



## BUSINESS PAPER

### ORDINARY MEETING OF COUNCIL

To be held on

Wednesday, 28 April 2021  
4pm

at

Guyra Council Chamber

#### **Members**

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

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19.2 General Manager's Performance Agreement

*As this report deals with matters affecting the security of the Council, councillors, Council staff or Council property (Section 10A(2)(f) Local of the Government Act 1993). Council closes the meeting, in accordance with Council's Code of Meeting Practice, as consideration of this matter in open Council would be contrary to the public interest.*

20 Close of Ordinary Meeting

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<b>Item:</b>	<b>8.1</b>	<b>Ref: AINT/2021/11034</b>
<b>Title:</b>	<b>Mayoral Minute: Honour Board - local Order of Australia Recipients and Affiliates – Armidale War Memorial Library</b>	
		<b>Container: ARC16/0025</b>
<b>Author:</b>	<b>Ian Tiley, Mayor</b>	
<b>Attachments:</b>	<b>Nil</b>	

## **1. Purpose**

The intent of this Minute is to seek Council's support by contributing up to \$1000 to the Order of Australia Association New England North West Branch, for the acquisition and inscribing of an Honour Board for local Order of Australia Recipients and Affiliates, with Council meet the cost of installation of the Board in due course at the Armidale War Memorial Library.

## **2. RECOMMENDATION:**

- a. That if the grant application noted in the report is unsuccessful, the Mayor will contribute as a personal donation up to \$1000 to the Order of Australia Association New England North West Branch, for the acquisition and inscribing of an Honour Board for local Order of Australia Recipients and Affiliates; and**
- b. That Council staff install the Honour Board at the Armidale War Memorial Library.**

## **Background**

I have had representations on this matter from Mrs Maria Hitchcock as a member of the NSW Committee of the Order of Australia Association and Communications Officer of the New England North West Branch.

I am advised that the Association is wishing to see local Order of Australia recipients and Affiliates (PSM, APM, AFSM, ESM & ACM) recognised by their communities for the contribution they have made over the years. This action is being pursued throughout the New England North West region and beyond through the installation of Honour Boards in local Libraries or Council offices. Listings on Boards have already been achieved at Glen Innes, Gunnedah, Liverpool Plains, Narrabri and Walcha councils.

There are 125 Order of Australia recipients in the Armidale Regional Local Government area beginning with Professor Gordon Lee McClymont AO who was conferred on Australia Day 1977.

An Honour Board has been costed with the support of the Armidale Men's Shed and AOK signs and the Order of Australia Association believes that the Board could be produced and inscribed for approximately \$1000, while supporting local business. The Board would be made of polished timber 900mm wide by 1100mm high. This would allow three columns. Lettering would be gold. There would be enough space to add names as they are recognised in the Australia Day and Queen's Birthday lists for the next few years.

Given the Council's financial position the Association OAA sub-branch has resolved to apply for a community grant for this cost in the latest funding round. Should the grant application be successful Council would only be asked to install the Honour Board in the Armidale War Memorial Library.

**Comment**

Recognising and preserving a public record of the Region's outstanding citizens in the Armidale War Memorial Library is a fitting project to honour those who have achieved so much. It would also be a mark of respect to these citizens and their families and friends.

In the event of the grant application not being successful the Mayor will fund the Honour Board as a personal donation. Council could undertake the minimal cost installation from a library maintenance vote.

Cr Ian Tiley  
13<sup>th</sup> April 2021

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<b>Item:</b>	<b>9.1</b>	<b>Ref: AINT/2021/07958</b>
<b>Title:</b>	<b>Coffee Vans Policy</b>	<b>Container: ARC16/0025</b>
<b>Author:</b>	<b>Margaret O'Connor, Councillor</b>	
<b>Attachments:</b>	<b>Nil</b>	

**Ordinary Council at its meeting on 24 March 2021 resolved that the matter be deferred to the meeting to be held on 28 April 2021.**

I hereby give notice of my intention to move the following motion at the Ordinary Council to be held on 28 April 2021.

**That the GM be requested to develop a policy for the deployment of coffee and food vans at various events and locations in the LGA where a need or market is demonstrated and there is no safe and/or practicable fixed outlet for coffee and food of a similar type.**

.....

Cr Margaret O'Connor

16 March 2021

#### **Background**

There is increasing pressure for various locations and events around the LGA to be able to use mobile food and coffee vans, which at present appears to be not in line with current policy. In particular the parents at the new playground in Curtis park want to be able to safely buy coffee without having to leave their children or take them across the busy parking lot which is situated between the playground and the nearest coffee outlet at Hungry Jacks.

A similar need is anticipated at Dumaresq Dam recreation area as Council planning to date on the upgrade has excluded a permanent Kiosk.

#### **Known Legal Implications**

No.

#### **Budget Implications**

I am unaware of budget implications in relation to staff time needed to develop a new policy document but it should sit under economic development or parks and gardens. This would be offset by fees associated with council consent.

#### **Strategic Implications**

Not known.

#### **Policy Implications**

Not known. This would support economic development as it would increase employment and amenity. A win win.

#### **General Manager's Comment:**

Nil comment.

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<b>Item:</b>	<b>10.1</b>	<b>Ref: AINT/2021/07449</b>
<b>Title:</b>	<b>Integrated Planning and Reporting - Delivery Program 2018-2022 and Operational Plan 2020-2021 Progress Report - Second Quarter</b> <b>Container: ARC19/3619</b>	
<b>Responsible Officer</b>	<b>Acting Director Organisational and Corporate Services</b>	
<b>Author:</b>	<b>Renata Davis, Principal Advisor - Corporate Planning</b>	
<b>Attachments:</b>	1. IP&R - Q2 Progress Report - October to December 2020	

### **1. Purpose**

The attached document is a progress report based on the strategies of the Delivery Program 2018-2021 and the activities of the Operational Plan 2020-2021 for the October to December Quarter. This report is for the information of Council and the community, and is the second Integrated Planning and Reporting progress report for the 2020-2021 Financial Year.

### **2. OFFICERS' RECOMMENDATION:**

**That Council note the Delivery Program 2018-2021 and Operational Plan 2020-2021 Progress Report (Second Quarter).**

### **3. Background**

This Report informs Council and the Community about the progress of Council's Operational Plan actions and how these actions work towards delivering the principal activities outlined in the Delivery Program, and ultimately, the goals of the Community Strategic Plan, as part of the Integrated Planning and Reporting Framework.

This reporting is a requirement of the s404(5) *Local Government Act 1993*, which states that:

*The general manager must ensure that regular progress reports are provided to the council reporting as to its progress with respect to the principal activities detailed in its delivery program. Progress reports must be provided at least every 6 months.*

Armidale Regional Council has opted to provide Quarterly Progress Reports which update Councillors on both the Delivery Program and the progress of the Operational Plan actions.

### **4. Discussion**

Each of Council's relevant business areas have completed a progress report, based on the Second Quarter period, of the strategic and operational tasks and key performance indicators adopted in the Operational Plan 2020-2021. This progress report is attached.

There were nine actions successfully completed in the second quarter, adding to the six actions completed in Q1, these included:

Action	Budget Status	Completed
Airport Business Park - Construction, Sale and Opening	Below budget	Q2
Upgrade of infrastructure and facilities at the Guyra Community Hub building	On budget	Q2
Apply for a Special Rate Variation to fund future infrastructure and community Improvements	On budget	Q2
Emergency communication upgrades	Below budget	Q2
Tree recovery and renewal works	On budget	Q2
Improved Heavy Vehicle Access to Castle Doyle Agribusinesses	Below budget	Q2
Improved Council building electrical safety	On budget	Q2
New street lighting at the University of New England	On budget	Q2
Construct new footpath in Kentucky Street Armidale	Below budget	Q2
Mother of Ducks Lagoon & Nature Reserve Upgrade	On budget	Q1
Upgrade CBD CCTV Cameras, Security and Lighting on the Creeklands path	Below budget	Q1
Curtis Park Amenity and play Equipment Upgrades	Below budget	Q1
Renewal of sewer mains	Below budget	Q1
Harris Park Lighting Upgrade	Below budget	Q1
Council fleet safety and logistics improvements	On budget	Q1

## 5. Implications

### 5.1. Strategic and Policy Implications

This report relates to:

- L4 of the Community Strategic Plan – Council has the strategic capacity to understand the key issues for the region both now and in the future.
  - L4.2 of the Delivery Program – Council’s strategic planning documents are integrated in a way which delivers community outcomes while effectively managing budgets, asset management and workforce planning.

### 5.2. Risk

This reporting is a legislative requirement as per s404(5) *Local Government Act 1993*, which states that:

*The general manager must ensure that regular progress reports are provided to the council reporting as to its progress with respect to the principal activities detailed in its delivery program. Progress reports must be provided at least every 6 months.*

The Progress Report also assists in identifying and mitigating risks of projects including project delays, resource issues or regulation and compliance.

### 5.3. Sustainability

The Operational Plan supports financial and corporate sustainability by providing an annual works plan for the organisation, which supports the medium and long-term planning of the Delivery Program and Community Strategic Plan.

The Operational Plan also contains a number of actions and initiatives based on improved environmental sustainability to be delivered during the 2020-2021 Financial Year.

### 5.4. Financial

Budget Area:	All budget areas						
Funding Source:	All sources of funding						
Budget Ref: (PN)	Description	Approved Budget	Actual	Committed	Proposed	Total Forecast Expenditure	Remaining Budget
Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil

The budget status of each Operational Plan action is reported in the attached summary. Any funding shifts will be assessed and adjusted through the Quarter Two Budget Report.

The budget status of completed projects is also outlined above – with all completed projects on or below budget.

## 6. Consultation and Communication

The Operational Plan 2020-2021 was placed on public exhibition during June and July 2020, and a report on community feedback was reported to Council at the Ordinary Council Meeting of 29 July 2020.

## 7. Conclusion

This is the second progress report for the 2020-2021 Operational Plan. The next Quarterly Report will be for the period January-March 2021.



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**Item:** 10.2 **Ref:** AINT/2021/09666  
**Title:** Rescinding a selection of Council Policies **Container:** ARC17/1770  
**Responsible Officer** Acting Director Organisational and Corporate Services  
**Author:** Stacey Drew, Executive Policy Advisor  
**Attachments:** Nil

**1. Purpose**

Council is currently reviewing all policies as a result of the 2020 Governance Review and the subsequent inclusion of the review in the requirements of the Performance Improvement Order.

**2. OFFICERS' RECOMMENDATION:**

**That Council endorse 22 policies to be rescinded as outlined in the report.**

**3. Background**

Numerous council policies have been identified as being no longer relevant, previously superseded or are required to be reissued as management policy, therefore the policies outlined in this report to be rescinded.

**4. Discussion**

Reason for rescind recommendations:

Policy	Rationale
<ul style="list-style-type: none"><li>• POL010 - Freedom of Information Policy</li></ul>	This was superseded in June 2009 by the GIPA Policy
<ul style="list-style-type: none"><li>• POL101 - Annual Union Picnic Day</li><li>• POL112 - Smoke Free Workplace Policy</li><li>• POL117 - Military Leave</li><li>• POL129 - Leave For Staff Involved In Emergency Services</li><li>• POL142 - Home Based Work</li><li>• POL166 - Dress Code</li><li>• POL170 - NESAC Salary Sacrifice Policy</li><li>• POL171 - NESAC wide Salary Packing Policy</li><li>• POL172 - NESAC Wide Casual Car Use Or Commuter Usage Policy</li><li>• POL179 - Bereavement Recognition</li><li>• POL187 - Provision to staff of</li></ul>	Policies have been converted to management policies (operational policies) as per the Local Government State Award.

<p>wellness programs</p> <ul style="list-style-type: none"> <li>• POL193 - Staff Grievances and Complaint Handling Policy</li> <li>• POL194 - Training Education and Support</li> <li>• POL206 - Employee Assistance Program</li> <li>• POL028 - Work Health and Safety Policy</li> <li>• POL029 - Rehabilitation Policy</li> </ul>	
<ul style="list-style-type: none"> <li>• POL189 - Use of Sportsground by Schools</li> </ul>	Policy has never been implemented and fees are covered by the adopted Fees and Charges.
<ul style="list-style-type: none"> <li>• POL146 – Privacy Management Plan</li> <li>• POL157 – Privacy Policy</li> </ul>	Superseded by POL157 Privacy Policy in 2012. A new Privacy Management Plan was adopted in March 2020 therefore POL146 and POL157 are recommended to be rescinded.
<ul style="list-style-type: none"> <li>• POL160 - Recorded Tapes of Council Meetings Policy</li> </ul>	No longer required as it is already addressed in the Code of Meeting Practice and also covered in the Office of Local Government Guide to webcasting Council and Committee meetings (August 2020).
<ul style="list-style-type: none"> <li>• POL173 - NESAC Mobile Phone Policy</li> </ul>	This policy is outdated and not aligned to our current Telstra plan. A current management policy is in place as this is an operational matter.

## 5. Implications

The policy review involves reviewing and amending existing policies, identifying policy gaps and developing new policy where none have existed are required to be updated.

### 5.1. Strategic and Policy Implications

This report contributes to the delivery the Community Strategic Plan 2017-2027: Leadership for the Region Community Outcome 3– being that Council demonstrates sound organisational health and has a culture which promotes action, accountability and transparency.

### 5.2. Risk

Council policies are designed to influence and determine major decisions and actions of Local Government business and services. Policies guide Council, staff and the community to ensure matters are handled in a fair and consistent manner.

### 5.3. Sustainability

For transparent, accessible, orderly, and efficient policies, it is vital that regular reviews and updates are maintained to be able to deliver expected and appropriate quality of Council policies.

#### 5.4. Financial

Policy review is a resource intensive process that involves consideration of long term financial and strategic plans, review of changes to government policy, legislation or procedure and often consultation with internal and external stakeholders. The financial impacts of the results of any policy changes are highlighted in the reports to Council for each policy review.

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

#### 6. Consultation and Communication

All Council policies are reviewed by relevant subject matter experts, and are often subject to stakeholder consultation prior to presentation to Council which is then followed by the public exhibition process.

#### 7. Conclusion

Updates will be presented to Council periodically to promote transparency around the policy review project and ensure consistent progression continues.

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<b>Item:</b>	<b>10.3</b>	<b>Ref: AINT/2021/10093</b>
<b>Title:</b>	<b>Asset Management Policy - Draft for Public Exhibition</b>	
		<b>Container: ARC17/2177-6</b>
<b>Responsible Officer</b>	<b>Acting Director Organisational and Corporate Services</b>	
<b>Author:</b>	<b>Lilian Colmanetti, Project Officer - Strategic Infrastructure Planning</b>	
<b>Attachments:</b>	1. Draft Asset Management Policy 2021	

### **1. Purpose**

The purpose of this report is to update council's Asset Management Policy, setting out principles and defining how council will develop and implement the Asset Management Strategy in line with the Community Strategic Plan. This policy will establish clear direction and guidance for asset management in order to achieve council's strategic goals and the community needs.

### **2. OFFICERS' RECOMMENDATION:**

#### **That Council:**

- a. Endorse the updated Asset Management Policy for public exhibition for a period of 28 days.**
- b. Receive a further report at the conclusion of the exhibition period.**

### **3. Background**

Council is undertaking a review of all council policies and this process involves reviewing and amending existing policies, identifying policy gaps and developing new policies where none have existed. The Asset Management Policy is an existing policy that has been previously adopted in 2013 and requires updating.

### **4. Discussion**

The most recent version of council's Asset Management Policy was adopted in 2013 and it requires an update in order to establish clear directions and guidance for asset management in order to achieve council's strategic goals and the community needs.

Armidale Regional Council is committed to implementing a systematic asset management methodology to ensure that all council assets are planned, created, operated, maintained, replaced and disposed of in accordance with Council's priorities for cost effective service delivery.

The first steps to be undertaken will be to start developing a forward plan for all staff and councillors, comprising of the development of an Asset Management Improvement Plan that will identify where council's major gaps are in terms of asset management and also to start to educate and implement the "asset management culture", showing the benefits that having good asset management will bring to council and the community in the long term.

This policy must be integrated with all council business processes and procedures, ensuring efficient and effective delivery, accountabilities and responsibilities. It should be applied by councillors, council staff, consultants, contractors and whoever else conducting activities

associated with the creation, acquisition, maintenance, operation, rehabilitation and disposal of assets.

Council is currently in the process of commencing a review of its Asset Management Framework and working on an Asset Management Improvement Plan to indicate how council is planning to move forward in terms of getting better in managing asset and its budgets.

The key documents that will drive the framework and will be developed in future years pending staff and funding allocation are:

- Asset management policy
- Asset management strategy
- Asset management plans.

## **5. Implications**

### **5.1. Strategic and Policy Implications**

This is an existing policy and the recommended update provides additional good governance for Council.

The Asset Management Policy relates to the following strategic plans:

- Council's Community Strategic Plan 2017-2027:
  - Council exceeds community expectations when managing its budget and operations
  - Council has the strategic capacity to understand the key issues for the region both now and in the future.
- Council's Delivery Program 2018-2022:
  - Financial Sustainability: Maintain financial sustainability through effective short, medium and long-term financial management
  - Manage Operations: Manage operations to ensure delivery of value for money services for our community and customers
  - Integrated Planning and Reporting: Integrate Council's strategic planning documents in a way which delivers community outcomes while effectively managing budgets, asset management and workforce planning.
- Council's Operational Plan 2020-21:
  - Asset management plan and strategies.

