. In rural areas such as Armidale Regional Council, this percentage is well understated. In metropolitan areas, this percentage is overstated. IPART is basing many of its assumptions on the metropolitan areas.

While Council welcomes a structured and transparent calculation methodology it does not match the real cost services as it assumes no change in the underlying service from each year. To accommodate this, Special Rate Variations (SRV's) are available to councils however the cost of applying for a SRV to match community demands is generally equal to the first year's additional income received. A SRV means the council has to be accountable to the community for the rates it charges however the large amount of red tape that has to be navigated means that many do not consider rate variation until it is critical. At this point there is a need for double digit increases. Amalgamated councils such as Armidale Regional Council are limited from applying for a special variation for four years.

For the 2017/2018 financial year the additional rates to be collected from a 1.5% rate peg will be \$249,000. As Council currently needs to spend an additional \$3 million in maintenance the rate peg locks councils into the current operating situation. With the need to achieve financial and asset sustainability in the next five years post merger, service cuts will need to be considered in conjunction with other strategic plan actions.

Community Engagement and Internal Consultation

The community will need to be consulted on service levels and affordability.

Financial Implications

The financial implication is that the LGCI is based on increases of the existing service level base. As Armidale Regional Council has identified the need to increase asset maintenance and additional services that the community requires, the amount to be collected from the rate peg of \$249,000 will not be adequate. As part of the Long Term Financial Plan (LTFP) Council will need to narrow its scope of services to achieve the goal of financial sustainability in five years.

Good Governance

Council needs change and adapt to achieve the minimum set of financial and asset benchmarks.

Integrated Planning and Reporting Framework

Consideration will be made in the LTFP and resourcing strategy.

Sustainability Assessment

The rate increase has a negative impact on the objective of achieving corporate sustainability.

Item:	7.2.5	Ref: AINT/2016/07397
Title:	Conduct of Local Government Elections in September 2017 and Popular Election of Mayor	Container: ARC16/1089
Author:	Governance Officer	
Attachments:	Nil	

RECOMMENDATION:

- a) That the information report be noted; and
- b) That a further report be submitted to Council in March 2017 seeking a decision on the conduct of the September 2017 election and whether to hold a constitutional referendum on the popular election of mayor in the 2020 election.

Introduction:

The report has been prepared in response to a request from the Armidale Regional Ratepayers Association to the Administrator asking him to give consideration to the holding of a referendum to determine if the community wants to have a popularly elected mayor.

The consideration of the request also presents an opportunity to raise the issue of the provision of the election service for the 2017 Local Government elections.

Report:

1. Election of popularly elected Mayor

A constitutional referendum could be held in conjunction with the council elections on 9 September 2017 to determine if the community wants to have a popularly elected mayor.

The YES case:

- Popular election of the Mayor excludes internal politics;
- A popularly elected Mayor can lead Council with considerable independence;
- A popularly elected Mayor is elected by the people and as such is seen as the community's elected leader;
- Popular election of the Mayor enables the residents an opportunity to consider the candidates' policies and vote accordingly thus providing the Mayor with an election mandate;
- The possibility of the Mayor being elected "out of the hat" is avoided in the event that two or more Councillors receive equal votes.

The NO case:

- The elected Council should not have a leader imposed upon them with whom they may not be able to work cooperatively or constructively;
- A change in leadership cannot occur during the term unless the Mayor resigns or dies and then a by-election is required;
- Councillors are closet to their fellow Councillors and therefore have a greater appreciation of their capabilities and credentials to fulfil the role of Mayor;
- Having a popularly elected Mayor increases the administrative costs of elections and by-elections; and
- A further Constitutional Referendum would be required if Council wished to return to the current system of election of Mayor.

2. Conduct of the NSW Local Government Elections 2017

Section 296 of the *Local Government Elections Act* was changed on 27 June 2011 giving Councils the opportunity to conduct their own elections if they wished. Since that time the vast majority of Councils have decided to continue to use the expertise and experience of the NSW Electoral Commission (NSWEC).

In September 2016 the NSWEC was responsible for conducting 76 Councillor elections, 17 elections for directly elected Mayor and 6 Referendums. Councils administering their own elections totalled 5, being Fairfield, Gunnedah, Kempsey, Lake Macquarie and Penrith. In 2012 two councils appointed their own independent local returning officer to conduct the election, 12 councils appointed a private contractor and 136 councils contracted the NSWEC.

Community Engagement and Internal Consultation

The Armidale Regional Ratepayers Association Inc at its General Meeting held on 10 October 2016 resolved to write *“to the Minister for Local Government requesting an extension of the Administration period as we feel that the reforms towards growth in this region being initiated now will not have time to have a proper effect before September 2017, the date of the next elections. We believe that Armidale presents a special case having suffered a long time of stagnation with minimal growth.*

Should the Minister refuse our request then we would like to ask that a referendum for a popularly elected Mayor be included at the next Council election. We have now seen this reform in operation at the last election and believe it might be beneficial for this area.”

The Local Government (Council Amalgamations) Proclamation 2016 states that the first election of the councillors of the new Armidale Regional Council will be held on 9 September 2017. The number of councillors to be elected to the new council at its first election is eleven (11) and the Mayor of the new council is to be elected by councillors.

The Local Government Amendment (Governance and Planning) Bill 2016 amended Section 230 (1) of the NSW Local Government Act 1993 to read, *“A mayor elected by the councillors holds the office of mayor for 2 years, subject to this Act.”*

A mayor elected by the electors holds the office of mayor for 4 years, subject to this Act, Section 230 (2).

In view of the Ratepayers Association request, the Administrator would need to liaise with the Local Government Minister as to what are his powers and if he has the ability to conduct a poll of electors.

Financial Implications

The cost of the election and referendum would be provided for in the 2017/18 Operational Plan. Decisions by councils to administer their own elections have been based on cost savings, with Gunnedah Shire Council reporting that they have saved an average of \$30,000 each time, primarily in wages and salaries and that the local physical count compared to the NSWEC regionalised computerised vote counting system produced a quicker result.

Good Governance

The conduct of the election for the new council in September 2017 is governed by the *NSW Local Government Act 1993*, Merger Proclamation May 2016 and the Local Government Elections Act.

Integrated Planning and Reporting Framework

The conduct of the election in 2017 will be included as a project in the Operational Plan 2017/18.

Sustainability Assessment

The holding of a constitutional referendum in September 2017 on who should be mayor would bring the decision forward by three years. Under the current timetable, the mayor would be chosen by councillors voted in at next September's election.

If this schedule remains, a referendum on whether our community want a popularly elected mayor could be included in the 2020 election, with the vote for the first Armidale Regional Council popularly elected mayor to be conducted in 2024.

Item: 7.2.6 **Ref:** AINT/2016/09934
Title: Development of a Model Code of Meeting Practice for NSW Councils
Container: ARC16/0620
Author: Senior Governance Officer
Attachments: Nil

RECOMMENDATION:

That Council make a submission on the development of the model meeting code, noting that the closing date for submissions is 20 January 2017.

Introduction:

The recent amendments to the *NSW Local Government Act 1993* provide for a model code of meeting practice to be prescribed by regulation. The Office of Local Government (OLG) has advised that the process of developing the model code has now commenced.

Report:

The NSW Parliament has passed amendments to the *NSW Local Government Act 1993* known as the Phase One reforms, focusing mainly on improving council governance and strategic business planning.