### **5.2. Risk**

The updated Asset Management Policy contributes to council's management of risk and represents Council's efforts to reduce and manage the implications associated with risk.

Council will apply this policy to inform, plan and guide decisions about assets in order to deliver the optimum balance of services and risks within its financial capacity.

### **5.3. Sustainability**

As part of the development and implementation of the Asset Management Framework, council will continuously work on asset management improvements with the aim to review systems, processes, procedures and outputs to identify opportunities for improvement.

The main objectives of this policy that will help council to achieve sustainable outcomes in the future are:

- Promote more efficient and improved service delivery through better management of assets.
- Improvement of governance practices
- Better understand its assets, their criticality and consequences associated with poor planning and management of assets.
- Plan, create, operate, maintain, renew and dispose of assets in accordance with community and Council's priorities for service delivery.
- Decisions on asset renewal, disposal, upgrade or new asset provision will be carried out in accordance with asset management information that includes demonstrated need, life cycle costing, alternative modes of delivery, sustainability, equitable distribution of resources and social equity, financial performance, utilisation, function and the condition of the assets.
- Decisions to accept, acquire or construct new assets will consider the full life cycle costs (operation, maintenance and renewal funding) with this information to be included in Council reports and to be subsequently allocated in Council's Long Term Financial plan and Asset Management Plans.
- Asset management process, documents and practices will be review at appropriate intervals.
- Key issues with asset management practices and process will be identified and council will continuously work towards improvement.
- An asset management strategy will be developed, reviewed and adopted by council.
- Council is working towards to ensure that all employees are appropriately trained in asset management principles, practices and processes in order to effectively deliver asset management objectives and create and sustain an asset management awareness throughout the organisation.
- Provide long term sustainable assets as required by the community, ensuring that asset management decisions are made to maximise the desired social, cultural, environmental and economic outcomes for the community, providing service to current and future generations.
- Maintain financial sustainability through effective short and long-term financial management.
- Increase and improve communication with the community, consulting with them on all new initiatives or projects, providing them with a clear schedule of infrastructure works per FY and increasing their involvement in initiatives which contribute to sustainable lifecycle.

#### **5.4. Financial**

An update to council's Asset Management Policy does not itself directly impact a budget line item.

The adoption of this updated policy is expected to indirectly improve council's financial position in the future as a result of better asset management, improved risk management and governance practices.

Through the budget process for the next financial year, funding is being sought to assist in developing and implementing the asset management improvement plan and framework. This will only be achieved if staff and budget are allocated to the project.

Budget Area:	Strategic Infrastructure Planning (210305)						
Funding Source:	Nil						
Budget Ref: (PN)	Description	Approved Budget	Actual	Committed	Proposed	Total Forecast Expenditure	Remaining Budget
	Nil	Nil	Nil	Nil	Nil	Nil	Nil

## **6. Consultation and Communication**

The recommendation to place this updated policy on public exhibition for 28 days will enable the community to have input into its content.

## **7. Conclusion**

The long-term and sustainable planning, delivery and management of council's assets are critical to meeting the community's long-term objectives and council's financial sustainability.

An updated policy and the development of council's asset management framework will allow council staff to have a better understanding about asset management and effectively manage assets based on better governance practices, procedures and process to promote improved service delivery and increase communication with the community.

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<b>Item:</b>	<b>10.4</b>	<b>Ref: AINT/2021/11022</b>
<b>Title:</b>	<b>Council Meeting Cycle for Ordinary Meetings for 2021-2022</b> <b>Container: ARC16/0620</b>	
<b>Responsible Officer</b>	<b>Acting Director Organisational and Corporate Services</b>	
<b>Author:</b>	<b>Jessica Bower, Executive Officer</b>	
<b>Attachments:</b>	<b>Nil</b>	

### **1. Purpose**

This report deals with arrangements for Ordinary Council meetings for the 2021-22 financial year up until the 2021 NSW Local Government Election. The meeting cycle for the remainder of the 2021-22 financial year will be presented to the incoming Council for endorsement following the election.

### **2. OFFICERS' RECOMMENDATION:**

- a. **That the Ordinary Council Meeting cycle for the 2021-2022 financial year up until the 2021 NSW Local Government Election be scheduled for the fourth Wednesday of each month as follows:**
- **Wednesday 28 July 2021, in Guyra**
  - **Wednesday 25 August 2021, in Armidale.**
- b. **That the time for the Ordinary Council meetings to commence is 4pm.**

### **3. Background**

Council's Code of Meeting Practice requires Council, by resolution, to set the frequency, time, date and place of its Ordinary Meetings.

Under section 365 of the *Local Government Act 1993*, councils are required to meet at least ten (10) times each year, each time in a different month unless the Minister for Local Government has approved a reduction in the number of times that a council is required to meet each year under section 365A.

The current practice is for Council meetings to be conducted on the fourth (4th) Wednesday of each month, except for December and January. The meetings cycle includes a rotation between Armidale and Guyra as both administration centres have suitable meeting room facilities and webcasting capabilities.

### **4. Discussion**

When setting the time and date, Council should give consideration to the needs of the public, the most effective use of Councillor time and the safety and wellbeing of Councillors and staff.



## **5. Implications**

### **5.1. Strategic and Policy Implications**

There are no significant implications as the proposed meeting cycle is unchanged from the 2020/21 cycle. The schedule adheres with the requirements of the Code of Meeting Practice adopted in March 2021.

### **5.2. Risk**

There are no significant risk implications as the proposed meeting cycle is unchanged from the 2020/21 cycle.

### **5.3. Sustainability**

There are no significant sustainability implications as the proposed meeting cycle is unchanged from the 2020/21 cycle.

### **5.4. Financial**

The proposed meetings cycle is unchanged from the 2020/21 cycle therefore financial impacts are negligible.

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

## **6. Consultation and Communication**

The dates will be publicly advertised and the information will be available on the website.

## **7. Conclusion**

This report recommends that dates be set for the 2021-22 financial year, as required in the Code of Meeting Practice. The next steps will be to implement the Ordinary Council meeting cycle as determined by Council.

<b>Item:</b>	<b>11.1</b>	<b>Ref: AINT/2021/10114</b>
<b>Title:</b>	<b>Cash and Investment report 31 March 2021 Container: ARC16/0001-6</b>	
<b>Responsible Officer</b>	<b>Acting Director Organisational and Corporate Services</b>	
<b>Author:</b>	<b>Deborah Walls, Accountant</b>	
<b>Attachments:</b>	Nil	

### 1. Purpose

The Cash and Investment Report provides an overview of cash and investments for the month to 31 March 2021 and certifies compliance with Council's Investment policy and the Local Government Act 1993 and Regulations.

### 2. OFFICERS' RECOMMENDATION:

**That Council note the Cash and Investment Report for March 2021.**

### 3. Background

As at 31 March 2021, Council held \$59,542,707 in investments (Market Value) and \$20,150,619 as cash. Total \$79,693,326

### 4. Discussion

#### Cash and Investments

Balances were as follows:

Item/Account	March 2021	February 2021	Movement
<b><u>Cash at Bank</u></b>			
NAB General Account	-	-	-
NAB High Interest Cash At Call	\$16,706,279	\$18,348,707	(\$1,642,428)
AMP Saver Account	\$2,003,482	\$2,002,631	\$851
NAB Trust Fund	\$1,440,858	\$1,440,378	\$480
<b>Total Cash</b>	<b>\$20,150,619</b>	<b>\$21,791,716</b>	<b>(\$1,641,097)</b>
<b><u>Investments</u></b>			
NSW Treasury Corp (T-Corp) Investment Management (IM) Funds	\$15,314,474	\$15,317,571	(\$3,097)
Term Deposits	\$44,228,233	\$41,201,471	\$3,026,762
<b>Total Investments</b>	<b>\$59,542,707</b>	<b>\$56,519,042</b>	<b>\$3,023,665</b>
<b>Total Cash &amp; Investments</b>	<b>\$79,693,326</b>	<b>\$78,310,758</b>	<b>\$1,382,568</b>

Summary of Investment movements for March 2021

<b>Investment Maturities</b>	
<b>Institution</b>	<b>Amount</b>
ING	(\$2,000,000)
TCorp IM Funds - Interest Reinvested/Market Movement	(\$3,097)
<b>Total</b>	<b>(\$2,003,097)</b>

<b>New Investments</b>	
<b>Institution</b>	<b>Amount</b>
ING	\$2,000,000
ING	\$3,000,000
Movement in Interest Receivable on Term Deposits	\$26,761
<b>Total</b>	<b>\$5,026,761</b>

The funds from investment maturities are currently held in the NAB High Interest Cash At Call account, which is currently earning 0.4% pa (No change since Nov 2020). In this current low interest rate environment, Council has reduced its administration time in managing investments by reducing the number of smaller term deposits and making larger term deposits along with increasing funds invested with NSW TCorp IM Funds. During March, ARC was able to negotiate a higher interest rate with ING than was advertised in its search to improve investment returns. An additional \$3 million was invested in ING due to the higher interest rate available. The funds for the new Term Deposit were made available from the NAB High Interest saving account.

Investment Revenue Earned

	<b>March 2021</b>	<b>February 2021</b>	<b>Movement</b>
NAB General Cash Account	\$6	-	\$6
Term Deposits	\$29,128	\$26,799	\$2,329
NSW T-Corp IM Funds	(\$3,097)	(\$6,033)	\$2,936
NAB High Interest Account	\$6,752	\$4,967	\$1,785
AMP Saver Account	\$850	\$1,618	(\$768)
NAB Trust Account	\$521	\$442	\$79
<b>Total</b>	<b>\$34,160</b>	<b>\$27,793</b>	<b>\$6,367</b>

Investments are diversified across a range of institutions, with no one institution exceeding 30% of funds invested to ensure the portfolio is in line with the Investment Policy.

Issuer	Short Term Rating	Market Value	% Total Value
AMP Bank	A2	\$8,024,651	13.48%
Bank Of Queensland	A2	\$10,057,103	16.90%
Bendigo & Adelaide Bank	A2	\$5,013,890	8.42%
Regional Australia Bank	Unrated	\$1,003,625	1.69%
ING Bank	A1	\$6,000,959	10.08%
Macquarie Bank	A1	\$2,022,505	3.40%
National Australia Bank	A1+	\$12,105,500	20.30%
NSW T Corp – IM Funds	A	\$15,314,474	25.73%
<b>Total</b>		<b>\$59,542,707</b>	<b>100%</b>

#### Investment Yield

	March 2021			February 2021		
Term of Investment	ARC	3m BBSW rate	Outperformance	ARC	3m BBSW rate	Outperformance
6 months	0.94%	0.03%	0.91%	1.02%	0.03%	0.99%
12 months	1.19%	0.05%	1.14%	1.27%	0.07%	1.2%

The Armidale Regional Council Community Strategic Plan 2017-2027 identifies the importance of Leadership for the Region. In particular:

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

L2.1 – Financial sustainability is maintained through effective short and long term financial management

L2.1.3 – Develop effective financial management systems

## **5. Implications**

### **5.1. Strategic and Policy Implications**

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

- Council Investment Policy
- 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 of surplus funds must remain in line with Council's Investment Policy. This will ensure sufficient working capital is retained and restrictions are supported by Cash and Investments that are easily converted into Cash. Cash management complies with the NSW Local Government (General) Regulation 2005.

The Investment Policy relates to:

- Council's Community Strategic Plan 2017-2027 category of "Leadership for the Region" and related community outcome of "Council exceeds community expectations when managing its budget and operations."
- Council's Delivery Program 2018-2022 item "Financial Sustainability – to maintain financial sustainability through effective short, medium and long-term financial management."
- Council's Operational Plan 2020-21: asset management, budget management, financial operations.

## 5.2. Risk

Council invests in Term Deposits, Cash and NSW Treasury Corporation Investment Management (IM) Funds. Rates of return on these investments are higher than the 30 Day BBSW Index.

Council's investments have out-performed the RBA Cash rate and the 3 month BBSW index.

Council's responsibility is to ensure working capital is retained and restrictions are supported by cash.

Council considers effective risk management practices exist over its cash and investment holdings.

## 5.3. Sustainability

Council utilises an online Portfolio Platform to manage its Investments and investment register. The number of investments has been rationalised allowing for more efficient internal investment management to be performed. Communication is performed by electronic means, resulting in efficiencies of processes and a reduction in the use of paper.

## 5.4. Financial

Budget Area:	FINANCE						
Funding Source:	General Fund, Water Fund, Sewer Fund, Trust Fund						
Budget Ref: (PN)	Description	Approved Budget	Actual	Committed	Proposed	Total Forecast Expenditure	Remaining Budget
210815	Interest Income on Investments	Consolidated income \$895,000	\$471,430	Nil	Nil	Nil	Consolidated Income \$423,570
210815	Subscriptions	\$11,800	\$8,200	\$1,500	Nil	Nil	\$2,100

Comparison of Actual Interest Income Earned with Budget

2020-21 Budget Interest Income \$895,000.

Interest Income	YTD Actual	YTD Budget	Difference
YTD March 2021	\$471,430	\$671,250	(\$199,820)
YTD February 2021	\$432,076	\$596,666	(\$164,590)
Movement	\$39,354	\$74,584	(\$35,230)

There is a YTD Unfavourable Budget Variance of \$199,820 to 31 March 2021. Over the past 12 months, the Commonwealth Government has provided many cash incentives to stimulate growth during the economic decline and global pandemic. This has supplied the economy with 'cheap money', placing downward pressure on interest rates and interest returns on investments. Savings and Term Deposit rates being offered by the banks are at all-time lows, with some institutions closing their door to new investment deposits. Council has progressively increased its investments in the NSW Treasury Corporation Cash and Short Term Income Funds. These funds have generated positive returns over extended time periods, while movements in inflationary expectations has caused negative returns in recent months. The current environment of historically low interest rates and credit spreads mean that the future returns for investments will be lower.

Restricted & Unrestricted Funds

As at 30 June 2020, total Restricted and Unrestricted funds were fully funded by Cash and Investments. From the quarter 2 budget review, it is projected that there will be a decrease in the Water and Sewer Fund Restrictions and an increase in the General Unrestricted Funds. The current Cash and Investment position at 28 February 2021 sufficiently covers the projected totals.

**Balance at 30 June 2020**

	General	Water	Sewer	Total
External Restrictions	\$17,239,460	\$24,828,266	\$17,922,780	\$59,990,506
Internal Restrictions	\$10,020,353	\$ -	\$ -	\$10,020,353
<b>Total Restrictions</b>	<b>\$27,259,813</b>	<b>\$24,828,266</b>	<b>\$17,922,780</b>	<b>\$70,010,859</b>
Unrestricted	\$2,140,752	\$ -	\$ -	\$2,140,752
<b>Total Funds</b>	<b>\$29,400,565</b>	<b>\$24,828,266</b>	<b>\$17,922,780</b>	<b>\$72,151,611</b>

**Projected Year End Result at 30 June 2021 (Qtr 2 Revision)**

	<b>General</b>	<b>Water</b>	<b>Sewer</b>	<b>Total</b>
External Restrictions	\$17,640,000	\$18,968,198	\$16,601,691	\$53,209,889
Internal Restrictions	\$10,468,000	\$ -	\$ -	\$10,468,000
<b>Total Restrictions</b>	<b>\$28,108,000</b>	<b>\$18,968,198</b>	<b>\$16,601,691</b>	<b>\$63,677,889</b>
Unrestricted	\$3,329,431	\$ -	\$ -	\$3,329,431
<b>Total Funds</b>	<b>\$31,437,431</b>	<b>\$18,968,198</b>	<b>\$16,601,691</b>	<b>\$67,007,320</b>

**Movement from June 2020 to projected total June 2021**

	<b>General</b>	<b>Water</b>	<b>Sewer</b>	<b>Total</b>
External Restrictions	\$400,540	(\$5,860,068)	(\$1,321,090)	(\$6,780,618)
Internal Restrictions	\$447,647	\$ -	\$ -	\$447,647
<b>Total Restrictions</b>	<b>\$848,187</b>	<b>(\$5,860,068)</b>	<b>(\$1,321,090)</b>	<b>(\$6,332,971)</b>
Unrestricted	\$1,188,679	\$ -	\$ -	\$1,188,679
<b>Total Funds</b>	<b>\$2,036,866</b>	<b>(\$5,860,068)</b>	<b>(\$1,321,090)</b>	<b>(\$5,144,292)</b>

Note: Quarter 3 budget review is currently being undertaken and will be reported at the May 2021 Council meeting, at which time updated projections will be reported.

**6. Consultation and Communication**

An Investment Report is required to be tabled at the monthly Ordinary Meeting of Council.

**7. Conclusion**

The Cash and Investment Report provides an overview of cash and investments as at and for the period ended 31 March 2021 and demonstrates compliance with Council policy.

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<b>Item:</b>	<b>11.2</b>	<b>Ref: AINT/2021/10623</b>
<b>Title:</b>	<b>Corporate Banner and Pole Sponsorship - Draft for Public Exhibition Container: ARC17/1764</b>	
<b>Responsible Officer</b>	<b>Acting Director Organisational and Corporate Services</b>	
<b>Author:</b>	<b>Anna Stevenson, Knowledge Base Project Officer</b>	
<b>Attachments:</b>	1. POL183 Corporate Flag Pole and Banner Sponsorship 2021 (Draft 5)	

### **1. Purpose**

The purpose of this report is to place the Corporate Banner and Pole Sponsorship draft policy on public exhibition. This policy demonstrates Council's commitment to working with the community in order to appropriately advertise local events and/or activities, utilising the flag/banner poles in the Beardy Street Mall.

### **2. OFFICERS' RECOMMENDATION:**

**That Council:**

- a. Endorse the draft Corporate Banner and Pole Sponsorship Policy for public exhibition for a period of 28 days commencing on Monday 3 April.**
- b. Receive a further report at the conclusion of the exhibition period.**

### **3. Background**

The objectives of this policy are to:

1. Provide Council with a framework for installing banners and flags around the Armidale CBD on behalf of events, activities or community groups.
2. Outline conditions under which banners and flags will be permitted throughout the Armidale CBD that seeks to prevent the inappropriate or inappropriately positioned signage through the Armidale CBD.

### **4. Discussion**

This policy has been reformatted into the new policy format, including some paragraph and text adjustments, to clarify the use of the flagpoles and banners in the public space of the CBD. They will be primarily dedicated to supporting events, causes or activities that are taking place within the community.

Encouraging the use of this infrastructure will ultimately add to the vibrancy within the CBD and wider community.

### **5. Implications**

#### **5.1. Strategic and Policy Implications**

Adoption of this policy will support the outcome:



Community Strategic Plan 2017-2027

**5.2. Risk**

There is no risk associated with placing this policy on public display for 28 days.

**5.3. Sustainability**

No sustainability implications are evident with the adoption of this Policy.

**5.4. Financial**

Budget Area:	Communications						
Funding Source:	Operational budget						
Budget Ref: (PN)	Description	Approved Budget	Actual	Committed	Proposed	Total Forecast Expenditure	Remaining Budget
210057	Communications & Engagement	\$683,356	\$497,878	\$10,391	\$508,269	\$660,306	\$23,050

The adoption of the policy has minimal financial implications as the implementation will be part of the Communications operational budget.

**6. Consultation and Communication**

The policy will be placed on Public Exhibition for of 28 days, where the community will have an opportunity to give their input.

**7. Conclusion**

By placing this policy on public exhibition for 28 days, the community will have the opportunity to give their input into the final outcome of the policy content. Once the exhibition period is completed a further report will be submitted to Council with the final policy draft for adoption.

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<b>Item:</b>	<b>11.3</b>	<b>Ref: AINT/2021/10666</b>
<b>Title:</b>	<b>Rates Harmonisation Implementation</b>	<b>Container: ARC19/3336</b>
<b>Responsible Officer</b>	<b>Acting Director Organisational and Corporate Services</b>	
<b>Author:</b>	<b>Kelly Stidworthy, Manager Financial Services</b>	
<b>Attachments:</b>	1. Letter to merged councils re rates harmonisation	

### **1. Purpose**

The purpose of this report is to outline the proposed rates harmonisation implementation framework pending approval of the Exposure Draft Bill *Local Government Amendment (Rates) Bill 2021*, which is expected to occur in May 2021. It is intended to use this harmonisation framework in determining ordinary rates for the 2021/22 financial year and beyond.

### **2. OFFICERS' RECOMMENDATION:**

**That Council endorse the proposed rates harmonisation implementation framework outlined in this report for use in the draft 2021/22 budget.**

### **3. Background**

Since amalgamation of Armidale Dumaresq and Guyra Shire Council in 2016, Council has been required to maintain two rating systems for the local government area. This was due to a four year rate freeze imposed by the NSW Government.

Under current legislation, from 1 July 2021, Council must maintain one consistent rating structure to ensure a fairer and more equitable system across all rating categories within the Armidale Regional local government area. This is known as rates harmonisation and will require adjustment to some rating categories to align them with the requirements of the Local Government Act and Regulation.

Rate modelling identified that the Farmland, Residential Non-Urban/Residential Village and Business Non-Urban rate categories would be most affected by rates harmonisation.

Through the process of consulting with local government on this issue, the Office of Local Government developed the Exposure Draft Bill *Local Government Amendment (Rates) Bill 2021* (the Bill) in order to provide legislative mechanisms to allow for gradual harmonisation of rating structures.

The options available to harmonise rating structures contained in the Bill are:

- a) by the levying of a new rate for the category of land, with effect from 1 July 2021,
- b) by the use of sub-categorisation of the category of land, or
- c) by gradual harmonisation of rates for the category over no more than 4 years.

At a minimum, a four year gradual harmonisation of rates would smooth the transitional increases in rates between rate categories.

Council considered a report on the Bill at the meeting 27 January 2021. Council has since been advised by the Minister for Local Government that the Bill must still return to the Legislative Assembly, which cannot occur until the May sittings of the Parliament. A copy of the Minister's letter is attached to this report. The scheduled sittings of NSW Parliament are 4-6 and 11-13

May. It is expected the Bill will be passed at these sittings and the resulting revised legislation available for use in determining the 2021-22 budget.

#### 4. Discussion

The proposed changes in the Bill will provide greater flexibility to the way councils may determine rating structures from 1 July 2021. At this time, Council is only proposing to take up legislation pertaining to the harmonisation of rating structures with the timeframes between the Bill being passed and setting the 2021/22 budget too short to adequately consider other aspects of the legislation.

Assuming the legislation is passed, if Council elects to undertake rates harmonisation over 4 years, it would need to apply no more than 50% of the total increase in rates at the rating category level over the period, in any one of the four financial years. Councils that choose to harmonise gradually will be required to set out their intended approach over the full four years in their IP&R documents.

For reference, Council's 2020/21 rating structure is as follows:

Rate Category	Base Rate \$	Base Rate %	Rateable Land Value \$	Estimated Yield \$	No Properties	Average \$
<b>Residential</b>						
Residential - Armidale	467.60	41.6%	1,102,471,667	9,257,675	8,227	1,125
Residential – Guyra	238.00	45.0%	56,566,120	496,760	942	527
Residential - Wollomombi	200.00	34.7%	366,800	9,219	16	576
Residential – Ebor	200.00	36.0%	599,600	8,342	15	556
Residential - Hillgrove	200.00	33.2%	2,226,830	57,779	96	602
Residential – Armidale Non Urban	485.00	42.3%	289,500,730	1,235,187	1,075	1,149
Residential – Guyra Non Urban	258.80	42.1%	23,047,510	92,871	151	615
Residential – Village	170.00	46.4%	5,662,680	51,983	142	366
<b>Farmland</b>						
Farmland – Armidale	1,321.60	37.6%	962,013,200	2,921,595	832	3,512
Farmland – Guyra	468.00	16.2%	1,001,773,500	1,951,195	679	2,874
Farmland – Guyra Intensive	1,146.90	18.3%	1,481,000	12,570	2	6,285
<b>Mining</b>						
Mining – Armidale	995.30	16.8%	692,290	65,178	11	5,925
<b>Business</b>						
Business – Armidale	791.00	17.6%	111,511,153	1,758,266	390	4,508
Business – Guyra	409.80	44.6%	5,616,190	90,139	99	910
Business – Armidale Non Urban	737.30	48.2%	6,439,000	44,395	30	1,480
Business – Village	106.70	37.5%	687,550	3,986	14	285
Industrial – Armidale	882.20	18.1%	48,480,300	763,561	157	4,863
<b>Totals</b>			<b>3,619,136,120</b>	<b>18,820,701</b>	<b>12,878</b>	<b>1,461</b>

#### Proposed Rates Harmonisation Implementation Framework

The proposed rates harmonisation options that will be added to *the Local Government Act 1993* contained in the Bill are below.

*In particular, for Councils affected by amalgamation and having a preserved rate structure that is due to expire in 2021, a transitional provision will be included to provide for the harmonisation of rates to ensure a uniform rating structure for each category of land (such as residential).*

*Harmonisation within each category of land can be achieved in one of 3 ways—*

- (a) by the levying of a new rate for the category of land, with effect from 1 July 2021,*
- (b) by the use of sub-categorisation of the category of land (as provided for elsewhere in this draft Bill),*
- (c) by gradual harmonisation of rates for the category over no more than 4 years.*

*If rates for a category are harmonised over 4 years, in each year the increase in rates for the category must not exceed 50% of the difference between—*

- (a) the preserved rate structure for the category, and*
- (b) the rate structure that is to be achieved at the end of harmonisation for the category.*

*It is noted that harmonisation is not expected to affect the requirements of the Act that limit variation in a Council's income from rates.*

Council is proposing to take up the gradual harmonisation of rates over 4 years as per this part due to the significant impact on some categories of ratepayers immediate harmonisation would have.

It was identified that the Guyra Farmland rating category would be the most significantly impacted category due to rates harmonisation. This is because the Guyra Farmland unimproved land value is approximately \$1 billion with rate revenue of \$1.9 million versus the Armidale Farmland unimproved land value of approximately \$0.9 billion with rate revenue of \$2.9 million.

The large difference in rate revenue versus the close underlying land values for each category would result in a significant shift of the rate burden from the Armidale Farmland to the Guyra Farmland category if harmonisation was undertaken in full at 1 July 2021.

It is also proposed to consolidate existing rating sub-categories to reduce the overall number of sub-categories due to the homogeneous nature and relatively similar rating levels of some existing sub-categories.

The proposed rates harmonisation path for each category of rates is outlined below.

#### Residential

The ability to categorise properties classified as Residential for rating purposes under the current and proposed legislation is below.

Current Legislation	Proposed Legislation
S529(2)(b) <ul style="list-style-type: none"><li>• according to whether the land is rural residential land or is within a centre of population</li></ul>	S529(2)(c) <ul style="list-style-type: none"><li>• the location of the land, or</li><li>• whether the land is rural residential land, or</li><li>• whether the land is in a centre of population, or</li><li>• whether the land is in a residential area or in part of a residential area</li></ul>

The current legislation permits categorisation based on either the land being in a centre of population or being rural residential. It is noted that the proposed legislation includes the additional categorisation based on location or whether the land is in a residential area or part of

a residential area. These additional options have been included to allow greater flexibility for councils where different rating structures exist in densely populated areas.

It is intended to retain separate residential rating categories for Armidale and Guyra.

Both the current and proposed legislation allow for categorisation based on whether land is rural residential; however categorisation based on rural residential cannot be further determined using location or centre of population.

The proposed sub-categories for Residential before and after rates harmonisation are below.

<b>Current Rating Structure</b>	<b>Harmonised Rating Structure</b>
<ul style="list-style-type: none"><li>• Residential - Armidale</li><li>• Residential – Guyra</li><li>• Residential - Wollomombi</li><li>• Residential – Ebor</li><li>• Residential - Hillgrove</li><li>• Residential – Armidale Non Urban</li><li>• Residential – Guyra Non Urban</li><li>• Residential – Village</li></ul>	<ul style="list-style-type: none"><li>• Residential - Armidale</li><li>• Residential – Guyra</li><li>• Residential – Non Urban</li></ul>

#### Farmland

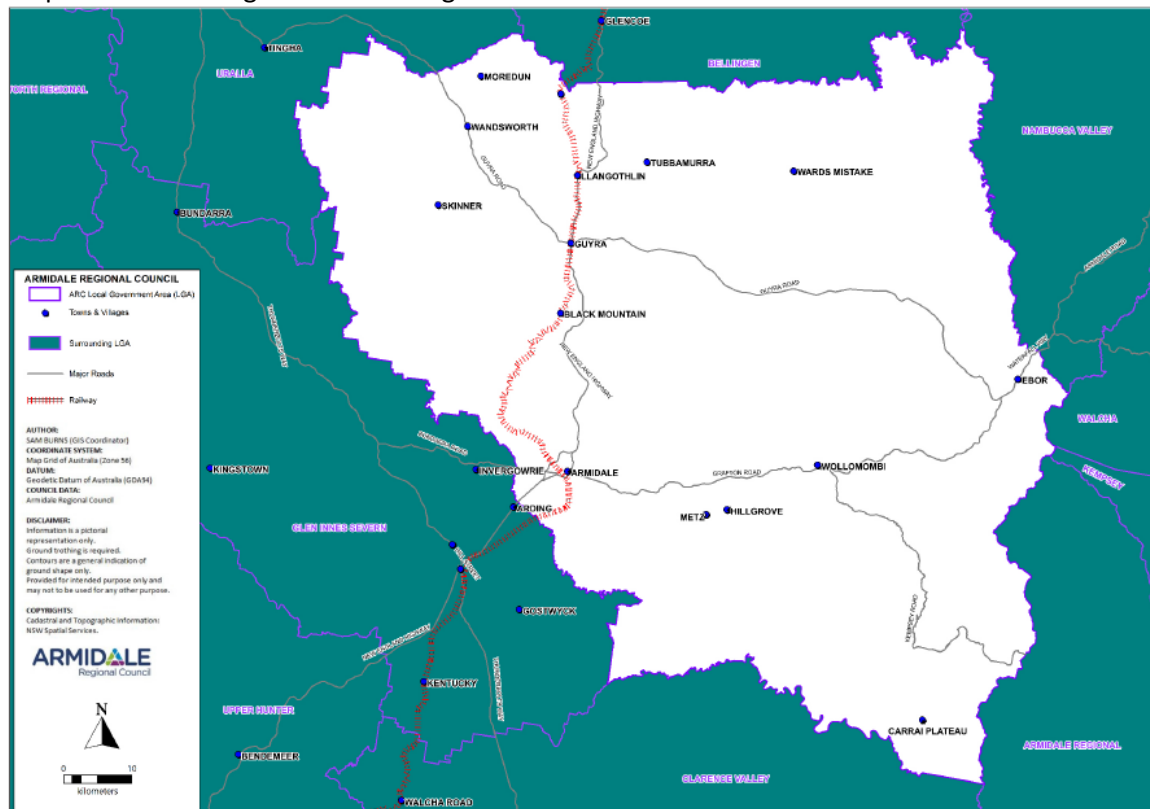
The ability to categorise properties classified as Farmland for rating purposes under the current and proposed legislation is below.

<b>Current Legislation</b>	<b>Proposed Legislation</b>
S529(2)(a) <ul style="list-style-type: none"><li>• according to the intensity of land use, the irrigability of the land or economic factors affecting the land</li></ul>	S529(2)(a) <ul style="list-style-type: none"><li>• the location of the land, or</li><li>• the intensity of land use, or</li><li>• the irrigability of the land, or</li><li>• economic factors affecting the land</li></ul>

The current legislation permits categorisation based on the intensity of land use or irrigability. Irrigability relates to locations where water licences were removed from land valuations many years ago. It is noted that the proposed legislation includes the additional categorisation based on location or economic factors affecting the land.

While there is the ability to rate farmland based on location, given the spread of the previous councils across the region a split based on the former council areas would not be feasible. There are also challenges in the ability for farmland held in the same ownership to be amalgamated provided it is in the same local government area and this creates challenges for categorisation based on location.

Map of Armidale Regional Council region:



Analysis of surrounding councils and their farmland rating produces the following:

Council 2020/21 Rates	One Farmland Rating Category?	Farmland Rate Yield	Average Farmland Rates per Assessment	% Farmland to Total Rate Yield	Area Km <sup>2</sup>
Glen Innes	Yes	\$ 3,180,994	\$ 3,097	44%	5,480
Gunnedah	Yes	\$ 5,354,717	\$ 4,730	39%	4,987
Inverell	Yes	\$ 4,619,052	\$ 3,073	33%	8,597
Tamworth	Yes	\$ 6,004,862	\$ 1,988	16%	9,884
Tenterfield	Yes	\$ 2,323,130	\$ 1,623	49%	7,323
Uralla	Yes	\$ 2,321,599	\$ 3,902	58%	3,227
Walcha	Yes	\$ 2,994,768	\$ 4,125	83%	6,261
Former Armidale		\$ 2,922,586	\$ 3,513		
Former Guyra		\$ 1,951,665	\$ 2,874		
Proposed ARC	Yes	\$ 4,874,251	\$ 3,226	26%	8,621

The above table demonstrates that, compared to neighbouring local government areas, Council's farmland rating levels do not seem unreasonable both in terms of the yield and

average rates. This is relevant with the Armidale Regional Council region at 8,621km<sup>2</sup> compared to other smaller region sizes and with land prices in the New England region for good agricultural land increasing.

It is therefore recommended that Council establish one farmland rating category for Armidale Regional Council and transition the former Armidale and Guyra farmland rating categories into that over the four year transition period.

The proposed sub-categories for Farmland before and after rates harmonisation are below.

Current Rating Structure	Harmonised Rating Structure
<ul style="list-style-type: none"> <li>Farmland - Armidale</li> <li>Farmland – Guyra</li> <li>Farmland – Intensive</li> </ul>	<ul style="list-style-type: none"> <li>Farmland</li> <li>Farmland – Intensive</li> </ul>

#### Business

The ability to categorise properties classified as Business for rating purposes under the current and proposed legislation is below.