The code will contain both mandatory and non-mandatory provisions. It is anticipated that the mandatory provisions of the model meeting code will incorporate the meeting rules currently prescribed under the *NSW Local Government (General) Regulation 2005*. Council's adopted code of meeting practice may also incorporate the non-mandatory provisions model meeting code and any other provisions. It is anticipated that the non-mandatory provisions of the model meeting code will contain better practice meeting rules.

Community Engagement and Internal Consultation

Council's Code of Meeting Practice was adopted on 23 May 2016 following the merger proclamation and was amended on 15 June 2016 to broaden the Public Participation mechanisms.

The OLG Circular 16-46, 28 November 2016 informed councils of the commencement of the process and inviting councils to make a submission. The OLG is particularly seeking submissions on how the current meeting rules prescribed by the Regulation can be improved, any areas of meeting practice that are not currently prescribed that should be prescribed, and any examples of better practice. Submissions close on 20 January 2017.

Financial Implications

No financial impacts identified.

Good Governance

The legislative reform starts the journey away from process-focused local governance towards principle-focused governance.

Once the model meeting code is finalised, and prescribed by regulation, council will be required to adopt a code of meeting practice that incorporates its mandatory provisions. Council's code of meeting practice must not contain provisions that are inconsistent with the mandatory provisions of the model meeting code.

Integrated Planning and Reporting Framework

The Phase One Bill focuses on achieving the following major policy objectives:

- To embed strategic business planning principles across the broad range of council functions and practices.
- To promote independent and sustainable councils engaged with and accountable to their local communities.
- To support a culture of continuous improvement in councils so they are able to deliver on the strategic goals agreed with their communities.

The amendments to the Act align with the State Government's – Stronger Councils Framework Characteristics of a strong council of strategic capacity and robust community relationships.

Sustainability Assessment

The reforms begin the process of modernising and streamlining the legislative framework for local government in NSW. The Government is committed to an updated legislative framework that will meet the needs of councils and their communities in 2016 and for many years to come.

Item: 7.2.7 **Ref:** AINT/2016/09727
Title: Submissions - Organisational Structure Discussion Paper **Container:**
ARC16/0057
Author: Interim General Manager
Attachments: Nil

RECOMMENDATION:

- a) That the two top management levels (CEO and 2 Group Leaders) outlined in Option 2 of the Blackadder Associates Discussion Paper be endorsed.
- b) That the remaining structure below Level 2 be further considered when the new CEO and Group Leaders are engaged, to enable them in collaboration with the JCC and the Unions to review the final structure before presenting to Council for endorsement.
- c) That level 3 service leaders be not contracted staff.
- d) That those staff who made a submission be thanked for their constructive comments and reassured that the matters raised will be carefully considered when the structure below level 2 is reviewed.

Introduction:

The Administrator presented the discussion paper on the Organisational Review undertaken by consultants Blackadder Associates to the 26 October 2016 Ordinary Meeting. Some 11 recommendations were presented including the following which was adopted:

That based on the information and options presented in the Discussion Paper the consultation with staff and Unions be initiated under Clause 39 of the Staff Award with a view to Option 2 being adopted - 2 Group Leaders and 8 Service Leaders:

GROUP LEADER – ORGANISATION SERVICES (COO) GROUP LEADER – SERVICE DELIVERY

SERVICE LEADERS

SERVICE LEADERS

ORGANISATION SERVICES

SERVICE DELIVERY

**Finance/ CFO
Organisation Development
Governance and Integrated Planning
Community and Economic Development**

**Roads and Parks
Asset Planning and Design
Business Units
Environment, Assessment and
Compliance**

As a consequence of this and other resolutions, staff and the 3 Unions were advised of the decision pursuant to clause 39 of the NSW Local Government Award. Submissions were invited from staff and the Unions and to be received by COB 24 November 2016.

This report provides advice in regard to other matters that have progressed since 26 October and the submissions received.

Report:

At the 26 October 2016 Ordinary Meeting Council considered an Administrator Minute in regard to the review of Council's Organisational Structure undertaken by consultants Blackadder Associates. Council resolved:

a) That council adopt the following recommendations (1-11):

1. Structural Principles

That in adopting a new organisation structure for Armidale Regional Council the Council takes into consideration the following Structural Principles:

- improved service delivery
- improved turnaround/response times to customer requests
- improved internal and external engagement
- appropriate span of control of leaders
- breaking down of silos to improve team work
- improved processes and delivery of cost efficiencies
- financial sustainability
- accountability and responsibility for results
- a focus on strategic outcomes for the community
- career development opportunities for staff.

2. Roles and Responsibilities

That a focus on the critical functions of Strategy, Leadership, Culture and Performance be taken by the top staffing levels within the organisation and to enable that to happen the roles and responsibilities be clearly defined with specific accountabilities and these be captured in a new Executive Performance Management System.

3. Leadership Titles

That to facilitate the new accountabilities of senior staff the titles be changed to:

- Chief Executive Officer (from General Manager)
- Group Leader (from Director)
- Service Leader (from Manager)
- Program Leader (from Supervisor)

4. Organisation Structure

That based on the information and options presented in the Discussion Paper the consultation with staff and Unions be initiated under Clause 39 of the Staff Award with a view to Option 2 being adopted - 2 Group Leaders and 8 Service Leaders:

GROUP LEADER – ORGANISATION SERVICES (COO) GROUP LEADER – SERVICE DELIVERY

SERVICE LEADERS

SERVICE LEADERS

ORGANISATION SERVICES

SERVICE DELIVERY

**Finance/ CFO
Organisation Development
Governance and Integrated Planning
Community and Economic Development**

**Roads and Parks
Asset Planning and Design
Business Units
Environment, Assessment and
Compliance**

5. Senior Staff Appointments

That the Council designate the Group Leader and Service Leader positions that meet Award requirements as “Senior Staff” under Section 332 of the Local Government Act and authorise the Administrator to engage appropriate consultant advice to assist in recruiting to the positions of Group Leaders.

6. Finalising the Structure

That the following process and timelines be followed for finalising the structure:

- **October – immediately following the Council meeting on 26 October to adopt a new organisation structure, formally advise relevant parties including the Joint Consultative Committee, Unions and all staff, of the Council decision to make change.**
- **November – Extraordinary Council Meeting – consider any submissions on structure; adopt structure, and delegation to Administrator to appoint independent recruitment consultant for Group Leader positions.**
- **December – appointment to Chief Executive Officer Position and interviews for Group Leader positions.**
- **December/January – appointment to Group Leader positions.**
- **January/February – advertising and recruitment to third level Service Leader positions**
- **February/March – lateral transfer or internal recruitment to fourth level Program Leader positions.**
- **April/May – assignment of staff to the balance of the organisation structure.**

7. Staff Appointments

That where possible and appropriate, and in accordance with Section 360 of the *Local Government Act 1993*, action be taken to laterally transfer existing staff into roles where they meet Award requirements, or for an internal recruitment process to be undertaken in accordance with Section 348 where there are sufficient staff available to compete for the role, or for staff to be seconded into Project Teams to undertake specific investigations or project work in relation to merger transition projects.

8. Financial Savings

That the Chief Financial Officer monitor all financial consequences of organisation structure decisions and regularly report to the Administrator and CEO on financial savings made and financial projections of all decisions or proposed decisions as part of the Merger Transition Plan.

9. Service Gaps

That areas identified as needing increased focus or resourcing be addressed in finalising the organisation structure, including:

Community Engagement, Customer Service, Governance, Performance Planning and Reporting; Economic Development, Marketing, Communications, Media, including social media, Tourism, and Events.

10. Delegations

That once the organisation structure is finalised, the Chief Executive Officer undertake a review of delegations with the goal of delegating responsibilities to the lowest appropriate level in the structure.

11. Legislative Obligations

That the Council recognise its statutory obligations to staff members and ensure staff numbers at 12 May 2016 (the date of proclamation of the new Armidale Regional Council) are calculated and the requirements associated with those numbers are clearly understood by senior staff and the Administrator.

Immediately following the Council meeting, staff and Unions were advised and submissions invited in regard to the proposed three level senior management and indicative fourth level program stream organisational structure.

A number of staff sought further information on the “indicative” fourth level program stream as they were unclear on how this may affect them. The three Unions who are a party to the NSW Local Government Award also expressed their concerns requesting a meeting to be held on Tuesday 15 November. Participants at this meeting included representatives of the Armidale regional Council Joint Consultative Committee, each of the 3 Unions and management.

This was a very productive meeting resulting in the Acting General Manager in consultation with the Administrator advising the Unions and JCC members -

The matters presented are acknowledged and received. As committed to in our meeting and confirmed by the Administrator, I provide below Council’s proposed time frame and process for the reconsideration of the structure below the second level Group Leaders.

Date	Action
26 November 2016	<ul style="list-style-type: none"> • First round CEO interviews
30 November 2016	<ul style="list-style-type: none"> • Second round interviews (if required) • Extraordinary Meeting of Council to be held for appointment of CEO • Organisation Structure to be presented back to Council endorsing first two management levels only with levels 3, 4 and remaining structure to be deferred for review by CEO and Group Leaders in collaboration with the Joint Consultative Committee and Unions • Public announcement of CEO
6 December 2016	<ul style="list-style-type: none"> • Applications close for Group Leaders
14 & 15 December 2016	<ul style="list-style-type: none"> • Interviews for Group Leaders
23 December 2016	<ul style="list-style-type: none"> • Anticipated announcement of Group Leaders
Mid-late January 2017	<ul style="list-style-type: none"> • Anticipated commencement of CEO
Late January 2017	<ul style="list-style-type: none"> • Anticipated commencement of Group Leaders
Now to late January 2017	<ul style="list-style-type: none"> • ELT in collaboration with JCC and Unions continue to review Workforce Management/Internal Appointment Process Document
Now to late January 2017	<ul style="list-style-type: none"> • ELT in conjunction with CEO (elect) and Group Leaders (elect) and in collaboration with JCC and Unions discuss organisation structure below Group Leaders

Date	Action
<i>Mid to late February 2017</i>	<ul style="list-style-type: none">• <i>Organisation Structure below Group Leaders and Workforce Management/Internal Appointment Process Document finalised and presented to JCC</i>
<i>Late February 2017</i>	<ul style="list-style-type: none">• <i>Organisation Structure below Group Leaders to be agreed to by Unions and JCC and presented to Council for endorsement</i>
<i>Early March 2017</i>	<ul style="list-style-type: none">• <i>Organisation Structure adopted and implementation commences including recruitment of third level</i>

I would warmly welcome your early confirmation that your Union concurs with the above process and my commitment to defer the finalisation of the Organisational Structure post the commencement of the new CEO and collaboration with the Joint Consultative Committee and the three Unions.

The three Unions have promptly replied confirming that they concur with the proposed time frames and commitment from Council that the Organisational Structure below level two will be deferred for review by the new CEO and Group Leaders and through collaboration with the JCC and the Unions that the final structure will be an agreed outcome and then presented to Council for endorsement.

Submissions:

Some 15 submissions have been received with one third raising issues around the “apparent” top heaviness of the structure with the first three management levels proposed to be designated “Senior Staff” and all on Contract triggering a remuneration package not less than SES Level 1.

Other submissions referred to specific areas and where they sit in the “indicative” fourth level or seeking further clarification where individual programs, services or activities fit.

In particular concern was raised with the combination of Community Services with Economic Development. This was also raised at the Leadership Forum III. Further consideration will need to be undertaken as Community Services may best be located under the Service Delivery arm.

In light of the commitment from Council to defer the structure below the first two levels, it is proposed that the submissions received be carefully considered during these deliberations.

Community Engagement and Internal Consultation

Staff and the Unions were advised of Council’s resolution and submissions were invited from 26 October through to 24 November.

Financial Implications

The discussion paper clearly identifies the areas where potential savings are likely. The report also clearly identifies that these saving may need to be invested back into the areas identified for improved resourcing or services.

Good Governance

Establishing a new Organisational Structure will provide the impetus to take the new Armidale Regional Council forward. In light of the representations received from staff and the Unions, deferring the structure below the first two levels until after the new CEO and Group Leaders are engaged and in collaboration the staff and unions an improved outcome is expected.

Integrated Planning and Reporting Framework

The development of an operationally efficient and effective Organisational Structure is addressed through the "Our Governance" principles outlined in the Community Strategic plan.

Sustainability Assessment

The Structure will need to be set yet flexible to ensure that Council is able to adapt as the new Council proceeds to ensure that it is reflective of the needs of the community and Council's ability to deliver services in a sustainable manner.

Item: 7.2.8 **Ref:** AINT/2016/09387
Title: Temporary Suspension of Alcohol Free Zones for Events **Container:**
ARC16/1143
Author: Project Officer
Attachments: Nil

RECOMMENDATION:

- a) That Council endorse the action of the Administrator to suspend the operation of the Alcohol Prohibition Area over the Armidale Central Mall on Thursday 1st December 2016 4:30pm – 10pm for Christmas in the Mall.
- b) That Council suspend the operation of the Alcohol Prohibited Area over Civic Park, Curtis Park and the Central Mall as follows:
- Markets in the Mall – Sunday 11th December 2016, Sunday 29th January 2017 10am – 3pm Armidale East & Central Mall
 - Australia Day – Thursday 26th January 11am – 10pm – Civic & Curtis Park
 - Autumn Festival – Friday 17th March 2017 – 5pm – 10pm & Saturday 18th March 2017 10am – 10pm Civic & Curtis Park.
- c) Subject to the consideration of any additional recommendations from the Police, that during the periods of suspension and within both the Alcohol Prohibited Area and the Alcohol Free Zones the following shall apply:
- Glass is not permitted where alcohol is served and may be consumed within the suspended areas.
 - The lifting of the prohibition does not preclude Council or the Police from taking any action considered necessary under the provisions of all relevant legislation.
 - Any necessary Liquor licences through the Office of Liquor, Gaming and Racing must be obtained prior to the period's identified events.
- d) At the completion of the function the prohibition to consume alcohol will return.

Introduction:

On Thursday 3 November 2016 a meeting was held with the representatives from Local for Locals, private business operators, PCYC Markets in the Mall and Council's Event Coordinator to discuss opportunities, issues and improvements for Mall traders and potential market stall holders during the busy Christmas trading period.

During the meeting the request was put forward that permission be granted to allow local artisan alcohol producers to be allowed to have a stall within the PCYC Markets in the Mall run events.