Current Legislation	Proposed Legislation
<p>S529(2)(d)</p> <ul style="list-style-type: none"> <li>according to a centre of activity</li> </ul>	<p>S529(2)(e)</p> <ul style="list-style-type: none"> <li>the location of the land</li> <li>whether the land is in a centre of commercial or industrial activity</li> <li>whether the land is industrial land</li> <li>whether the land is non-industrial land</li> </ul>

The current legislation permits categorisation based on the land being in a centre of activity. It is noted that the proposed legislation includes the additional categorisation based on location or whether the land is industrial or non-industrial.

It is intended to retain separate business rating categories for Armidale and Guyra.

It is unclear as to why separate categories exist for business in Armidale. From the 2020-21 Revenue Policy it can be seen that the rating levels of these two categories are very similar:

Rate Category	Base Rate \$	Ad Valorem Rate in \$
Business – Armidale	791.00	0.012987
Industrial – Armidale	882.20	0.012893

It is therefore recommended that the above categories are merged in the first year of harmonisation.

The proposed sub-categories for Business before and after rates harmonisation are below.

Current Rating Structure	Harmonised Rating Structure
--------------------------	-----------------------------

<ul style="list-style-type: none"><li>• Business – Armidale</li><li>• Business – Armidale Industrial</li><li>• Business – Guyra</li><li>• Business – Armidale Non Urban</li><li>• Business – Village</li></ul>	<ul style="list-style-type: none"><li>• Business – Armidale</li><li>• Business – Guyra</li><li>• Business – Non Urban</li></ul>
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### Mining

There are no changes proposed for the mining rates category as a result of rates harmonisation.

## **5. Implications**

### **5.1. Strategic and Policy Implications**

Strategic Goal: Leadership for the Region

COMMUNITY OUTCOME - Council exceeds community expectations when managing its budget and operations

*L2.1 – Financial Sustainability - Maintain financial sustainability through effective short, medium, and long-term financial management*

Operational Plan 2020-21

Apply for a Special Rate Variation to fund future infrastructure and community Improvements

*Implement harmonisation of rates between the former Armidale-Dumaresq and Guyra council areas*

While there are other matters that could be considered when the Bill is passed there will be insufficient time prior to determining the draft 2021/22 budget to adequately investigate and research other changes to the rating structure that could be considered. Some areas of the revised legislation have also already been objected to in the first reading and, while changes were not supported by the majority during this process, there remains a risk that this could occur in the second reading. As such, this report is restricted to recommending a proposed rates harmonisation implementation framework only with other considerations to be made once the Bill has been passed and there has been an opportunity to conduct further research on what some of the changes could mean in practice for Council.

### **5.2. Risk**

#### Timeframes

As the Bill has not yet been passed by Parliament there is a risk to Council's legislative budget adoption timeframes for the 2021/22 budget. In this regard, the Minister has advised that:

*I am advised by OLG that, in order for your council to determine its rate structure and issue rates notices before 1 August 2021, it will need to pass a council resolution making the rates and charges and adopting the Revenue Policy as part of their next Operational Plan. This will require each council to release a Draft Operational Plan for community consultation by 21 June at the latest (consultation would then close on 20 July). If council is able to meet that day to consider submissions and pass the above resolution, rates notices may then be issued on 21 July, and deemed to be served by 1 August, as required by law.*



*In addition, each council will need to pass a resolution that sets out whether it has chosen to achieve harmonisation gradually, and over how many years. While this can be achieved as part of council's Operational Plan, it could also be undertaken separately so long as councils apply the same consultation process and timing.*

It is hoped that the Bill is passed at the May parliament sittings and is available soon thereafter so that the draft 2021/22 budget can be adopted in May for public consultation.

Should the Bill not be passed at the May parliament sittings Council will need to proceed with full rates harmonisation at 1 July 2021 with no option to gradually harmonise rating structures.

#### Bill Amendments

As the Bill has not yet been fully debated and passed by NSW Parliament there is a risk that it will undergo further changes and the final changes not be as per the current Bill. As assumptions have been made on the existing Bill if changes occur that impact the rates harmonisation implementation framework proposed in this report there will be very little time to consider any impacts.

### **5.3. Sustainability**

The draft legislation, if enacted, will impose additional administrative and reporting functions on Council while making it more transparent and accountable.

The legislation also provides for a more flexible and equitable method of levying rates and harmonisation of rates over four years and would be welcomed by most ratepayers.

### **5.4. Financial**

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

Undertaking the implementation of the rates harmonisation implementation framework will be undertaken internally and will not result in additional costs.

## **6. Consultation and Communication**

Council undertook extensive community consultation on the Special Rate Variation during November and December 2020, which included consultation on rates harmonisation.

There was strong feedback received through this process that a gradual harmonisation path would be preferred rather than full implementation at 1 July 2021 and Council advised the community through these sessions that this was something it was advocating for.

Following inclusion of the proposed rates harmonisation implementation framework in Council's 2021/22 IP&R documentation, the community will be further consulted on the proposed harmonisation path.

## **7. Conclusion**

This report provides the proposed rates harmonisation implementation framework pending approval of the Exposure Draft Bill *Local Government Amendment (Rates) Bill 2021*.

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<b>Item:</b>	<b>11.4</b>	<b>Ref: AINT/2021/10673</b>
<b>Title:</b>	<b>Armidale City Gymnastics Club - Request for Loan Guarantee</b> <b>Container: ARC16/0083-2</b>	
<b>Responsible Officer</b>	<b>Acting Director Organisational and Corporate Services</b>	
<b>Author:</b>	<b>Kelly Stidworthy, Manager Financial Services</b>	
<b>Attachments:</b>	1. Armidale City Gymnastics Club Loan Guarantee Request	

### **1. Purpose**

The purpose of this report is to:

- inform Council about a request from Armidale City Gymnastics Club for Council to act as guarantor for a proposed loan; and
- seek approval for Council to publicly advertise its intent to support the request in accordance with section 356 of the *Local Government Act 1993*.

### **2. OFFICERS' RECOMMENDATION:**

**That Council:**

- a. Give public notice for a period of 28 days in accordance with section 356 of the *Local Government Act 1993* of Council's intention to act as Guarantor for Armidale City Gymnastics Club for a \$150,000 loan in accordance with the terms outlined in this report; and**
- b. A further report be presented back to Council following the conclusion of the public notice period to address any matters raised during the exhibition period.**

### **3. Background**

Armidale City Gymnastics Club (the Club) is situated on Crown Land under lease with Council. The current lease runs until 30 June 2025.

The Club is seeking to obtain a loan from the Regional Australia Bank in order to renew equipment, including the floor, in order to run some of the events they have planned.

In order to secure the loan, the Club is seeking Council to act as Guarantor due to the Club's assets viewed as unsecure by the bank as they are situated on Crown Land and used for a community purpose.

A copy of the request from the Club is attached.

Council has previously support the Club in various ways including:

- Letters of support;
- Previously acting as Guarantor for a \$104,000 loan in 2008 which was discharged in 2011;
- Agreeing to act as Guarantor for a \$150,000 loan in 2017 though this loan was never taken out by the Club;
- Waiver of an estimated \$7,000 in DA fees for the recent centre expansion;

- Assistance with construction works to a maximum value of \$10,000 for the recent centre expansion; and
- In-kind support through the auspice of the Club's Building Better Regions Fund grant application.

#### **4. Discussion**

It is not usual for Council to act as guarantor of loans for community groups due to the potential exposure for Council should the group fail to meet its repayment obligations. Council has in the past experienced the negative financial impacts of groups unable to meet financial commitments by way of loans and other debts not able to be repaid. These impacts result in a loss of financial resources, which then need to be recouped from ratepayers and the community.

Council's poor financial position, reliance on a special rate variation outcome and current operation under Financial Controller protocols mean that placement of the Council at risk of loan default must be avoided.

It is therefore of critical importance to consider the financial circumstances of the group making the request to determine if the risk of default is adequately managed.

Discussion of the Club's financial position and ability to meet required repayments is outlined under the Risk section of this report.

The request from the Club falls under section 356 of the *Local Government Act 1993*. The requirements of this section of the Act are that Council may contribute money or otherwise grant financial assistance by way of a Council resolution. However, in this circumstance Council must give 28 days' public notice of its intention to pass the necessary resolution because:

- The financial assistance is not part of a specific program;
- It has not been included in Council's Operational Plan; and
- The proposed support does not uniformly apply to everyone within council's area.

The above advice has been confirmed by the Office of Local Government.

At this time, the Financial Controller must also approve any requests proposed to be made under section 356 of the Act. A copy of this report has been provided to the Financial Controller and he has approved the report recommendation. The Financial Controller has also advised that Council should seek further supporting documentation from the Club including a business and financial plan prior to making a final decision at the close of the public notice period.

#### **5. Implications**

##### **5.1. Strategic and Policy Implications**

The request from the Club would enable it to run a range of events it otherwise would be at risk of not being able to hold including the NSW Country Championships for the next three years. The Club has also advised *'due to the expansion of the facility, and the upgraded equipment we are purchasing, there will also be the opportunity to host other competitions at a State Level, which we have never been able to do previously'*.

The Club also states that this will in turn a considerable amount of sport tourism dollars into the Armidale area.

The proposal therefore supports some of the goals outlined in Council's Community Strategic Plan 2017-2027 and Delivery Program 2018-2022 including:

*COMMUNITY OUTCOME - The visitor economy generates additional revenue and employment to boost the local economy and creates opportunities for more vibrant cultural activities*

*No specific strategy alignment under this outcome but indirectly supports outcome.*

*COMMUNITY OUTCOME - Community programs, services and facilities meet the needs of the community and provide a safe place to live*

*P2.2 – Sporting program and Events –Support increased community participation in sports and recreation throughout the region*

*P2.4 – Community Initiatives – Support and empower the community to deliver community initiatives that improve the lives of residents and visitors to the region*

However, these outcomes need to be balanced against

*COMMUNITY OUTCOME - Council exceeds community expectations when managing its budget and operations*

*L2.1 – Financial Sustainability - Maintain financial sustainability through effective short, medium, and long-term financial management*

## **5.2. Risk**

The request from the Club is for guarantee of a loan of \$150,000 under the following terms:

- Loan Term 5 years
- Interest Rate 6.02%
- Principal and Interest depreciating

Regional Australia Bank have advised:

*The club have held facilities similar to this and have shown strong pay down's with no adverse conduct.*

Review of the Club's financial reports from 1 January 2019 to 31 December 2020 show that the Club:

- is consistently making an operating surplus without consideration of depreciation;
- has cash available to adequately fund its operations;
- has no loans outstanding;
- has minimal liabilities; and
- appears well placed to be able to meet the required loan repayments (estimated at around \$35k per annum).

Note the Club is not required to produce audited financial reports and therefore depreciation is not calculated or disclosed.

The Club has also advised that it will repay the loan at a faster rate than required if it can do so.

## **5.3. Sustainability**

The Club has undertaken expansion of its facility in order to provide a broader offering of programs and events for its students and the community. To fund the expansion the Club has also made its own financial contributions in the order of \$250,000.

The 2020 financial report shows a significant decline in the level of revenue associated with a period where the Club was unable to operate due to Covid-19; however, costs were also reduced by a similar level.

The Club expects that its increased space, program offering and capacity will generate a higher level of revenues in future and will enable them to maintain the facility and expand. This will likely result in increased employment and local investment.

#### 5.4. Financial

Budget Area:	Liabilities						
Funding Source:	N/A						
Budget Ref: (PN)	Description	Approved Budget	Actual	Committed	Proposed	Total Forecast Expenditure	Remaining Budget
N/A	Contingent Liabilities	\$0	\$0	\$0	\$174,079	\$174,079	(\$174,079)

It is estimated that Council's exposure to loan default would be approximately \$174,079 including interest at 6.02%. As outlined in the Risk section of this report it is considered low risk that this outcome would eventuate. However, if the Club was to default the Regional Australia Bank would be able to force Council to repay the balance of the loan.

#### 6. Consultation and Communication

The report recommends that public notification occur for a period of 28 days in accordance with section 356 of the *Local Government Act 1993* of Council's intention to act as guarantor for Armidale City Gymnastics Club for a \$150,000 loan.

#### 7. Conclusion

This report responds to a request from Armidale City Gymnastics Club for Council to act as guarantor for a proposed loan and recommends that Council give public notification of its intention to support the request in accordance with section 356 of the *Local Government Act 1993*.

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<b>Item:</b>	<b>11.5</b>	<b>Ref: AINT/2021/10934</b>
<b>Title:</b>	<b>Recommendation to Accept Armidale First National as the preferred supplier for marketing and sale of Armidale Airside Business Park Lots, as per GM Delegation AINT/2021/01037 Container: ARC21/4525</b>	
<b>Responsible Officer</b>	<b>Acting Director Organisational and Corporate Services</b>	
<b>Author:</b>	<b>Will Winter, Principal Advisor Economic Development</b>	
<b>Attachments:</b>	<b>Nil</b>	

### **1. Purpose**

To provide background for Council's acceptance of Armidale First National's Tender to Market Armidale Airside Business Park Lots under RFT ARC21-4525

### **2. OFFICERS' RECOMMENDATION:**

**That Council:**

- a. Accept a tender to provide marketing and sales support for sale Armidale Airside Business Park Lots in accordance with GM delegation AINT/2021/01037, as per a Tender received from Armidale First National Real Estate, in conjunction with Cushman Wakefield (Sydney) on the 29<sup>th</sup> March 2021.**
- b. Delegates the GM the authority to negotiate terms, timeframes, reporting and review processes involved with this appointment.**

### **3. Background**

There were approximately 30 downloads of an RFT (ARC21-4525) calling for marketing and sales support of Armidale Airside Business Park Lots. Of these, one Tender only was received from Armidale First National in partnership with Cushman Wakefield (Sydney). Despite the lack of submissions, it is the view of the selection panel that this tender sufficiently satisfies criteria provided in the Tender documentation which aim to successfully promote Armidale Airside Lot sales in a manner consistent with Council probity and conflict of interest considerations, as per Council Resolution AINT/2021/01037.

### **4. Discussion**

Armidale First National, in conjunction with Cushman Wakefield (Sydney) have tendered a marketing plan outline which includes the professional credentials, financial capacity and capacity to 'value add' Armidale Airside Business Park lot sales. The joint tender outlines marketing priorities to *'attract long-term, sustainable and diversified businesses which will vitally contribute to regional growth and development.'* Marketing initiatives will focus on attracting warehouse, freight and logistics businesses connected with existing Regional businesses, as well as facilitating the establishment and expansion of new and existing local businesses which provide a variety of complementary goods and services, as well as opportunities for business efficiencies and synergies, both within the Airside precinct and across the Armidale Region.

As per RFT criteria, Armidale First National has formed a strategic partnership with the Cushman Wakefield Agency in Sydney, in order to offer the best of First National's local knowledge,

experience and national reach across 330 branches, alongside Cushman Wakefield's National and Global Commercial real estate reach.

It is noted that the parties have requested a **small annual marketing stipend of \$2,200 (GST Inc)** to assist the digital uplift of marketing materials, while acknowledging that these resources may, at the discretion of the GM, be augmented from time to time, based on Council Resolutions to fund future marketing and development of sites from net sale proceeds.

A commission amount of up to 3.0% (ex GST) of gross contract of sale proceeds will be negotiated, subject to Council's acceptance of this report and its recommendations.

## 5. Implications

### 5.1. Strategic and Policy Implications

This report and its accompanying resolution will help to secure high-value sales of Armidale Airside Business Park lots, while concurrently promoting other sales of light industrial land across the Armidale Region in a manner which promotes to overall growth and economic vitality of the region. The resolution is consistent with G1.1, G1.3, G2.2 and G4.3 of the 2021 Operational Plan.

### 5.2. Risk

Conditions of Tender and associated Contracts will, as far as possible, mitigate against operational, reputational, corporate, legislative and regulatory risk for Council

### 5.3. Sustainability

No sustainability provisions apply.

### 5.4. Financial

Budget Area:	Armidale Airside Business Park Net Sale Proceeds						
Funding Source:	Self-funding – sales proceeds to be separately accounted from capital design and works for stages 1-3 of the development. Financial reporting codes to be determined as part of the Q3 FY21 budget review process.						
Budget Ref: (PN)	Description	Approved Budget	Actual	Committed	Proposed	Total Forecast Expenditure	Remaining Budget

Apart from an annual allocation of \$2200 to defray digital marketing expenses incurred by the successful parties, there will be no other operational budget commitments associated with this Resolution in FY21. Council may, at the discretion of the GM, allocate additional marketing funds in accordance with Resolution AINT/2021/01037, subject to the successful settlement of Airside Lot sale contracts in previous years.

## 6. Consultation and Communication

Council will be periodically kept informed of high-level Airside Lot sales results in a manner which preserves commercially sensitive information, consistent with GM delegations. From



time to time, public launches and associated publicity of Armidale Airside success stories will be disseminated via Council marketing channels and associated media.

## **7. Conclusion**

Council's acceptance of Armidale First National and Cushman Wakefield's tender for the provision of marketing and sales support in relation to Armidale Airside Business Park lots will provide a professionally competent, ethically defensible, locally embedded, nationally networked and globally recognised marketing presence for the achievement of high-value sales of Armidale Airside Business Park lots. It will also contribute toward the Region's growing reputation as a 'preferred place' for exceptional Regional living, rewarding work and competitive business investment returns.