Report:

Suspension of Alcohol Free Zones and Alcohol Prohibited Areas

Council's event coordinator in discussions with the business sector, has requested to vary the Alcohol Free Zone and Alcohol Prohibited Areas along Beardy Street (Central Mall areas) and in Civic and Curtis Parks on the following dates and periods to coincide with the four events:

- Christmas in the Mall – Thursday 1st December 2016 4:30pm – 10pm Armidale Central Mall
- Markets in the Mall – Sunday 11th December 2016, 29th January 2017 10am – 3pm Armidale East Mall, Central Mall & West Mall

- Australia Day – Thursday 26th January 11am – 10pm – Civic & Curtis Park
- Autumn Festival – Friday 17th March 2017 – 5pm – 10pm & Saturday 18th March 2017 10am – 10pm Civic & Curtis Park

There are two separate Parts of the Local Government Act which relate to Alcohol Prohibited Areas (Part 2 Public Places) and Alcohol Free Zones (Part 4 Street Drinking).

Alcohol Prohibited Areas cover Public Places other than a road such as Reserves and Parks. Within the Armidale Dumaresq LGA it is assumed that the existing Alcohol Prohibited Areas were originally established under Section 632 of the Act and with the introduction of the Local Government Amendment (Confiscation of Alcohol) Act 2010, any existing Alcohol Prohibited Area carried over under a new Section 632A of the Act which amongst other things requires new areas to meet the following:

- (6) An alcohol prohibited area operates, in accordance with the terms of the declaration establishing the area, during such times or events as are specified in the declaration.*
- (7) An alcohol prohibited area operates only so long as there are erected at the outer limits of the area, and at suitable intervals within the area, conspicuous signs:
(a) stating that the drinking of alcohol is prohibited in the area, and
(b) specifying the times or events, as specified in the declaration by which the area was established, during which it is to operate.*
- (8) An alcohol prohibited area cannot be established without the approval of the Local Area Commander of Police for the area in which the proposed alcohol prohibited area is situated.*
- (9) If a council is required by the guidelines in force under section 646 to provide the Anti-Discrimination Board with a copy of the council's proposal to establish an alcohol-free zone, the council cannot establish an alcohol prohibited area unless the council has complied with the consultation requirements set out in those guidelines.*
- (10) For the purposes of subsection (9), the guidelines in force under section 646 apply, with such modifications as are necessary, in relation to a proposed alcohol prohibited area in the same way as they apply in relation to a proposed alcohol-free zone.*

There are no clear directions within the Act or Regulations relating to the suspension or cancellation of an Alcohol Prohibited Area. As a consequence guidance is being taken from section 645 of the Act (below), being the provisions for the suspension or cancellation of an Alcohol Free Zone and also the Ministerial Guidelines established pursuant to section 646 of the Act as referred to above, have also been used.

The Ministerial Guidelines emphasise consultation with the Local Police before and after a decision has been made to cancel or suspend an Alcohol Free Zone.

645 Suspension or cancellation

- (1) The council may, at the request of any person or body or of its own motion, suspend the operation of an alcohol-free zone by publishing notice of the suspension in a newspaper circulating in the area as a whole or in a part of the area that includes the zone concerned.*
- (2) During the period indicated in such a notice as the period of suspension, the zone does not operate as an alcohol-free zone.*
- (3) In like manner the council may at any time cancel the operation of an alcohol-free zone.*

For the requested suspension period to have effect, a Public Notice must be published indicating the area and period of suspension.

Whilst the suspension does not enable anyone to set up and sell alcohol as this is governed through the Office of Liquor, Gaming and Racing and the liquor licensing process, it does enable the consumption of alcohol in the identified area and within the specified times in the Alcohol Free Zone area.

Community Engagement and Internal Consultation

The Police have been advised of the request seeking comment and Council's Community Safety Committee have been notified via a *Flying Minute* and the matter will be listed on the Committee agenda for their 13 December 2016 meeting for formal endorsement. Advice will be provided at the Council meeting of the response to the *Flying Minute*.

Financial Implications

Nil

Good Governance

To allow the suspension of the Alcohol Free Zone for these events will allow local producers to set up and sell their produce while the Council is being transparent to the community in why this should be allowed.

Social Implications:

The suspension of the Alcohol Free Zone will need to be monitored as this may result in some antisocial behaviour regarding individuals consuming alcohol in the public areas during the period of suspension; However in the previous years events the suspension of the Alcohol Free Zone did not attract nor see any antisocial behaviour.

Integrated Planning and Reporting Framework

This proposal touches a number of Strategies in the Community Strategic Plan.

Our People – Supporting initiatives and requests from its community;

Our Governance – providing efficient and effective government to support industry and administration;

Our Infrastructure – Improving access to and use of the Mall and other public areas;

Sustainability Assessment

The guidelines in the relevant policies will ensure that all environmental considerations will apply.

Item:	7.2.9	Ref: AINT/2016/09680
Title:	Sustainable Choice Membership	Container: ARC16/0313
Author:	Chief Finance and Information Officer	
Attachments:	1. Sustainable Choice Procurement paper	

RECOMMENDATION:

That Council agrees to join Sustainable Choice, a partnership program between Local Government NSW and the NSW Office of Environment and Heritage with the intention of making progressive and advantageous decisions in future in relation to Sustainable Choice and improved Sustainable Procurement.

Introduction:

As Sustainable Choice is becoming more prominent along with Council's obligation under the *Local Government Act 1993* to consider the Ecological Sustainable Development, it would be advantageous for Armidale Regional Council to join Sustainable Choice. This is a partnership program between Local Government NSW and the NSW Office of Environment and Heritage which has over 50% of NSW Councils already participating in their program.

Report:

The Sustainable Choice program assists Councils to meet their legal requirement in the area of purchasing decisions to ensure the community assets and maintenance utilises sustainable products and services to carry out general business.

This program started in 2006 encouraging Councils to buy recycled products and move towards sustainable procurement in all areas of Council. Over half NSW Council have joined over the last 10 years and many great improvements have been achieved, such as 100 percent recycled drainage pipes, bio-diesel in Council's fleet and solar street lighting. Armidale Regional Council would benefit from investigating and reporting on these types of purchases in future. This would be a project with social and environmental benefits.

Purchasing products or services that reduces the impact on the environment and waste going to landfill has long term value to society and for the greater good as opposed to purchases based on best price. Local Government has over an \$8 billion spend, so to purchase recycled, non-toxic, locally made products, can also reduce spend, improve efficiency, support the community and assist meeting environmental standards.

Council should consider Sustainability of their purchase as part of a revised Procurement Policy, in tenders and general purchasing, including economic, social, environmental and governance as the four pillars of their procurement planning.

Sustainable Choice membership is free to join, after seeking approval via Council Resolution. The program will provide assistance to Council via website, online supplier database and workshops.

Community Engagement and Internal Consultation

Community engagement may be done via our website and publications of our success in this area should be available to the wider community. Internal consultation will be done via policy updates, training and education internally. Sustainable Choice are also available for in house training.

The Sustainable Choice program will also be referred to the Environmental Sustainability Advisory Committee for consideration and inclusion in Council's Sustainability Strategy.

Financial Implications

Financial implications may be that Council reduces costs by buying products that last long term rather than throw away items, or solar powered street lights, which may reduce long term costs. Council may spend more initially to get value for money over the life of goods. Council may buy more expensive items such as recycled paper, but will be participating in social and environmental sustainable procurement.

Good Governance

Participating in Sustainable Procurement shows Council's dedication to the wider community to reduce our environmental footprint and hopefully reduce costs.

Integrated Planning and Reporting Framework

Delivery Program 2015-2019:

- Strategic Objective – Ensure efficiency and innovation in all practices undertaken by Council. Strategy 1 – Strive for productivity improvement and efficiencies
- Action – Encourage continuous improvement of Council's operations

Sustainability Assessment

Joining Sustainable Choice shows Council's ongoing commitment to improving our procurement process to have a positive impact on social, environmental, governance and economic sustainability issues.

Item: 7.2.10 **Ref:** AINT/2016/10030
Title: Appointment to APVMA Relocation Advisory Committee **Container:**
ARC16/1338
Author: Senior Governance Officer
Attachments: Nil

RECOMMENDATION:

- a) **That Council accept the invitation to be a member of the Advisory Committee; and**
- b) **That the Project Manager EDTM, Tony Broomfield, be nominated as Council's representative on the Advisory Committee.**

Introduction:

The Australian Pesticides and Veterinary Medicines Authority (APVMA) is establishing a APVMA Relocation Advisory Committee (ARAC) and has invited Council to be represented on the Committee.

Report:

The Federal Government has committed to relocating the Australian Pesticides and Veterinary Medicines Authority (APVMA) to Armidale as part of developing a Centre of Agricultural Excellence at the University of New England. There is an expectation that the APVMA will be in Armidale from the beginning of 2019.

Community Engagement and Internal Consultation

The APVMA is looking to work with affected industry and community stakeholders during the relocation process. The advisory committee will provide strategic advice on major aspects of the relocation and the transition from Canberra to Armidale.

Financial Implications

The APVMA will meet reasonable travel costs for attending ARAC meetings. Teleconference and video conference facilities will be available should committee members not be able to travel to Canberra.

Good Governance

A Terms of Reference has been developed. A review of the Terms of Reference and the performance of the committee are to be undertaken by the end of 2017.

Integrated Planning and Reporting Framework

The former Armidale Dumaresq Council's Community Strategic Plan 2013-2028 identified key objectives to have a strong and resilient local economy and to enhance employment opportunities.

Sustainability Assessment

Relocating the nation's pesticide regulator will create over 800 new jobs for the region and the relocation is estimated to provide a \$200 million boost to the economy.

The Ernst and Young cost-benefit analysis report identified job creation and diversification of the economy as likely benefits to the Armidale community. There are job creation expectations of 53 direct and indirect jobs next year, 404 jobs in 2018 and 350 jobs in 2019. Armidale will make a 4% total employment gain in the second year alone, while the ACT will only lose 0.2%.

The retail sector can expect about 30 new jobs in 2018 and again in 2019. Accommodation and food services will also make significant gains, of about 20 jobs per year, in the second and third years.

Co-location to the University of New England, proximity to other agricultural researchers, reduced property costs and the NBN were identified as key benefits to the move. The housing market is predicted to make the biggest gains outside employment and construction industries directly related to the APVMA and an \$8million boost to real estate services is forecast in 2018 and almost \$7million in 2019.

While the scope of the analysis was only three years, the Armidale region will reap the benefits into the future.

Item:	7.3.1	Ref: AINT/2016/08793
Title:	Northern Inland Regional Waste Collective Tender for Processing Greenwaste	Container: A12/5667
Author:	Director Regional Services	
Attachments:	Nil	

RECOMMENDATION:

- (a) That in relation to the Northern Inland Regional Waste Collective Green Waste Processing Contract, Council accept the tender received from Davies Earthmoving & Quarrying Pty Ltd; and**
- (b) That Council authorise the Acting Interim General Manager to execute a contract with Davies Earthmoving & Quarrying Pty Ltd.**

Introduction:

The purpose of this report is to consider tenders for the Green Waste Processing Contract at Council's Waste Management Facility (WMF) consequent to a collective tendering process coordinated by Northern Inland Regional Waste (NIRW) on behalf of 12 participating member Councils.

Report:

On 7 June 2016 Local Government Procurement (LGP) on behalf of NIRW issued an Open Tender for a two (2) year contract containing a 1 year extension option for Processing Green Waste including at the Armidale Waste Transfer Station. NIRW met the costs of LGP on behalf of the member councils. Following consideration of the tenders each council may choose to engage the recommended tenderer for the provision of the services.

There were five (5) tenders submitted in response to the invitation to tender. Tenders closed on the 5 July 2016. The tenders were evaluated by the NIRW Evaluation Panel at its meeting on the 19 August 2016. All tenders were deemed to be conforming and each tenderer demonstrated extensive expertise in Green Waste Processing.

A value assessment was undertaken for each tender using the tendered rate for Class 1 (90% particles <60mm) Mulch. Regen (NSW) Pty Ltd of North Richmond have been the contracted service provider for NIRW green waste processing previously with no issues of concern arising during this period, however the company did not retender on this occasion.

Discussions have taken place with the recommended tenderer following the creation of the Armidale Regional Council in relation to including two sites in the former Guyra Shire, being Guyra Transfer Station and Tingha landfill. The tenderer is prepared to include both sites within the proposed contract.

Conclusion

Based on the tender assessment and subsequent reference checks, Waste Services endorses that Davies Earthmoving & Quarrying Pty Ltd be adopted as the preferred supplier for the provision of green waste mulching services. The company has provided mulching services in other part of NSW and to other Regional Waste groups in an acceptable manner for a number of years.

Davies Earthmoving & Quarrying Pty Ltd has been assessed as offering Council the best value for the processing of green waste and it is recommended that Council accept the tender of Davies Earthmoving & Quarrying Pty Ltd and authorise the Acting Interim General Manager to execute contract with the successful Tenderer.

Community Engagement and Internal Consultation

Council has conducted listening tours across the Armidale Regional Council Local Government Area and heard community concerns about costs of service provision. Council is obliged to pursue best value for money service provision across its region of coverage. This tender process and recommendation adheres with best value procurement principles and is mindful of community desire to minimise cost.

Financial Implications

On average Armidale Regional Council processes 6,500T of green waste, timber and wood waste each year at its Armidale Waste Management Facility and is adequately funded within the current and forecast budgets for solid waste. Compost and mulch sales occur from the processed products at the rates of \$50 for Grade A and \$30 for Grade B compost and \$30 for mulch, off setting the processing cost and reducing the expenditure on mulch required in the landfill operations.

The expenditure is further off set by a reduction in direct landfilling costs, savings in landfill airspace extending the life of the facility, and from the potential liability of a reintroduced carbon tax or the like on.

Good Governance

The contract has been negotiated to provide a service to both former council areas in the Armidale Regional Council LGA. Council would be entering into a contract with the successful Tenderer for a period of two (2) years with an option of extending the contract for a further 12 months.

Integrated Planning and Reporting Framework

Waste management falls within two key elements of Council's Community Strategic Plan – Our Infrastructure and Our Environment. This report meets the strategic objectives of the provision of waste services and sustainable living.

Sustainability Assessment

The processing of green waste and its subsequent beneficial use will avoid the production of significant quantities of green house gases principally methane, within the landfill. Properly applied to land it will benefit soil composition and increase moisture retention.