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<b>Item:</b>	<b>11.6</b>	<b>Ref: AINT/2021/11595</b>
<b>Title:</b>	<b>Engagement of Contractor - Kempsey Road Big Hill Big Slip Restoration - Natural Disaster Recovery Works (Contract A2021/17)</b> <b>Container: ARC21/4539</b>	
<b>Responsible Officer</b>	<b>Acting Director Organisational and Corporate Services</b>	
<b>Author:</b>	<b>Sreejan Tarafder, Project Manager</b>	
<b>Attachments:</b>	1. Tender Evaluation Report_D&C Big Slip__Rev2_Signed- <i>As this attachment deals with commercial information of a confidential nature which, if disclosed, confers a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business (Section 10A(2)(c) of the Local Government Act 1993). Council closes the meeting, in accordance with Council's Code of Meeting Practice, as consideration of this matter in open Council would be contrary to the public interest.</i>	

### 1. Purpose

The purpose of this report is to seek Council's endorsement for the engagement of a contractor to execute the design and construction of Big Hill Big Slip restoration works on Kempsey Road and delegate authority to the General Manager to enter into the contract agreement with the recommended Contractor.

### 2. OFFICERS' RECOMMENDATION:

**That Council:**

- a. **Accept the tender submitted by Ground Stabilisation Systems Pty Ltd of \$725,014.37 including GST (\$659,103.97 ex GST) for Kempsey Road Big Hill Big Slip Restoration Works.**
- b. **Delegate authority to the General Manager to approve variations to a maximum of \$885,396.03 excluding GST to the upper project limit of \$1,524,500 excluding GST that is available for the project as approved by the Administrating Agency (TfNSW).**
- c. **Delegate authority to the General Manager to execute all documents in relation to the contract.**

### 3. Background

Armidale Regional Council is responsible for Kempsey Road (classified as a Local Road), linking Waterfall Way (Main Road 76) and Kempsey. Council's jurisdiction finishes at the boundary of Armidale Regional Council and Kempsey Shire Council at Bellbrook.

Kempsey-Armidale Road is an important corridor, linking Armidale and the coast and supporting agriculture and tourism in both the Armidale and Kempsey regions. Kempsey Road is classed as a local road and is maintained by Council as part of their ongoing maintenance program which involves regular inspections, prioritising and scheduling repair works as required.

The Armidale Local Government Area has been included within the declared Natural Disasters zone during numerous events during 2019, 2020 and the start of 2021. The damage caused by the disasters includes multiple slips and unstable edges, loss of drainage system, unsuitable road surface, loss of materials and culvert structures, unstable uphill side slopes, etc over

approximately 50.0km of its Length (including Lower Creek Road). The most recent heavy rainfall, storms and flooding in March 2021 have caused a number of land slips and further damage to the already completed emergency and pavements works.

The natural disaster events have jeopardised the stability of subsoil and topsoil on the slopes. This Big Hill Big Slip has caused a large amount of damage to the road structure, one of the major reasons of resulting in recent road closures and weight limitations. The unstable slopes are causing land slips and slides, down slides and washouts, which create life threatening hazards for the public.

The design and construction of the Big Hill Big Slip restoration works will lead to safer environment to the road users, and contractors and stop triggering a potential huge land slide in a narrow corridor like Kempsey Road.

#### **4. Discussion**

An open Request for Tender (RFT) was released via Tenderlink on 22 March 2021. The tender requested submissions for suitably qualified contractors to complete the Big Hill Big Slip Restoration works in the Kempsey Armidale Road corridor.

At the close of tender, ARC received the quotation and relevant documents from seven (7) contractors. Six (6) of the quotations were received by the due date and time and deemed conforming, one (1) was received late and not through portal was deemed non-conforming.

The tender was evaluated based on Non-Price and Price criteria. The TET members have assessed all six (6) conforming submissions and all scoring has been discussed and agreed on in the tender evaluation meeting. Procurement & Contracts Coordinator (ARC) was present in the tender evaluation meeting as a non-scoring member of the panel who has provided procurement oversight of the tender evaluation and his recommendations were taken into account by the technical experts on the panel.

#### **5. Implications**

##### **5.1. Strategic and Policy Implications**

Environment and Infrastructure

- E3 Infrastructure – The Community is provided with the essential and resilient infrastructure it requires for daily life, and has access to a prioritised schedule of infrastructure works
  - E3.1 Partnerships with all levels of government to support the provision of essential infrastructure projects

The Tender has been conducted in accordance with the requirements of the Local Government Act 1993, the Local Government (General) Regulations 2005 and the Division of Local Government Tendering Guidelines 2009. The awarded contract details will be published in the ARC contract register and upload onto council website in accordance with Section 27 of the Government Information (Public Access) Act 2009 (GIPA).

##### **5.2. Risk**

The works for this project are categorised as Essential Public Asset Restoration Works (EPARW). As required by the DRFA guidelines an EPARW submission were made to obtain approval for the

works. The works have been approved and an upper funding limit of \$1,524,500 for the project is secured and approved from TfNSW.

The prices requested from the contractors were based on approximate quantity of the each component of the work. So, the contract is based on both lump sum cost and schedule of rates. In addition, unforeseen costs may arise during the contract due to additional natural disaster events and undermining geotechnical issues.

The recommended tendered amount of \$725,014.37 is significantly less than the approved upper limit expenditure however variations are expected which will increase the final cost of the project but will be still within the approved upper limit budget by TfNSW.

Failure to provide safe route is an unacceptable risk to local road users and public. Any accident or damage to the vehicle could expose council to financial and reputational harm.

The delays in undertaking further improvement works and planned road remediation works may damage Council's reputation by further delaying the fulfilment of its commitments to the local stakeholders.

Further risk will be mitigated by:

- the experience and capacity of the preferred tenderer, Ground Stabilisation Systems and its systems and safety procedures, qualifications and expertise; and
- High level contract management from Council and its consultants to manage health and safety requirements, day to day requirements, levels of financial variation, technical requirements, methodology and project timelines.

### 5.3. Sustainability

The open tender process allowed local companies equal opportunity alongside larger providers to supply Local Government under contract and encouraged competitive pricing to increase value for money.

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

### 5.4. Financial

All project expenditure is relevant to natural disaster recovery works. All the works will be carried out following the DRFA guidelines and funded by administering agency (TfNSW).

Budget Area:	Project Management Office						
Funding Source:	Transport for NSW – Disaster Recovery Funding Arrangements						
Budget Ref: (PN)	Description	Approved Budget	Actual	Committed	Proposed	Total Forecast Expenditure	Remaining Budget
270447	Kempsey Rd AGRN 936	200,000	166,789	0	0	166,789	33,211
270448	Kempsey Rd AGRN 943	3,700,000	494,478	0	0	494,478	3,205,522
270444	Kempsey Rd	800,000	1,241,274	1,125,953	0	2,367,227	(1,567,227)
<b>TOTAL</b>	<b>Kempsey Rd</b>	<b>4,700,000</b>	<b>1,902,541</b>	<b>1,125,953</b>	<b>0</b>	<b>3,028,494</b>	<b>1,671,506</b>

The above budget allocations will be aligned more accurately with expenditure at the 2020/21 Q3 budget review.

It is the intention that the natural disaster works on Kempsey Road are fully funded under Natural Disaster Recovery and Relief Arrangements. Consultation between Resilience NSW, TfNSW and ARC has been held with confirmation received the works are eligible to be fully reimbursed through the Natural Disaster funding. There is no compulsory co-contribution for this works due to the required total for co-contribution already been paid for under the Natural Disaster AGRN898.

The proposed approval value is composed of the submitted expenditure to complete the current scope of works and a contingency to cover any unforeseen costs and variations arising. This will mitigate the economic risk to Council.

Description	Proposed Budget
Contract Award Value	\$659,103.97 ex GST
Contingency/ Variation	\$865,396.03 ex GST
Total Approved Budget	\$1,524,500.00 ex GST

## **6. Consultation and Communication**

The outcome of the RFT will be published online for public information. The community will be notified regarding the progress of the project prior to and during construction works, including the requirement to carry out the works under traffic control.

## **7. Conclusion**

The engagement of the preferred Contractor, if endorsed by Council, will allow Council to complete the the design and construction of the Big Hill Big Slip Restoration works which will lead to safer environment to the road users, and contractors and stop triggering a potential huge land slide in a narrow corridor like Kempsey Road.

It is recommended that the tender submission received from Ground Stabilisation Systems Pty Ltd in the amount of \$725,014.37 including GST be accepted and that the General Manager be delegated to approve variations to the contract to the upper project limit advised by TfNSW of \$1,524,500 excluding GST.

Item:	12.1	Ref: AINT/2021/07441
Title:	Council's Role as an Appropriate Regulatory Authority under the Protection of the Environment Operations Act 1997	
		Container: ARC16/0553
Responsible Officer	Director Businesses and Services	
Author:	Ambrose Hallman, Manager Development and Regulatory Services	
Attachments:	Nil	

### 1. Purpose

The purpose of this report is to advise Council of its regulatory responsibilities under Section 6 of the *Protection of the Environment Operations Act 1997* (POEO Act) and how Council staff deal with complaints including those relating to noise, water impacts and odour.

### 2. OFFICERS' RECOMMENDATION:

**That Council note its role as the Appropriate Regulatory Authority delegated to it by the NSW EPA under Section 6 of the *Protection of the Environment Operations Act 1997*, in relation to possible regulatory breaches of NSW Environmental Legislation within the Local Government Area.**

### 3. Background

Section 6 *Appropriate regulatory authority* of the *Protection of the Environment Operations Act 1997* states the following:

- (1) **EPA** *The EPA is the appropriate regulatory authority for the purposes of this Act, except as provided by this section.*
- (2) **Local councils and other local authorities** *A local authority is the appropriate regulatory authority for non-scheduled activities in its area, except in relation to—*
  - (a) *the exercise of functions under Chapter 3 (Environment protection licences), or*
  - (b) *premises defined in an environment protection licence as the premises to which the licence applies, and all activities carried on at those premises, or*
  - (c) *activities carried on by the State or a public authority, whether at premises occupied by the State or a public authority or otherwise, or*
  - (c1) *activities carried on by an authorised network operator (within the meaning of the [Electricity Network Assets \(Authorised Transactions\) Act 2015](#)) whether at premises occupied by the authorised network operator or otherwise, or*
  - (d) *a matter for which a public authority (other than the local authority) is declared under subsection (3) to be the appropriate regulatory authority.*
- (3) **Public authorities declared by regulation** *A public authority is the appropriate regulatory authority for a matter for which it is declared to be the appropriate regulatory authority by the regulations (subject to such conditions or limitations as are specified in the regulations). The regulations under this subsection—*

- (a) *may declare a local authority to be the appropriate regulatory authority in respect of non-scheduled activities excluded under subsection (2), but*
  - (b) *may not declare any public authority to be the appropriate regulatory authority for activities carried on by that public authority.*
- (4) **Limitation to local area** *A function conferred or imposed by or under this Act on a local authority, in its capacity as the appropriate regulatory authority or otherwise, may be exercised only in or in relation to the local authority's area.*

**Note—**

*The regulations have prescribed the Marine Parks Authority and certain other authorities as the appropriate regulatory authorities for certain non-scheduled activities in certain areas. By virtue of this Act, the marine authority is given jurisdiction in connection with noise control notices and noise abatement directions relating to vessels (see sections 263 and 275).*

#### **4. Discussion**

Council often receives complaints from members of the community concerning environmental protection ie: noise, odour, water, waste.

When a complaint is received officers will review the details and attempt to verify the claims. This will almost always involve a site inspection. Depending on the severity of the claims this inspection could happen immediately or be scheduled by the responding officer, for example if the complaint relates to noise from a business late at night.

Council officers undertake research of the relevant Council files to determine:

- if any approvals have been granted under the *Environmental Planning and Assessment Act 1979* (EPA Act) for the activity;
- to determine if the complaint related to scheduled activities (as these are the responsibility of the Environmental Protection Authority),

If the officer determines an offence has occurred under the *Protection of the Environment Operations Act 1997*, generally a Prevention Notice or Abatement directions are issued to require the operator or owner of a site creating the offence, to cease the offence.

Council will often use a condition of consent under the EPA Act for enforcing compliance however this is not always the case as some businesses have been operating prior to the commencement of the EPA Act.

Furthermore, when assessing a development application for a specific use, Council officers under Section 4.15 of the EPA Act 1979 are required to consider potential impacts the development may have, including environmental (noise, odour, waste, water, etc.) This consideration includes existing and possible impacts that may occur due to the development or activity.

Where it is considered the proposed development may potentially impact on non-associated sensitive receptors (neighbours), Council officers may require specific assessment to be undertaken and submitted with the Development Applications to enable Council to more accurately assess and ascertain the potential impacts that the development/activity may cause. This assessment informs the determination of whether these impacts are deemed acceptable in the circumstances of the case; can be controlled/mitigated by conditions; or that the

development is unsuitable as proposed as it is likely the development/activity would have an unacceptable impact on the locality and environment when operating.

Additionally, whilst development consent may be granted this consent does not override the provisions of the POEO Act. A development consent does not absolve a business or activity from complying with the POEO Act and not cause an environmental offence.

The provisions of the Section 6 of the *Protection of the Environment Operations Act 1997* obliges Council to respond to and regulate offensive emissions as the Appropriate Regulatory Authority regardless of any operational development consents.

## 5. Implications

### 5.1. Strategic and Policy Implications

Under the *Protection of the Environment Operations Act 1997*, Armidale Regional Council is the appropriate regulatory authority to investigate environmental pollution within its Local Government Area that falls outside the authority of the NSW EPA.

### 5.2. Risk

Legislative Risk: minimal impact is likely to arise for Council to conduct actions consistent with its responsibilities under the *Protection of the Environment Operations Act 1997*.

### 5.3. Sustainability

Council taking appropriate action as delegated to it by the NSW EPA under Section 6 under the *Protection of the Environment Operations Act 1997*, is considered to facilitate improved outcomes for the community and industry.

### 5.4. Financial

Budget Area:	Development						
Funding Source:	Operational budget						
Budget Ref: (PN)	Description	Approved Budget	Actual	Committed	Proposed	Total Forecast Expenditure	Remaining Budget
250315	Envrionmental Health	\$184,490	\$32,086	\$0	\$115,404	\$147,490	\$37,000

There are no additional financial impacts other than normal wages expenditure expected from the actions outlined in this report.

In the event of enforcement action required to be undertaken budget would be required for legal support.

## 6. Consultation and Communication

Community consultation is not considered required at this time.



**7. Conclusion**

That Council note its role as the appropriate regulatory authority under the *Protection of the Environment Operations Act 1997* to respond to and regulate potential breaches of environmental legislation.

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<b>Item:</b>	<b>12.2</b>	<b>Ref: AINT/2021/07454</b>
<b>Title:</b>	<b>Adoption of the Burning of Vegetation within the Local Government Area Policy</b>	<b>Container: ARC17/1888</b>
<b>Responsible Officer</b>	<b>Director Businesses and Services</b>	
<b>Author:</b>	<b>Christopher Bonning, Environmental Health Officer</b>	
<b>Attachments:</b>	1. Burning of vegetation within the Local Government Area Policy 2. Submission Burning of Vegetation Policy (censored for Council report)	

### 1. Purpose

The purpose of this report is to recommend to Council to formally adopt the Burning of Vegetation within the Local Government Area Policy.

### 2. OFFICERS' RECOMMENDATION:

**That Council adopt the Burning of Vegetation within the Local Government Area Policy.**

### 3. Background

At its Ordinary Council meeting held 25 November 2020 Council resolved (Min No. 341/20) the following:

*"That Council:*

- a. Endorse the draft Burning of Vegetation within the Local Government Area Policy for public exhibition for a period of 28 days.*
- b. Receive a further report should any submissions be received as a result of the exhibition period, however should no submission be received the policy be adopted."*

The policy was placed on public exhibition between 26 November 2020 and 24 December 2020, during which one submission was received.

### 4. Discussion

This Policy was originally adopted by Council on 22 October 2012 in response to Council legislative requirements under the *Protection of the Environmental Operations (Clean Air) Regulation 2010* and *Rural Fires Act 1997* regulate the burning of materials in New South Wales.

Under cl.13 of the *Protection of the Environmental Operations (Clean Air) Regulation 2010*, approvals to burn may be granted by Armidale Regional Council for the '*burning of dead and dry vegetation on the premises from which the vegetation grew*'. All other approvals to burn can only be granted by the Environment Protection Authority (EPA). The Clause of the *Protection of the Environmental Operations (Clean Air) Regulation 2010*, allows Council to facilitate the submitters requirements.

This policy provides guidance to the community on burning vegetation and the approval pathway where there is no reasonable alternative to dispose of dead and dry vegetation on the property where the vegetation grew. The policy also outlines Council's statutory responsibilities in relation to pile burning.

The submission raised concerns around a blanket statement “no pile burning allowed within the Armidale urban area” as the resident has been required over the year to undertake safe pile burning of dead timber which is largely used for grazing. The submission was seeking that the pile burning ability be retained within the policy to allow residents to undertake controlled burning of vegetation piles.