Item:	7.3.2	Ref: AINT/2016/09002
Title:	Addressing Issues - Cookes Road, Armidale	Container: ARC16/0003
Author:	Acting Director Planning and Environmental Services	
Attachments:	1. Map - Cookes Road - November 2016	

RECOMMENDATION:

That Council note the proposal to:

- a) **Rename and renumber Cookes Road between Long Swamp Road and Mann Streets; and**
- b) **Renumber the urban properties in Cookes Road between Kirkwood Street and up to and including 71 Cookes Road, Armidale.**

Introduction:

This report is to outline the two stages for Council's proposal to rename and renumber one section of Cookes Road, between Long Swamp Road and Mann Streets, Armidale; and renumber Cookes Road between Kirkwood Street and up to and including the current property addressed as 71 Cookes Road, Armidale.

Report:

An addressing anomaly has arisen during the allocation of address numbers for a multi-lot subdivision of 111 Cookes Road, Armidale for DA-117-2012/C. The current urban address numbers in Cookes Road conflict with the sequential rural address numbers on the same road. The issue is further compounded by Cookes Road having an unformed road extent between Brown and Kirkwood Streets leaving Cookes Road in two sections.

To amend these issues and provide residents with clear address allocations and in keeping with the current *Australian and New Zealand Addressing Standards (AS/NZS:4819:2011)*, Council intends to:

Stage 1 - Rename and renumber Cookes Road between Long Swamp Road and Mann Street (see properties highlighted in green on the attached map). This will affect a total of 15 properties.

Council proposes to write to all the property owners/residents in Cookes Road, between Long Swamp Road and Mann Street Armidale, the Armidale Local Aboriginal Land Council and the Gayinyaga Aboriginal Consultative Committee requesting they forward to Council, in order of preference, suggestions and supporting documentation for a new road name. A minimum of 15 working days is allowed for feedback to the Council as per the *NSW Addressing User Manual (AUM)*. Given the circumstances, Council will provide one month from the date of the letter to residents.

The suggested road names will be forwarded to the Geographical Names Board (GNB) for consideration and from the GNB's approved road name advice, a road name will be selected and the road naming process commenced.

At the conclusion of the road naming process, Council will allocate new addresses and advise property owners of the new number and road name to update their records.

Stage 2 – Renumber Cookes Road between Kirkwood Street to the speed zone signs (see affected properties highlighted in yellow on the attached map). This will affect a total of 16 homes and all the residents of the Masonic Village.

This stage will commence once the road naming proposed in Stage 1 is resolved, at this time Council will write to property owners/residents from Kirkwood Street to the end of Cookes Road advising those affected property owners of their new addressing.

Council staff will install new street signs and also provide existing residents with new street numbers for display.

Community Engagement and Internal Consultation

Council will write to all affected property owners/residents in Cookes Road, the Armidale Local Aboriginal Land Council, Gayinyaga Aboriginal Consultative Committee. Council's Property Division has discussed the circumstances and the proposal with Council's Administrator, Dr Ian Tiley.

Financial Implications

Advertising (local paper), supply and installation of new road signs and 30 new street numbers. Council normally in the past has not supplied the new street numbers to property owners

Good Governance

Australian and New Zealand Addressing Standard (AS/NZS:4819:2011), NSW Addressing User Manual (AUM) (March 2015), Roads Act 1993 and Roads Regulation (2008), POL071-Regulatory-Local Roads and Place Naming Policy.

Integrated Planning and Reporting Framework

6.7.9 of the AUM states *"Road names are intended to be enduring, and the renaming of roads is discouraged unless there are compelling reasons for a change. Issues that can prompt renaming include redesign of a road, changed traffic flow, mail or service delivery problems, duplication issues and addressing problems."* Cookes Road is in two sections broken by an unformed road extent, duplication issues and numbers out of sequence.

Sustainability Assessment

The economic impact on Council will be the supply and installation of signs and numbers on properties affected. Numbers will not be supplied to the proposed parcels on Cookes Road as part of DA-117-2012/C.

Updating a postal address can be an arduous task and this may put extra stress on the members that reside in Cookes Road. Council will be liaising with the Armidale Aboriginal Land Council to assist in this process and will provide additional documentation to assist residents to update their postal address with organisations that hold their personal information.

The best social implication is the new addressing will be unique and clear and the emergency, postal and other delivery services for the community will be significantly improved.

Item:	7.3.3	Ref: AINT/2016/09392
Title:	Dumaresq Dam Master Plan	Container: A15/6763
Author:	Airport Manager / Project Management Office	
Attachments:	1. Dumaresq Dam Master Plan - Review of Submissions 2. Dumaresq Dam Master Plan - Public Submissions	

RECOMMENDATION:

That the Master Plan for the Dumaresq Dam upgrade be adopted for implementation.

Introduction:

As part of Council's overall Master Planning framework, the Dumaresq Dam Master Plan, having been placed on Public Exhibition for 42 days until 1st August 2016, is proposed for adoption by Council. The Master Plan identifies a comprehensive upgrade to the Dumaresq Park re-instating primitive camping, BBQ and café dining facilities, limited accommodation and a range of active and passive sporting and recreational activities. The park upgrade will strongly support council's tourism strategy and provide a regional, environmentally sensitive recreational destination.

Report:

The Master Plan process seeks to identify key initiatives that will inform Council's Strategic Plan, its Delivery Program and annual Operating Plans to direct Council's energy and resources over the coming 15-20 year planning horizon. The Dumaresq Dam Master Plan was developed over a 12 month period during which time extensive research and engagement was undertaken to identify trends within recreational parks and the needs and desires of the community in terms of a non-structured recreational facility. The key focus of the Park upgrade is to provide the city of Armidale and the greater Armidale Regional Council region with an outdoor recreation facility that offers non-structured activity that supports and enhances the Community's desire for tourism development and economic growth.

The essence of the Dumaresq Dam Plan is to create a parkland facility with a restoration of camping, jogging, picnic and walking trails, a mountain bike track and, of course, a range of water based activities – including fishing, kayaking and swimming. The Plan also proposes the construction of holiday cabin accommodation and a sustainable café serving visitors to an environmentally sustainable nature park. Development of the Master Plan included a significant level of stakeholder engagement from research, the initial development of a concept, through to the formulation of a final documented plan.

During the exhibition period, a number of public submissions (6) were received. These have been tabulated in the attached table of comments and suggestions together with Council's response where appropriate. This table should be read as part of this report.

Community Engagement and Internal Consultation

Extensive internal and external consultation has been undertaken and incorporates a high level of stakeholder, community and internal staff engagement. The Master Planning process follows an established engagement process that follows a sequence of initial stakeholder engagement, concept plan development, community presentations, discussion and feedback, review and endorsement by councillors and finally adoption for public exhibition and community feedback.

The internal engagement process included review and discussion with all related council departments/stakeholders including parks and gardens, planning, finance, communications and the tourism group.

Engagement with Community groups included but was not limited to:

- Stakeholder groups including tourism, B&B and providers of camping/cabin accommodation
- Consultant planners and architects
- Dumaresq Progress Association/LAG Inc.
- The Campervan and Motorhome Club of Australia
- Armidale Regional Ratepayers Association (formerly Armidale Dumaresq Ratepayers Association)
- Economic Development and Tourism Committee [as was]
- Various Service Clubs including Rotary and Lyons
- Community meetings
- Armidale Business Chamber
- Various media Releases, press articles.

Financial Implications

The cost to implement the Dumaresq Dam Park upgrade program will be incorporated within the annual operating budgets of the service units involved. There have also been offers of labour support to be provided by interested service clubs to assist with the construction of larger infrastructure elements of the plan (ablution block and café). Additionally other community organisations/clubs have offered financial support to provide exercise equipment that can be used in their training programs. Recreational facilities also attract a disproportionately high level of grant and funding support and every effort should be made to attract such funding reducing the burden on ARC ratepayers. It should be noted that the Park upgrade project is *separate* to and excludes the dam wall safety program.

Good Governance

All upgrade works will be undertaken within relevant planning and development guidelines. A DA will be prepared which will include all infrastructure works, which will be constructed in accordance with current building and construction guidelines including WHS and Procurement guidelines/policy.

Integrated Planning and Reporting Framework

The Dumaresq Dam Master Plan has been prepared in support of the 2013-2028 Community Strategic Plan and in particular to drive the Tourism and Economic Development targets. Key goals set-out within the CSP are:

- increase visitor traffic
- stimulation of economic activity
- seek, promote and support tourist events
- increase in accommodation occupancy rates.

Sustainability Assessment

Certain facilities, camping, accommodation and the café, will be revenue generating and will offset the cost of maintaining these facilities. Actual maintenance of the park in terms of walking trails, trees, shrubs and plants will remain the responsibility of Parks and Gardens. The park is intended to be environmentally sympathetic and sustainable and every effort must be taken to maintain this status. The 'Jetty Café' is intended to be of a sustainable design, with solar power, recycled water and waste, to be used for demonstration purpose with schools and colleges.

Item:	7.3.4	Ref: AINT/2016/09694
Title:	1668 Grafton Road - request for supply of gravel	Container: S138-22-2016
Author:	Director of Regional Infrastructure	
Attachments:	Nil	

RECOMMENDATION:

That Council supply 88 tonnes of gravel and 23 tonnes of rock spall to the owner of 1668 Grafton Road Armidale as a contribution to the cost of extending the access track from Grafton Road to the property boundary, so as to eliminate a potential traffic risk.

Introduction:

At the Ordinary Council Meeting on 5 October 2016, Council considered a request from the owner of 1668 Grafton Road Armidale for a financial contribution towards the cost of constructing a new access track to the property off Grafton Road (Waterfall Way). The requested contribution consisted of the proposed supply by Council of 88 tonnes of gravel and 23 tonnes of rock spall. It was reported that the estimated cost to supply the gravel and rock would be approximately \$3,762.

Council resolved :

- a) That Council give 28 days public notice of the proposal to provide financial assistance of \$3,762 to the owner of 1668 Grafton Road Armidale, being the supply of 88 tonnes of gravel and 23 tonnes of rock spall for the purpose of extending the access track from Grafton Road to the property boundary; and
- b) That it be noted that the financial assistance is to be provided to the private individual so as to eliminate a potential traffic risk.

Report:

At the conclusion of the mandatory 28 day period of public notice, one (1) objection was received. The objector's concerns are summarised as follows:-

- strong objection to the proposed gifting of financial assistance to a private individual
- the community would benefit more by spending the \$3,762 on repairs to kerb and gutter, footpaths or tree planting
- section 218 of the Roads Act says that the land owner is responsible for constructing a driveway or access to his/her property
- the existing driveway was constructed over 20 years ago
- providing financial assistance sets a precedent.

In response to the objector's concerns, it is noted that Council has conformed with the requirements of Section 218 of the Roads Act; that the owner remains responsible for construction of the access track; that Council agreed to contribute to the cost to alleviate a risk concern; and the point of access being constructed 20 years ago does not provide a defence for Council or the owner. With regards to setting a precedent, it is acknowledged that Council may be faced with similar circumstances at any time in the future, but each circumstance has its own particular issues to be considered on their merits.

Community Engagement and Internal Consultation

At least 28 days public notice of the council's proposal to pass the necessary resolution is required before the financial assistance is provided.

Financial Implications

The estimated cost is \$3,762 and the financial assistance would be funded under the Section 356 Donations vote.

Good Governance

Section 356 of the *NSW Local Government Act 1993* states that Council may, in accordance with a resolution of Council, contribute money or otherwise grant financial assistance to persons for the purpose of exercising its functions.

A proposed recipient who acts for private gain is not ineligible to be granted financial assistance but must not receive any benefit under S356, until at least 28 days public notice of the council's proposal to pass the necessary resolution has been given.

Integrated Planning and Reporting Framework

The process for consideration of this matter has been undertaken in accordance with the Our Governance element ensuring good corporate governance processes.

Sustainability Assessment

The relocation of the access road by the private landowner will eliminate a potential traffic hazard and the risk of future litigation.

Item:	7.4.1	Ref: AINT/2016/09659
Title:	Engagement of consultants to complete the Arts & Cultural Strategic Plan	Container: ARC16/0485
Author:	Acting Director Planning and Environmental Services	
Attachments:	Nil	

RECOMMENDATION:

That Positive Solutions be engaged to complete Council's first Arts & Cultural Strategic Plan by 30 June 2017.

Introduction:

The development of a Cultural Plan is identified as a strategic goal in the former Armidale Dumaresq Council's Community Strategic Plan. The aim of developing and implementing a Cultural Plan is to identify and enhance the cultural values within our regional community as well as promoting a socially inclusive community.

In October a competitive consultant brief was developed and sent out. In November an internal assessment panel determined that Positive Solutions had all the professional skills and experience required to design and deliver to Council its first Arts & Cultural Strategic Plan.

Report:

A consultants brief was prepared and an Expression of Interest (EOI) for the Cultural Plan project was lodged with the Local Government Procurement Consulting Contract site however this attracted no responses so Council went out into the open market and targeted appropriate consulting agencies.

Five organisations responded to the brief. These were:

- Positive Solutions
- The Stafford Group
- Rob Gebert, Arts Consultancy and Creative Projects
- MM Creative Business
- Brecknock Consulting.

An internal assessment panel developed an evaluation matrix which resulted in identifying that Positive Solutions possessed all the relevant and necessary skills to complete the Arts & Cultural Strategic Plan.

Positive Solutions are a Brisbane based organisation with 25 years experience of consulting for government, industry bodies and individual organisations within the arts and creative industries. Positive Solutions has recently consulted on the Coffs Harbour Council Arts & Cultural Plan. Coffs Harbour Council highly recommended the work of Positive Solutions.

The methodology outlined in Positive Solutions brief includes an initial briefing session in December, followed by a comprehensive literature review, to undertake a consultation and community engagement process and a community survey, develop discussion papers and have a first draft Plan to Council by 1 April 2017.

Community Engagement and Internal Consultation

A comprehensive community consultation process will be undertaken by Positive Solutions including:

- facilitated group discussions, both general public and arts industry
- depth individual interviews with key stakeholders and community representatives
- online surveys or submissions.

Financial Implications

The budget confirmed by Positive Solutions to complete the Arts & Cultural Strategic Plan is \$47,900.

Good Governance

An internal project team will be formalised and work closely with the Arts & Culture Advisory Committee to oversee the development and the implementation of the Arts & Cultural Strategic Plan.