The existing policy and exhibited policy includes a Special Circumstances section which states:

*“If any conditions in this Policy cannot be complied with, a proposal may be presented to the General Manager or delegated officer for determination. A report is to be prepared by an authorised officer to provide information to the General Manager or delegated officer to assist in the determination. The preparation of this report shall incur an hourly fee for “Development/activity-related information services” in the Council’s annual schedule of fees. This is to be paid at the time of lodgement of an application to gain approval to pile burn, based on the officer’s estimated processing time. Any unexpended fees will be refunded. Payment of fees will not guarantee that approval will be granted.”*

This section is considered sufficient to provide an assessment and approval path for residents who due to exceptional circumstances need to carryout pile burning.

## 5. Implications

### 5.1. Strategic and Policy Implications

Adoption of this draft policy will support adherence to legislative requirements for Council and the community.

### 5.2. Risk

This policy is considered to not present a significant risk for Council or the community.

### 5.3. Sustainability

No sustainability implications are evident with the adoption of this Policy.

### 5.4. Financial

Budget Area:	Development						
Funding Source:	Operational budget						
Budget Ref: (PN)	Description	Approved Budget	Actual	Committed	Proposed	Total Forecast Expenditure	Remaining Budget
250315	Envrionmental Health	\$184,490	\$32,086	\$0	\$115,404	\$147,490	\$37,000

The adoption of the policy has minimal financial implications as the implementation will be part of the Development operational budget.

**6. Consultation and Communication**

The draft policy was placed on exhibition for a period of 28 days and one submission was received, which has been addressed above.

**7. Conclusion**

The submission received during the exhibition period was requesting Council retain the approval pathway for vegetation pile burning, this draft policy has such a clause therefore Council can formally adopt the Burning of Vegetation within the Local Government Area Policy.

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<b>Item:</b>	<b>12.3</b>	<b>Ref: AINT/2021/08358</b>
<b>Title:</b>	<b>Traffic Control Services - Tender response</b>	<b>Container: ARC16/0140-8</b>
<b>Responsible Officer</b>	<b>Director Businesses and Services</b>	
<b>Author:</b>	<b>Sharn Woolnough, Project Officer</b>	
<b>Attachments:</b>	1. REGPRO212021 Tender Evaluation Report ARMIDALE - Traffic control- <i>As this attachment deals with commercial information of a confidential nature which, if disclosed, confers a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business (Section 10A(2)(c) of the Local Government Act 1993). Council closes the meeting, in accordance with Council's Code of Meeting Practice, as consideration of this matter in open Council would be contrary to the public interest.</i>	

### **1. Purpose**

The purpose of this report is to seek Council endorsement of the Traffic Control Services Tender response findings.

### **2. OFFICERS' RECOMMENDATION:**

**That Council:**

- a. Accept the submission of both DOB Enterprises and Ahoy Traffic Control in order of preference found in the tender evaluation and decline all other submissions.**
- b. Commence the use of this Tender panel following completion of Council's current Traffic Control Services Tender on 2 February 2022.**

### **3. Background**

In previous years Council has chosen to obtain 2 year term Traffic Control Services contracts through Vendor Panel in order to secure traffic control services in the ARC LGA at competitive rates.

This tender was conducted through Regional Procurement and allows access to a competitive market with a more detailed Tendering process. It will also allow adoption of two contractors as a panel during the contract period.

### **4. Discussion**

The aim of securing contractor(s) for fixed term services in traffic control is to offset deficiencies in Council capacity to undertake this role. The complexities and risk in larger construction and maintenance projects lends itself to purpose run traffic control services.

Upon adoption of the proposed tender review recommendations, Council will proceed with securing the term contract with the selected tenderers. This contract will come with the condition that the contract will only commence upon completion of our current LGP contract in February 2022.

The recommendation proposed arose from collaborative evaluation of responses with Regional Procurement staff. The tender evaluation matrix and results will be included as a confidential attachment and considered in closed session of Council. The purpose of selecting two

contractors is to form a panel and provide a back-up in the situation where availability, underperformance or resourcing becomes a concern with one contractor.

## **5. Implications**

Council has diversity and flexibility in the engagement of contracted traffic control.

### **5.1. Strategic and Policy Implications**

The benefits for a panel contract for fixed term use is the reduction in procurement cost and time. This aids Council staff in delivery of works under a consistent contract.

### **5.2. Risk**

- Economic risk – Nil
- Operation risk – Nil
- Reputational risk – Public perception that Council prefers non-local suppliers. Risk of contractor performing poorly reflecting on Council.
- Mitigation – Use credible probity process and being transparent where possible. Providing suitable feedback to suppliers. Managing contractors during engagement. Suitable termination clauses available when necessary.
- Corporate risk – Nil
- Legislative and Regulatory risk – Lack of due process and procurement requirements.

Mitigation – Follow all procurement processes and ensure all information is Trimmed and kept as record.

### **5.3. Sustainability**

- Efficiencies gained through single organisational wide contract
- Greater assurances over conformance with Australian Standards
- Engagement of organisations with better developed systems and ISO accreditation.
- Uniformity in delivery of works leading to safer work sites.

### **5.4. Financial**

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

Council staff can utilise the fixed rate of a contract at any time against their exiting budgets. This contract aims to provide best value for traffic control services based on expected annual expenditure of \$530,000 (19-20 FY).

**6. Consultation and Communication**

No community consultation required. Council teams requiring these services were consulted.

**7. Conclusion**

Council currently benefits from a fixed term traffic control services contract and it is recommended that Council accepts DOB Enterprises and Ahoy Traffic Control tenders in order of preference based off the Evaluation Matrix. To commence on the expiration of the current contract.

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<b>Item:</b>	<b>12.4</b>	<b>Ref: AINT/2021/09712</b>
<b>Title:</b>	<b>Draft Koala Management Strategy for Public Submission</b>	
		<b>Container: ARC20/4183</b>
<b>Responsible Officer</b>	<b>Acting Director Organisational and Corporate Services</b>	
<b>Author:</b>	<b>Mandy McLeod, Sustainability Officer</b>	
<b>Attachments:</b>	1. Draft Koala Management Strategy	

#### **1. Purpose**

Council was granted funding from the Department of Planning, Industry and Environment to develop a Koala Management Strategy. The final draft Koala Management Strategy has now been developed and the purpose of this report is to recommend that it go on public exhibition.

#### **2. OFFICERS' RECOMMENDATION:**

**That Council endorse the draft Koala Management Strategy for public exhibition for a minimum of 28 days, commencing 30 April.**

#### **3. Background**

Funding of \$23,000 was awarded to Council from the Department of Planning, Industry and Environment to develop a Koala Management Strategy. A report was provided to Council on 28th October 2020 in relation to the awarding of funding from the Department and the Services Contract requirements and aims of the Strategy, Resolution number 295/20.

#### **4. Discussion**

The Koala Management Strategy covers the strategic planning area in and adjoining Armidale. The Strategy aims to provide the planning framework in relation to koalas, where development pressures are most likely to occur, as well as identifying key issues impacting local Koala populations, and actions and recommendations to guide and aid recovery and assist in management of this iconic species.

Armidale Regional Council has been advised that the Northern Tablelands has been identified as an important area for the future of koalas, as it has several koala populations that are not subject to the same population and development pressures as those in coastal areas to the east or the increasing summer temperatures or length of hot days to the west.

The Koala Management Strategy was developed by Ecosure Pty Ltd, in consultation with the Department of Industry, Planning and Environment, Armidale Regional Council, Southern New England Landcare, and Northern Tablelands Conservation Project Officer.

This report is seeking endorsement to place the draft Koala Management Strategy on a public exhibition period to enable community input into the Strategy prior to final adoption. This is to ensure that engagement with the community and specific stakeholders has occurred and to ensure the Strategy is a robust document that can be implemented and provide for certainty of the planning framework in the area in and adjoining Armidale.

While the Strategy is on public submission a forward plan for implementation of recommendations within the strategy will be developed.



## **5. Implications**

### **5.1. Strategic and Policy Implications**

The Koala Management Strategy aligns to the Community Strategic Plan 2017- 2027 specifically in relation to:

- Community Outcome 1. Environment : The unique landscape and environment across the region is a key part of our lifestyle.
- Community Outcome 2. Environment: Develop a Sustainability Strategy which includes objectives for the region as a whole as well as Council operations.

The Strategy aligns to the Delivery Program 2108 – 2021 in relation to:

- E1 Environment - The unique climate, landscape and environment of the region is protected, preserved and made accessible; and
- E1.4. Biodiversity: Protect and enhance the natural environment to promote and support biodiversity.

The Operational Plan 2020 – 2021

- Installation of additional Koala drinkers. Note that this was deemed as not being needed at present due to rainfall in the district.

The Strategy aligns to the following elements of Council's "Green-print for Sustainability", EcoARC. EcoARC encompasses nine key areas, one of which is Biodiversity. The scope and intent of the Biodiversity key area is *"to protect and enhance biodiversity in the region"*, with the following Strategic initiatives, p.8. relating to Koalas:

- List and protect threatened species and communities, and protect and enhance wildlife corridors.
- Develop a "Flagship" Biodiversity program for the region (e.g. around the Koala).

### **5.2. Risk**

The Koala Management Strategy has been developed during a time of political upheaval in development and roll out of State Environmental Planning Policies in relation to koalas, habitat protection and development in areas regarded as core koala habitat.

It also comes at a time when public interest, both here and internationally, in the future of wild koala populations is heightened due to recent devastating bushfires, some of which affected large areas of the local government area.

### **5.3. Sustainability**

The Koala Management Strategy aims to promote more efficient and improved service delivery in the planning area due to innovation from the improved knowledge and detailed map layers that have been developed.

In addition it will assist Armidale Regional Council to provide identification of areas of protection that potentially meet the definition of core koala habitat that are on private or public land.

#### 5.4. Financial

Budget Area:	Sustainability: Koala Management Strategy						
Funding Source:	Department of Planning, Industry and Environment (DPIE) grant funding						
Budget Ref: (PN)	Description	Approved Budget	Actual	Committed	Proposed	Total Forecast Expenditure	Remaining Budget
250203.1. 2320.333. 2476	Grant funding of \$23,000 from DPIE	\$23,000	\$20,910	\$2090 final invoice	\$0	\$23,000	\$0

The development of the strategy has been funded through a grant as identified above. No financial implications are envisaged from the draft Koala Management Strategy being put on public exhibition.

#### 6. Consultation and Communication

Consultation in the development of the Strategy has been undertaken with the Department of Industry, Planning and Environment, Armidale Regional Council Planning and Sustainability staff, Southern New England Landcare, Northern Tablelands Local Land Services and Northern Tablelands Conservation Project Officer.

Community consultation will occur during the public exhibition period.

#### 7. Conclusion

The final draft Koala Management Strategy has now been developed and the purpose of this report is to recommend that it is endorsed by Council and go on a public exhibition period.

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<b>Item:</b>	<b>12.5</b>	<b>Ref: AINT/2021/09928</b>
<b>Title:</b>	<b>Adoption of Keeping of Animals (Urban Areas) Policy</b>	
		<b>Container: ARC17/1865</b>
<b>Responsible Officer</b>	<b>Director Businesses and Services</b>	
<b>Author:</b>	<b>Ambrose Hallman, Manager Development and Regulatory Services</b>	
<b>Attachments:</b>	1. Keeping of Animals (Urban Areas) Policy	

### **1. Purpose**

The purpose of this report is to formally adopt the Keeping of Animals Policy. This Policy aims to maintain residential amenity and minimise the nuisance affects associated with the keeping of animals in urban areas.

### **2. OFFICERS' RECOMMENDATION:**

**That Council adopt the Keeping of Animals (Urban Areas) Policy.**

### **3. Background**

At its Ordinary Council meeting held 9 December 2020 Council resolved the following (Minute No. 378/20):

*That Council:*

- a. Endorse the draft Keeping of Animals Policy (POL063) for public exhibition until 26 January 2021.*
- b. Receive a further report should any submissions be received as a result of the exhibition period, however should no submission be received the policy be adopted.*

### **4. Discussion**

The draft Policy was placed on public exhibition inviting submissions from the community between 10 December 2020 until 26 January 2021, during this time no submissions were received.

Council's 9 December resolution stated "*should no submissions be received the policy be adopted*" however in the interest of transparency this report is being presented to Council to adopt the policy.

### **5. Implications**

#### **5.1. Strategic and Policy Implications**

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

L3 - Council demonstrates sound organisational health management and has a culture which promotes action, accountability and transparency.

L3.4 - Ensure the organisation is well led and managed through implementation of the Good Governance framework.

## 5.2. Risk

Legislative Risk: Adoption of this policy will provide clear guidelines to support the legislative requirements for the keeping of animals in urban that Council is required to implement.

## 5.3. Sustainability

The policy should improve the knowledge of the community and Council staff in the type and number of animals permitted to be keep in the urban areas of Armidale Regional Council. The policy should also improve the efficiency and effectiveness of the Regulatory Staff.

## 5.4. Financial

Budget Area:	Regulation & Enforcement						
Funding Source:	Operational budget						
Budget Ref: (PN)	Description	Approved Budget	Actual	Committed	Proposed	Total Forecast Expenditure	Remaining Budget
250400	Companion Animals	\$611,685	\$357,347	\$23,705	\$238,433	\$619,485	(\$7,800)

The adoption of the policy has minimal financial implications as the implementation will be part of the Regulation and Enforcement operational budget.

## 6. Consultation and Communication

No submissions were received during the public exhibition of this policy.

## 7. Conclusion

The Keeping of Animal (Urban Areas) Policy can now be formally adopted by Council as the exhibition period has concluded and no submissions were received.

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<b>Item:</b>	<b>12.6</b>	<b>Ref: AINT/2021/10002</b>
<b>Title:</b>	<b>Adoption of Development Related Security Policy</b>	
		<b>Container: ARC17/1786</b>
<b>Responsible Officer</b>	<b>Director Businesses and Services</b>	
<b>Author:</b>	<b>Ambrose Hallman, Manager Development and Regulatory Services</b>	
<b>Attachments:</b>	1. Development Related Security Policy	

## **1. Purpose**

The purpose of this report is to formally adopt the Development Related Security Policy. This policy aims to provide a mechanism to protect public infrastructure by requiring developers to lodge a bond or security to cover repair costs should their development damage public infrastructure (including: utilities, footpaths, kerb and gutter).

## **2. OFFICERS' RECOMMENDATION:**

**That Council adopt the Development Related Security Policy.**

## **3. Background**

At its Ordinary Council meeting held 9 December 2020 Council resolved the following (Minute No. 385/20):

*That Council:*

- a. Endorse the draft Development Related Security Policy (POL065) for public exhibition for a period of 28 days.*
- b. Receive a further report should any submissions be received as a result of the exhibition period, however should no submission be received the policy be adopted.*

## **4. Discussion**

The draft Policy was placed on public exhibition inviting submissions from the community between 10 December 2020 until 26 January 2021, during this time no submissions were received.

Council's 9 December resolution stated "*should no submissions be received the policy be adopted*" however in the interest of transparency this report is being presented to Council to adopt the policy.

## **5. Implications**

### **5.1. Strategic and Policy Implications**

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

L3 - Council demonstrates sound organisational health management and has a culture which promotes action, accountability and transparency.

L3.4 - Ensure the organisation is well led and managed through implementation of the Good Governance framework.

## 5.2. Risk

Legislative Risk: Adoption of this policy will allow Council the ability to require bonds or securities over future possible damage to public infrastructure and allow Council a funding source to repair any such damage reducing Councils risk exposure.

## 5.3. Sustainability

The policy should improve the knowledge of the community, developers and Council staff in how Council deals with development related securities. The policy should also improve the efficiency and effectiveness of the Regulatory staff.

## 5.4. Financial

Budget Area:	Development						
Funding Source:	Operational budget						
Budget Ref: (PN)	Description	Approved Budget	Actual	Committed	Proposed	Total Forecast Expenditure	Remaining Budget
250100	Applications and Approvals	\$606,110	\$420,711	\$29	\$146,820	\$567,560	\$38,550

The adoption of the policy has minimal financial implications as the implementation will be part of the Development operational budget.

## 6. Consultation and Communication

No submissions were received during the public exhibition of this policy.

## 7. Conclusion

The Development Related Security Policy can now be formally adopted by Council as the exhibition period has finished and no submission have been received. This Policy sends a clear signal to Developers that Council expects them to be accountable for damages to community assets.

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<b>Item:</b>	<b>12.7</b>	<b>Ref: AINT/2021/10024</b>
<b>Title:</b>	<b>Adoption of Public Parking Policy</b>	<b>Container: ARC16/1207</b>
<b>Responsible Officer</b>	<b>Director Businesses and Services</b>	
<b>Author:</b>	<b>Ambrose Hallman, Manager Development and Regulatory Services</b>	
<b>Attachments:</b>	1. Public Parking Policy	

### **1. Purpose**

The purpose of this report is to formally adopt the Public Parking Policy. This Policy aims to outline Councils position on public parking in Armidale Regional Local Government Area.