Integrated Planning and Reporting Framework

The Arts & Cultural Strategic Plan will link in with the Community Strategic Plan but will sit within the Delivery Plan. The implementation of the Plan will be captured in the Operational Plan.

Sustainability Assessment

The plan will address long term sustainability considerations to be taken into account for any actions arising out of the plan.

Item:	7.4.2	Ref: AINT/2016/10109
Title:	Stronger Regions and Stronger Communities Fund ARC16/0113-3	Container:
Author:	Administration	
Attachments:	1. Minutes - Stronger Communities Assessment Panel - 24 November 2016	

RECOMMENDATION:

- a) **That Council allocate funds to the projects supported by the Stronger Communities Assessment Panel for the Community Grant Program \$1m, as per the minutes of the Stronger Communities Assessment Panel meeting held on 24 November 2016.**

- b) **That Council allocate funds to the projects supported by the Stronger Communities Assessment Panel for the \$9m Stronger Regions Infrastructure Fund, as per the minutes of the Stronger Communities Assessment Panel meeting held on 24 November 2016.**

Introduction:

In accordance with the NSW Government Guidelines Armidale Regional Council is to consult with the community to allocate and deliver the Stronger Communities Fund through two programs, including:

- Community grant program, allocating up to \$1 million in grants of up to \$50,000 to incorporated not-for-profit community groups, for projects that build more vibrant, sustainable and inclusive local communities.
- Major projects program, allocating all remaining funding to larger scale priority infrastructure and services projects that deliver long term economic and social benefits to communities.

Report:

Council called for the first round of grants to incorporated not-for-profit community groups for projects identified and assessed.

- To be successful for funding, community projects must meet the following criteria:
 - deliver social, cultural, economic or environmental benefits to local communities
 - address an identified community priority
 - be well defined with a clear budget
 - demonstrate that any ongoing or recurrent costs of the project can be met by the community group once grant funding has been expensed
 - the organisation must demonstrate the capacity to manage funds and deliver the project.

The Assessment Panel met on 24 November 2016 to assess the applications received to 30 September 2016, the minutes of which are attached to this report.

Community Engagement and Internal Consultation

The application process is open to the community groups that fit the criteria. Applications are available on the Armidale Regional Council website or by contacting the Armidale or Guyra offices. Media releases have been issued about the program.

Financial Implications

The Stronger Communities Funding has been provided to councils that have undertaken mergers in NSW.

Good Governance

Council has followed the NSW Government's guidelines in the grants process. Council is meeting its statutory obligations under the funding agreement.

Integrated Planning and Reporting Framework

The projects identified for the major projects program are considered as part of Council's Community Strategic Plan and IP&R processes.

Sustainability Assessment

Applications have been considered on the basis of providing benefits to the community and long term sustainability.

Legal Issues:

Council is meeting its statutory obligations under the funding agreement.

Item: 8.1 **Ref:** AINT/2016/09355
Title: Community Safety Advisory Committee - Minutes of the meeting held on 8 November 2016 **Container:** ARC16/0560
Author: Acting Director Planning and Environmental Services
Attachments: 1. Minutes - Community Safety Advisory Committee - 08 November 2016

RECOMMENDATION:

That the Minutes of the Community Safety Advisory Committee meeting held on 8 November 2016 be noted.

Item: 8.2 **Ref:** AINT/2016/09354
Title: Gayinyaga - Minutes of the meeting held on 9 November 2016
Container: ARC16/0605
Author: Acting Director Planning and Environmental Services
Attachments: 1. Minutes - Gayinyaga Committee - 09 November 2016

RECOMMENDATION:

That the Minutes of the Gayinyaga Committee meeting held on 9 November 2016 be noted and the following recommendations endorsed:

- a) **That a further application is made, after sourcing further quotes for the memorial structure, to the Stronger Communities Fund for additional funding if required.**
- b) **That the issue of cars and trucks continuing to speed on Cookes Road should be raised with the Traffic Committee.**

Item: 8.3 **Ref:** AINT/2016/09356
Title: Civic Advisory Committee - Minutes of the meeting held on 12 November 2016 **Container:** ARC16/0389
Author: Acting Director Planning and Environmental Services
Attachments: 1. Minutes - Civic Advisory Committee - 12 November 2016

RECOMMENDATION:

That the Minutes of the Civic Advisory Committee meeting held on 12 November 2016 be noted and the following recommendations endorsed:

- a) **That, given the Committee’s primary responsibility to “provide direction on the future development of the Armidale CBD Masterplan”, it requests a copy of that Plan be provided to the Committee; and after reasonable time to examine the Plan, that a representative of Council attend a meeting of the Committee for further productive discussion.**
- b) **That the Administrator be informed of the Committee’s intention to form a Subcommittee, for the purpose of considering ideas for Mall vibrancy, to which representatives of the business community would be invited.**

Note: The following recommendations were proposed by the Civic Advisory Committee:

- c) That the Civic Advisory Committee views with extreme concern and disappointment the decision taken by the Administrator to establish the library at 182 Rusden Street, noting the decision’s lack of transparency, lack of community consultation and associated issues of process (noting particularly the *Implementation Principle* of Integrity – which forms part of the Committee’s Terms of Reference –to “ensure ethical, open and accountable governance and administration”); and the Committee reasserts its concerns about the decision’s adverse impact on the CBD.
- d) That, given the Committee’s primary responsibility to “provide advice on the future development of the Armidale CBD Masterplan”, it requests a copy of that Plan be provided to the Committee; and after reasonable time to examine the Plan, that a representative of Council attend a meeting of the Committee for further productive discussion.
- e) That the Administrator be informed of the Committee’s intention to form a Subcommittee, for the purpose of considering ideas for Mall vibrancy, to which representatives of the business community would be invited.

Item: 8.4 **Ref:** AINT/2016/09686
Title: Audit and Risk Committee - Minutes of the meeting held on 22
November 2016 **Container:** ARC16/0522
Author: Senior Governance Officer
Attachments: 1. Minutes - Audit and Risk Committee - 22 November 2016

RECOMMENDATION:

That the Minutes of the Audit and Risk Committee meeting held on 22 November 2016 be noted and the following recommendations endorsed:

- a) That meetings be scheduled in February, May, August and November 2017 and further that the next meeting be held on 28 February 2017, commencing at 5.30pm;
- b) That a meeting be held in September/October 2017 to review the 2016/17 Financial Statements;
- c) That the setting of meeting dates be a standard agenda item;
- d) That the progress report on the 2016/17 Strategic Internal Audit Plan be noted;
- e) That the Draft Financial Statements for the former Guyra Shire Council, for the period 1 July 2015 to 12 May 2016 (amalgamation day) be endorsed;
- f) That the Draft Financial Statements for the former Armidale Dumaresq Council, for the period 1 July 2015 to 12 May 2016 (amalgamation day) be provided to the Committee when finalised;
- g) That the Internal Audit Report – Governance Structure Review, October 2016 be noted;
- h) That a copy of the report be provided to Council’s External Auditors;
- i) That an Internal Audit Status Report on the implementation of the recommendations be submitted quarterly to the Committee; and
- j) That the report on the Local Government Amendment (Governance and Planning) Bill 2016 as it relates to changes for the Internal Audit Function, be noted.