### **2. OFFICERS' RECOMMENDATION:**

**That Council adopt the Public Parking Policy.**

### **3. Background**

At its Ordinary Council meeting held 27 January 2021 Council resolved the following (Minute No. 38/21):

*That Council:*

- a. *Endorse the draft Public Parking (POL192) for public exhibition until Monday 1 March 2021.*
- b. *Receive a further report should any submissions be received as a result of the exhibition period, however should no submission be received the policy be adopted.*

### **4. Discussion**

The draft Policy was placed on public exhibition inviting submissions from the community between 29 January 2021 until 1 March 2021, during this time no submissions were received.

Council's 27 January resolution stated "*should no submissions be received the policy be adopted*" however in the interest of transparency this report is being presented to Council to adopt the policy.

### **5. Implications**

Council utilises a parking policy that supports businesses in the CBD while enabling equitable, fair access for the community. The Policy promotes liveability and activation of the town centres in the LGA.

#### **5.1. Strategic and Policy Implications**

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

- L3 - Council demonstrates sound organisational health management and has a culture which promotes action, accountability and transparency.

L3.4 - Ensure the organisation is well led and managed through implementation of the Good Governance framework.

## 5.2. Risk

Legislative Risk: Adoption of this policy will provide clear guidelines to support the legislative requirements for public parking that Council is required to implement.

## 5.3. Sustainability

The policy should improve the knowledge of the community and Council staff regarding the management of public parking by Armidale Regional Council. The policy should also improve the efficiency and effectiveness of the Regulatory Staff.

## 5.4. Financial

Budget Area:	Regulation & Enforcement						
Funding Source:	Operational budget						
Budget Ref: (PN)	Description	Approved Budget	Actual	Committed	Proposed	Total Forecast Expenditure	Remaining Budget
250400	Companion Animals	\$611,685	\$357,347	\$23,705	\$238,433	\$619,485	(\$7,800)

The adoption of the policy has minimal financial implications as the implementation will be part of the Regulation and Enforcement operational budget.

## 6. Consultation and Communication

No submissions were received during the public exhibition of this policy.

## 7. Conclusion

The Public Parking Policy can now be formally adopted by Council as the exhibition period has concluded and no submissions were received.



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<b>Item:</b>	<b>12.8</b>	<b>Ref: AINT/2021/10025</b>
<b>Title:</b>	<b>Adoption of Domestic Rainwater Tanks Policy Container: ARC17/1787</b>	
<b>Responsible Officer</b>	<b>Director Businesses and Services</b>	
<b>Author:</b>	<b>Ambrose Hallman, Manager Development and Regulatory Services</b>	
<b>Attachments:</b>	1. Domestic Rainwater Tanks Policy	

### **1. Purpose**

The purpose of this report is to formally adopt the Domestic Rainwater Tanks Policy. This policy aims to outline the allowable uses of rainwater tanks where a reticulated water supply is available for the property.

### **2. OFFICERS' RECOMMENDATION:**

**That Council adopt the Domestic Rainwater Tanks Policy.**

### **3. Background**

At its Ordinary Council meeting held 24 February 2021 Council resolved the following (Minute No. 79/21):

*That Council:*

- a. Endorse the draft Domestic Rainwater Tanks Policy (POL151) for public exhibition until Monday 5 April 2021.*
- b. Receive a further report at the conclusion of the exhibition period.*

### **4. Discussion**

The draft Policy was placed on public exhibition inviting submissions from the community between 26 February 2021 until 5 April 2021, during this time no submissions were received.

### **5. Implications**

#### **5.1. Strategic and Policy Implications**

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

L3 - Council demonstrates sound organisational health management and has a culture which promotes action, accountability and transparency.

L3.4 - Ensure the organisation is well led and managed through implementation of the Good Governance framework.

#### **5.2. Risk**

Legislative Risk: Adoption of this policy allows Council to identify the suitable ways domestic rainwater tanks can be used on a house connected to reticulated water supply to reduce the risk of possible contamination of the reticulated water supply and possible illness for occupants of the house and other users of the collected water.

### 5.3. Sustainability

The policy should improve the knowledge of the community, developers and Council staff in how Council deals with domestic rainwater tanks. The policy should also improve the efficiency and effectiveness of the Regulatory staff.

### 5.4. Financial

Budget Area:	Development						
Funding Source:	Operational budget						
Budget Ref: (PN)	Description	Approved Budget	Actual	Committed	Proposed	Total Forecast Expenditure	Remaining Budget
250100	Applications and Approvals	\$606,110	\$420,711	\$29	\$146,820	\$567,560	\$38,550

The adoption of the policy has minimal financial implications as the implementation will be part of the Development operational budget.

### 6. Consultation and Communication

No submissions were received during the public exhibition of this policy.

### 7. Conclusion

The Domestic Rainwater Tanks Policy can now be formally adopted by Council as the exhibition period has finished and no submission have been received.

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<b>Item:</b>	<b>12.9</b>	<b>Ref: AINT/2021/10026</b>
<b>Title:</b>	<b>Adoption of Relocation of Buildings Policy</b>	<b>Container: ARC17/1787</b>
<b>Responsible Officer</b>	<b>Director Businesses and Services</b>	
<b>Author:</b>	<b>Ambrose Hallman, Manager Development and Regulatory Services</b>	
<b>Attachments:</b>	1. Relocation of Buildings Policy	

### **1. Purpose**

The purpose of this report is to formally adopt the Relocation of Buildings Policy. This policy sets out the requirements for buildings being relocated to a location within the Council Local Government Area but does not apply to manufactured homes and moveable dwellings as defined under the Local Government Act 1993.

### **2. OFFICERS' RECOMMENDATION:**

**That Council adopt the Relocation of Buildings Policy.**

### **3. Background**

At its Ordinary Council meeting held 24 February 2021 Council resolved the following (Minute No. 80/21):

*That Council:*

- a. Endorse the draft Relocation of Buildings Policy (POL070) for public exhibition until Monday 5 April 2021.*
- b. Receive a further report at the conclusion of the exhibition period.*

### **4. Discussion**

The draft Policy was placed on public exhibition inviting submissions from the community between 26 February 2021 until 5 April 2021, during this time no submissions were received.

### **5. Implications**

#### **5.1. Strategic and Policy Implications**

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

L3 - Council demonstrates sound organisational health management and has a culture which promotes action, accountability and transparency.

L3.4 - Ensure the organisation is well led and managed through implementation of the Good Governance framework.

#### **5.2. Risk**

Regulatory Risk: The adoption of this policy outlines the requirements when buildings are being relocated to a location within the Council LGA, but does not apply to manufactured homes and moveable dwellings as defined under the Local Government Act 1993. This will protect Council against procedural risks associated with the relocation of a building compared to the regulatory process for manufactured homes and moveable dwellings

### 5.3. Sustainability

The policy should improve the knowledge of the community, developers and Council staff in how Council deals with relocated buildings. The policy should also improve the efficiency and effectiveness of the Regulatory staff.

### 5.4. Financial

Budget Area:	Development						
Funding Source:	Operational budget						
Budget Ref: (PN)	Description	Approved Budget	Actual	Committed	Proposed	Total Forecast Expenditure	Remaining Budget
250100	Applications and Approvals	\$606,110	\$420,711	\$29	\$146,820	\$567,560	\$38,550

The adoption of the policy has minimal financial implications as the implementation will be part of the Development operational budget.

## 6. Consultation and Communication

No submissions were received during the public exhibition of this policy.

## 7. Conclusion

The Relocation of Buildings Policy can now be formally adopted by Council as the exhibition period has concluded and no submissions were received.

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<b>Item:</b>	<b>12.10</b>	<b>Ref: AINT/2021/10027</b>
<b>Title:</b>	<b>Adoption of Treatment of Feral and Infant Animals Policy Container: ARC21/4479</b>	
<b>Responsible Officer</b>	<b>Director Businesses and Services</b>	
<b>Author:</b>	<b>Ambrose Hallman, Manager Development and Regulatory Services</b>	
<b>Attachments:</b>	Nil	

### **1. Purpose**

The purpose of this report is to formally adopt the Treatment of Feral and Infant Animals Policy. This Policy outlines Council policy on the holding of feral companion animals and infant animals at the animal shelter, where it is contrary to the best interest of animal welfare.

### **2. OFFICERS' RECOMMENDATION:**

**That Council adopt the Treatment of Feral and Infant Animals Policy.**

### **3. Background**

At its Ordinary Council meeting held 27 January 2021 Council resolved the following (Minute No. 39/21):

*That Council:*

- a. Endorse the draft Treatment of Feral and Infant Animals Policy (POL236) for public exhibition until Monday 1 March 2021.*
- b. Receive a further report should any submissions be received as a result of the exhibition period, however should no submission be received the policy be adopted.*

### **4. Discussion**

The draft Policy was placed on public exhibition inviting submissions from the community between 29 January 2021 until 1 March 2021, during this time no submissions were received.

Council's 27 January resolution stated "*should no submissions be received the policy be adopted*" however in the interest of transparency this report is being presented to Council to adopt the policy.

### **5. Implications**

#### **5.1. Strategic and Policy Implications**

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

L3 - Council demonstrates sound organisational health management and has a culture which promotes action, accountability and transparency.

L3.4 - Ensure the organisation is well led and managed through implementation of the Good Governance framework.

## **5.2. Risk**

Legislative Risk: Adoption of this policy will provide clear guidelines on holding of feral companion animals and infant animals at an animal shelter were it is contrary to the best interest of animal welfare.

## **5.3. Sustainability**

The policy should improve the knowledge of the community and Council staff regarding the management of the Companion Animals Shelter. The policy should also improve the efficiency and effectiveness of the Regulatory Staff.

## **5.4. Financial**

Budget Area:	Regulation & Enforcement						
Funding Source:	Operational budget						
Budget Ref: (PN)	Description	Approved Budget	Actual	Committed	Proposed	Total Forecast Expenditure	Remaining Budget
250400	Companion Animals	\$611,685	\$357,347	\$23,705	\$238,433	\$619,485	(\$7,800)

The adoption of the policy has minimal financial implications as the implementation will be part of the Regulation and Enforcement operational budget.

## **6. Consultation and Communication**

No submissions were received during the public exhibition of this policy.

## **7. Conclusion**

The Treatment of Feral and Infant Animals Policy can now be formally adopted by Council as the exhibition period has concluded and no submissions were received.

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<b>Item:</b>	<b>12.11</b>	<b>Ref: AINT/2021/10065</b>
<b>Title:</b>	<b>Guyra Main Street Upgrade - Project Update</b>	<b>Container: ARC17/1518</b>
<b>Responsible Officer</b>	<b>Acting Director Organisational and Corporate Services</b>	
<b>Author:</b>	<b>James Croft, Project Manager</b>	
<b>Attachments:</b>	<b>Nil</b>	

### **1. Purpose**

The purpose of this report is to provide Council with an update regarding the status of the Guyra Main Street Upgrade Project, and to seek Council's endorsement for the replacement of trees to Bradley Street.

### **2. OFFICERS' RECOMMENDATION:**

#### **That Council:**

- a. Note the status of the Guyra Main Street Project.
- b. Endorse Project Management Office (PMO) and Public and Town Spaces' recommendation to remove nine existing trees along Bradley Street and replace with up to 20 suitable established trees.

### **3. Background**

Stage 1 of the Guyra Main Street Upgrade concluded in 2020 and included road reconstruction to two thirds of the CBD's Bradley Street, construction of new garden beds, and installation of new street furniture and bins. Numerous underground dis-used fuel tanks, and significant unsuitable road subgrade was encountered during the roadworks. The resulting remediation costs were unforeseen and exhausted a large proportion of the project budget. The project was paused to enable ARC to assess the impact of these costs on ARC's ability to deliver the original project scope within remaining budget. It has been confirmed that the original project scope can no longer be met in its entirety with the remaining funding available. The following section of the report provides a status update for each project component, an outline of the revised scope that ARC intends to deliver, and a recommendation in relation to landscaping.

### **4. Discussion**

Roadworks: Stage 2 roadworks are commencing 26 April 2021, which includes road reconstruction of Bradley Street between Nincoola and McKenzie Street. This is the final section of Bradley Street to be upgraded under this project.

Essential Energy Power Upgrades: Essential Energy are finalising plans to upgrade the overhead power lines along Bradley Street. All associated costs will be met by Essential Energy, including rectification of the non-compliant mains power connections to building awnings. Overhead installation was required as the costs that ARC were to meet if an underground solution was progressed would have been significant, and would have further limited the scope that could be delivered under this project. On 15 February 2021, ARC received an email from the Guyra and District Chamber of Commerce, in support of overhead power upgrades. ARC are now liaising with Essential Energy to finalise details such as program for the works, and selection of the power-pole material.

Services Upgrades: The water main infrastructure running along each side of Bradley Street is due for replacement. Works will involve partial removal of footpaths and services trenching along three blocks of Bradley Street. These works provide an opportunity to install provisional conduits in common trenches for future services installations, such as ARC privately owned and metered power points for community events, and CCTV. The majority of trenching costs will be met by the Water Services budget, allowing remaining project budget to be allocated to the full replacement of footpaths on both sides of Bradley Street. Installation of provisional conduits will limit disruption to the new footpath during future services upgrades or installations.

Footpath Upgrade: ARC are currently investigating suitable products and associated pricing for replacement of the existing footpath with pavers. This will make a significant impact toward the beautification of the main street.

Landscaping: The garden beds constructed during Stage 1 are yet to be planted out as existing layers of asphalt and crusher dust under the garden beds need to be excavated and replaced with suitable soil for planting. Soil preparation works cannot be carried out in the garden beds containing the existing trees without damaging the new curbing or the trees themselves. PMO and the Public and Town Spaces Team therefore recommend the removal and replacement of nine existing trees from Bradley Street, and provide the following justification:

- The root-balls of the trees are exposed and protrude higher than the new curbing, limiting the ability to apply and retain mulch and soil. Soil and mulch spilling onto adjoining footpaths is creating a trip hazard to pedestrians.
- The existing trees, red maples, are an unsuitable species selection which will outgrow their particular locations.
- Root protection barriers were not installed around the existing trees. Uncontained root growth poses risk of damage to existing and future infrastructure surrounding the trees.
- Under-planting around the existing trees without soil preparation works would result in poor survival rates, creating ongoing maintenance costs from frequent replacement of plants.
- Removal of the nine trees will enable the Public and Town Spaces Team to plant an established crepe myrtle tree with root barrier protection in each of the 20 garden beds, surrounded by a variety of flowering plants and grasses. This will add colour, interest and symmetry to the main street year-round.

The alternative would be to retain the existing trees, and withhold any under-planting in those garden beds. This would not achieve the project objective of 'beautification' of the main Street and fail to address the public safety risk as noted. PMO and the Public and Town Spaces Team seek Council's endorsement to proceed with the proposed tree removal and replacement as necessary.

## **5 Implications**

### **5.1 Strategic and Policy Implications**

This project aligns with the Community Strategic Plan 2017-2027 Community Outcome – Growth, Prosperity and Economic Development, specifically in relation to:

#### Environment and Infrastructure

E3 Infrastructure – The Community is provided with the essential and resilient infrastructure it requires for daily life, and has access to a prioritised schedule of infrastructure works



E3.3 Regularly review open spaces to ensure parks, sportsgrounds, water facilities and other open spaces meets community needs and are provided to an acceptable level of service and accessibility standards.

## 5.2 Risk

Council sought to remove the existing trees in Bradley Street during initial project consultation, and were met with opposition from the community. This may reoccur if the recommendation is endorsed. However, it is intended to minimise community backlash by issuing proactive communication and through careful planning of the works, will ensure new established trees are installed as soon as practicable following removal of existing trees.

## 5.3 Sustainability

Failure to properly prepare garden beds prior to planting would result in low plant survival rates and require frequent replacement of plants. This is both environmentally and economically unsustainable.

## 5.4 Financial

Budget Area:	Guyra Main Street Upgrade						
Funding Source:	Merger Funding: \$1,424,437 Road to Recovery: \$400,000 Bushfire Funding (Guyra Street Art): \$20,000 Developer Contribution: \$160,000 <b>Total: \$2,004,437</b>						
Budget Ref: (PN)	Description	Approved Budget 2020/21 & 2021/22	Actual	Committed	Proposed	Total Forecast Expenditure	Remaining Budget
270251	Guyra Main Street Upgrade	\$2,004,437	\$203,590	\$650,000	\$50,000	\$903,590	\$1,100,847

The 'Proposed' value in the above table relates to estimated landscaping costs, including removal of nine trees, excavation and preparation of garden beds, procurement and installation of 20 established trees, flowering plants and grasses.

Costs relating to the proposed footpath and services upgrades are excluded from the above table. This scope is subject to pricing and confirmation that it can be delivered within the 'Remaining Budget'. Council is currently engaging a professional Quantity Surveyor to undertake a detailed cost estimate.

The remaining budget shown above is the total funding available that remains for this project.

## 6 Consultation and Communication

The community has previously been consulted regarding proposed landscaping, including plant selection. If the above recommendation is endorsed, PMO will work closely with the

Communications Team to develop and implement a communications strategy to ensure the Community are aware of the tree removal works and the reasons why the works are required.

## **7 Conclusion**

Stage 2 of the Guyra Main Street Project is now progressing, with roadworks to Bradley Street commencing in April 2021, and a strategy in place to deliver overhead power, water main upgrades, future proofing works for future services upgrades, and footpath replacement. Council's endorsement for tree removal and replacement to the main street is required to enable the PMO to deliver the landscaping component of the project.

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<b>Item:</b>	<b>12.12</b>	<b>Ref: AINT/2021/10151</b>
<b>Title:</b>	<b>Kempsey Road Slope Analysis Contractor Engagement - Natural Disaster Recovery Works</b>	<b>Container: ARC21/4497</b>
<b>Responsible Officer</b>	<b>Acting Director Organisational and Corporate Services</b>	
<b>Author:</b>	<b>Sreejan Tarafder, Project Manager</b>	
<b>Attachments:</b>	1. Tender Evaluation Report_Slope Assessment_signed- <i>As this attachment deals with commercial information of a confidential nature which, if disclosed, confers a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business (Section 10A(2)(c) of the Local Government Act 1993). Council closes the meeting, in accordance with Council's Code of Meeting Practice, as consideration of this matter in open Council would be contrary to the public interest.</i>	

### 1. Purpose

The purpose of this report is to seek Council's endorsement for the engagement of a Professional Services Contractor (PSC) to conduct slope analysis along the Kempsey-Armidale Road and delegate authority to the General Manager to enter into the Contract agreement with the recommended Contractor.

### 2. OFFICERS' RECOMMENDATION:

That Council

- a. **Accept the tender submitted by GHD Pty Ltd of \$200,818.18 ex GST for the Kempsey-Armidale Road Slope Analysis.**
- b. **Delegate authority to the General Manager to approve any additional scope of works, in the way of a variation to this contract, up to the maximum value of \$100,000.00 ex GST.**
- c. **Authorise the General Manager to approve expenditure within the contingency figure of \$100,000.**
- d. **Delegate authority to the General Manager to execute all documents in relation to the contract.**

### 3. Background

Armidale Regional Council is responsible for the maintenance of Kempsey Road (classified as a Local Road), linking Waterfall Way (Main Road76) and Armidale Road. Bushfires in the last quarter of 2019 followed by heavy storms and floods during 2020/2021 has caused significant damage to the road, slopes and infrastructure.

The Armidale Local Government Area has been included within the declared Natural Disaster zones during numerous events in 2019, 2020 and the start of 2021. The damage caused by the disasters ranged from road pavement wash-outs to batter erosion/slips. The most recent heavy rainfall, storms and flooding in March 2021 have caused a number of land slips and further damage to the already completed emergency and pavements works.

The events have jeopardised the stability of subsoil and topsoil on the slopes. This has caused a large amount of damage to the road structure, resulting in recent road closures and weight limitations. The unstable slopes are causing land slips and slides, down slides and washouts, which create life threatening hazards for the public.

The surrounding environment is impacting the safety of drivers on the road due to the land slips and slides, unstable edges and uphill slide and slopes, loss of drainage systems, loss of materials and culverts, unsuitable road surfaces as well as the downward slopes and washouts.

A geotechnical slope analysis is required to be completed to evaluate the stability of earth embankments, excavated slopes, and natural slopes in soil and rock along the corridor. The analysis will lead to a better understanding of the causes of slope failure, and what other areas can potentially trigger a slope movement, resulting in more landslides/slips.

The slope analysis will provide critical evidence that will be used in the development of the concept and design to rehabilitate the road network and provide a more accurate picture to estimate reconstruction costs of the proposed reconstruction works along Kempsey-Armidale Road. The funding guidelines highlight the need for supporting documents to demonstrate how the estimated was developed.

#### **4. Discussion**

An open Request for Quotation was released via Tenderlink on 04 March 2021. The tender requested submissions for suitably qualified contractors to complete the Slope Analysis along the Kempsey-Armidale Road corridor. The total number of slopes to be assessed is 198.

At the close of tender, ARC received the quotation and relevant documents from 4 contractors. Three (3) of the quotations were received by the due date and time and deemed conforming, one (1) was received late and not through the appropriate portal and was deemed non-conforming.

The Tender Evaluation Team members with engineering and procurement expertise, assessed the submissions received based on non-priced and priced criteria and were satisfied that the Contractor and their submission meets all requirements of the Tender.

The Contractor has previously provided services to TfNSW with satisfactory performance, and has extensive experience in similar projects. A detailed Tender Recommendation Report is attached.

#### **5. Implications**

##### **5.1. Strategic and Policy Implications**

This work is supported by Community Strategic Plan 2017-2027 Community Outcome – Growth, Prosperity and Economic Development, specifically in relation to:

Environment and Infrastructure

- E3 Infrastructure – The Community is provided with the essential and resilient infrastructure it requires for daily life, and has access to a prioritised schedule of infrastructure works
  - E3.1 Partnerships with all levels of government to support the provision of essential infrastructure projects

The Tender has been conducted in accordance with the requirements of the Local Government Act 1993, the Local Government (General) Regulations 2005 and the Division of Local Government Tendering Guidelines 2009. The awarded contract details will be published in the ARC contract register and uploaded onto council website in accordance with Section 27 of the Government Information (Public Access) Act 2009 (GIPA).

## 5.2. Risk

Unforeseen costs may arise during the contract due to additional slopes getting added to the scope and/or completed slopes that need to be reassessed due to heavy rainfall, storms and flooding. Failure to assess is an unacceptable risk to local road users and public. Any accident or damage to the vehicle would expose council to financial and reputational harm.

The delays in undertaking further improvement works and planned road remediation works will damage Council's reputation by further delaying the fulfilment of its commitments to the local stakeholders.

In order to mitigate these risk Council is implementing the following measures:

- The approved project budget provides enough contingency to cover reasonable additional costs should issues arise;
- Complete the works in a timely manner; and
- The project will be managed by Council's Project Management Office (PMO).

## 5.3. Sustainability

The open tender process allowed both local companies equal opportunity alongside larger providers to supply Local Government under contract and encouraged competitive pricing to increase value for money.

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

## 5.4. Financial

All project expenditure is relevant to natural disaster recovery works. All the works will be carried out following the DRFA guidelines and funded by administering agency (TfNSW).

Budget Area:	Project Management Office						
Funding Source:	Transport for NSW – Disaster Recovery Funding Arrangements						
Budget Ref: (PN)	Description	Approved Budget	Actual	Committed	Proposed	Total Forecast Expenditure	Remaining Budget
270447	Kempsey Rd AGRN 936	200,000	166,789	0	0	166,789	33,211
270448	Kempsey Rd AGRN 943	3,700,000	494,478	0	0	494,478	3,205,522
270444	Kempsey Rd	800,000	1,241,274	1,125,953	0	2,367,227	(1,567,227)
<b>TOTAL</b>	<b>Kempsey Rd</b>	<b>4,700,000</b>	<b>1,902,541</b>	<b>1,125,953</b>	<b>0</b>	<b>3,028,494</b>	<b>1,671,506</b>

The above budget allocations will be aligned more accurately with expenditure at the 2020/21 Q3 budget review.

It is the intention that the natural disaster works on Kempsey Road are fully funded under Natural Disaster Recovery and Relief Arrangements. Should the proposed commitments look like being fully expended by 30 June 2021 then the above budgets will require review at Q3. Consultation between Resilience NSW, TfNSW and ARC has been held with confirmation received the works are eligible to be fully reimbursed through the Natural Disaster funding. There is no compulsory co-contribution for this works due to the required total for co-contribution already been paid for under the Natural Disaster AGRN898.

The proposed approval value is composed of the submitted expenditure to complete the current scope of works and a contingency to cover any unforeseen costs and variations arising. This will mitigate the economic risk to Council.

Description	Proposed Budget
Contract Award Value	\$200,818.00
Contingency/Variation	\$100,000.00
Total Approved Budget	\$300,818.00 ex Gst

## **6. Consultation and Communication**

The outcome of the RFT will be published online for public information. The community will be notified regarding the progress of the project prior to and during construction works, including the requirement to carry out the works under traffic control.

## **7. Conclusion**

The engagement of this Contractor, if endorsed by Council, will allow Council to complete the slope risk analysis for the Kempsey-Armidale Road alignment. The data will assist with future road and infrastructure planning to ensure that the slopes are adequately maintained and secured in order to decrease the risk involved in travelling along this alignment.

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<b>Item:</b>	<b>12.13</b>	<b>Ref: AINT/2021/10155</b>
<b>Title:</b>	<b>Independent Peer Review of DA-125-2020</b>	<b>Container: DA-125-2020</b>
<b>Responsible Officer</b>	<b>Director Businesses and Services</b>	
<b>Author:</b>	<b>Ambrose Hallman, Manager Development and Regulatory Services</b>	
<b>Attachments:</b>	<b>Nil</b>	

### **1. Purpose**

The purpose of this report is to enable Council to note the Inverell Shire Council peer review of DA-125-2020 for a Centre-Based Child Care Facility and associated works located at 156-160 and 162 Bradley Street Guyra.

### **2. OFFICERS' RECOMMENDATION:**

**That Council:**

- a. note the peer review advice provided by Inverell Shire Council on DA-125-2020 at 156-160 and 162 Bradley Street, Guyra, for the Centre-Based Child Care Facility and associated works;**
- b. Formally thank Inverell Shire Council for their assistance in undertaking this peer review.**
- c. Proceed to endorse deferred Item 12.8 within this agenda.**

### **3. Background**

At the Ordinary Council Meeting held on 24th March 2021, Council resolved the following (Minute No. 123/21):

*"That Item 12.8 be deferred for consideration pending the outcome of a peer review."*

Item 12.8 was a report on Development Application DA-125-2020 for a Centre-Based Child Care Facility and associated works located at 156-160 and 162 Bradley Street, Guyra.

### **4. Discussion**

Council contacted Inverell Shire Council to ascertain if they could undertake the peer review of the Development Application assessment and proposed conditions.

Inverell Shire Council was happy to undertake the peer review which is provided below.



Our Ref: s7.2.19  
Contact: Chris Faley, Development Services Coordinator

9 April 2021

Armidale Regional Council  
Via Email

Dear Sir/Madam

**INDEPENDENT REVIEW OF DA-125-2020  
CONSTRUCTION OF CENTRE-BASED CHILD CARE FACILITY AND ANCILLARY WORKS  
LOT 161 AND 173 DP 753659 – 156-160 AND 162 BRADLEY STREET GUYRA**

Inverell Shire Council has been requested to undertake an independent review of the development application assessment report prepared by Armidale Regional Council in relation to the construction of a "centre-based child care facility" at 156-160 and 162 Bradley Street, Guyra.

The development site is zoned B4 Mixed Use and SP2 Infrastructure, with the development characterised as a 'centre-based child care facility' under the *Guyra Local Environmental Plan 2012* (GLEP 2012). Inverell Shire Council concurs with the permissibility of the development under Clause 5.3 of the GLEP 2012 noting that the SP2 Infrastructure zone was subject to a drafting error in 2014 at the time of making Amendment No. 1 to the GLEP 2012.

One item of local heritage significance, being the 'Guyra Shire Civic Centre - Former Guyra Public School' will be impacted by this development and on balance, the removal of these buildings is not unreasonable.

The design of the development is consistent with the Child Care Planning Guideline published by NSW Planning and Environment. This includes the provision of sufficient car parking to cater for the proposed development, "The Hub" and administration buildings, in accordance with the *Guyra Development Control Plan 2015*.

Two submissions were received in response to the notification of DA-125-2020. It is considered that the matters raised by the submission makers have been addressed in the assessment report and do not preclude the granting of development consent.

The independent review of the report of DA-125-2020 prepared by Simon Vivers of Armidale Regional Council concludes that:

- The report adequately assesses the development in accordance with Section 4.15 of the *Environmental Planning and Assessment Act 1979*; and
- It is recommended that DA-125-2020 be approved subject to conditions as detailed in the report to Council.

Yours faithfully

**CHRIS FALEY  
DEVELOPMENT SERVICES COORDINATOR**



## **5. Implications**

### **5.1. Strategic and Policy Implications**

The peer review supports the Community Strategic Plan Strategic Goal of Organisational Health in particular

**L3 -** Council demonstrates sound organisational health and has a culture which promotes action, accountability and transparency

**L3.4 -** Ensure the organisation is well led and managed through implementation of the Good Governance framework

### **5.2. Risk**

Legislation and regulatory Risk: Having the Development Application peer reviewed reduces the risk of a judicial appeal under Section 9.45 of the Environmental Planning and Assessment Act 1979 and also reduces any perceived bias or potential conflict of interest any members of the public may have with Council determining its own Application.

### **5.3. Sustainability**

This report is not considered to have an impact on sustainability

### **5.4. Financial**

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

Inverell Shire Council have advised they are not charging a fee to complete the peer review and as such this report is not considered to have a financial impact.

## **6. Consultation and Communication**

No community consultation is considered necessary for this peer review.

## **7. Conclusion**

The peer review completed by Inverell Shire Council allows Council to consider item 12.8 of this agenda being DA-125-2020 for a Centre-Based Child Care Facility and associated works located at 156-160 and 162 Bradley Street, Guyra.

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**Item:** 12.14 **Ref:** AINT/2021/10442  
**Title:** Purchase of Truck Mounted Combination Vacuum Jetting Machine  
Container: ARC21/4510

**Responsible Officer** Director Businesses and Services

**Author:** Andrew Levingston, Manager Plant & Facilities

**Attachments:**

1. Price- *As this attachment deals with commercial information of a confidential nature which, if disclosed, confers a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business (Section 10A(2)(c) of the Local Government Act 1993). Council closes the meeting, in accordance with Council's Code of Meeting Practice, as consideration of this matter in open Council would be contrary to the public interest.*
2. Specification- *As this attachment deals with commercial information of a confidential nature which, if disclosed, confers a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business (Section 10A(2)(c) of the Local Government Act 1993). Council closes the meeting, in accordance with Council's Code of Meeting Practice, as consideration of this matter in open Council would be contrary to the public interest.*

### 1. Purpose

The purpose of this report is to inform Council of the proposed purchase of one Truck Mounted Combination Vacuum Jetting Machine as per the 2020/21 Plant Replacement Program.

### 2. OFFICERS' RECOMMENDATION:

**That Council:**

- a. Approve the purchase of one used Hino Cab / Chassis complete with a Bell Mounted Combination Vacuum Jetting Machine from Bell Environmental in the amount of \$385,000 including GST.
- b. Approve the sale of a 2013 UD Nissan MK Cab / Chassis (Plant Number 2430) used as a Sewer Rodding Truck to Pickles Auction under State Government Contract for an estimated value of \$50,000.
- c. Approve the sale of a Myers Skid (Plant Number 2431) on Sewer Rodding Machine to Pickles Auction under State Government Contract for an estimated value of \$10,000.

### 3. Background

Open tenders for the supply and delivery of one Truck Mounted Combination Vacuum Jetting Machine was advertised through Tender link and closed on Wednesday 24<sup>th</sup> March 2021. Eight tenders were received and evaluated. Council staff evaluated tenders and formed a recommendation for Council. Evaluation documentation is included in attachments.

#### 4. Discussion

Council was offered an alternative offer from Bell Environmental in addition to a new build. Bell Environmental offered a used unit currently owned by Lismore City Council, the proposal consisted of the following:

- 07/ 2019 Hino GH 500 cab chassis truck complete with a Bell's Truck Mounted Combination Vacuum Jetting Machine.

- Odometer: 22,121 km

- Truck Hour Meter 68.1 Hrs

- PTO Hours 446 Hrs

- Twelve months warranty.

- Operator and Technician training.

- Immediate delivery (new machine minimum 20 weeks)

- Saving of \$130,000 off the price of matching new machine.

The following pictures are Council staff conducting a working demonstration of the proposed Truck Mounted Combination Vacuum Jetting Machine at Lismore on Wednesday 7<sup>th</sup> April 2021.



## 5. Implications

Procuring this near new vehicle with a vacuum jetting machine allows Council to renew its Plant while achieving savings that assist the organisation meet its financial sustainability goals as per the Performance Improvement Order and Financial controls.

### 5.1. Strategic and Policy Implications

Included in Council's 2020-21 Plant Fleet Replacement Program.

### 5.2. Risk

Not meeting operational needs due to breakdowns and Inefficient specialised equipment.

The Combination Vacuum Jetting Machine is critical in the maintenance and repairs to Council's sewer and treated water network. This unit is often used to contain sewage overflows and stream line effective repairs on pipework infrastructure.

### 5.3. Sustainability

Capital funding is budgeted in the 2020/21 Plant Fleet Replacement Program. This is a continuous ten year replacement program. The asset renewal plan ensures financial, environmental and compliance sustainability is maintained in Council's Plant Fleet assets.

### 5.4. Financial

Budget Area:	Fleet and Workshop						
Funding Source:	Capital Funding 2020/21 Plant Fleet Replacement Program						
Budget Ref: (PN)	Description	Approved Budget	Actual	Committed	Proposed N.B. in credit due to trade-ins	Total Forecast Expenditure	Remaining Budget
210501	Capital Purchases (net of trade-in income)	\$2,841,874	\$923,359	\$558,668	(\$33,315)	\$1,448,712	\$1,393,162

Note that \$653,357 of the remaining budget has been identified as needing to be carried forward to the 2021/22 financial year and the remaining \$739,806 will be used to support the 2021/22 budget position. These adjustments will be made in the 2020/21 Q3 budget review.

## 6. Consultation and Communication

Council staff including the supervisor of Water and Sewer, key operators were consulted throughout the Tender process.

A response for tender (RFT) was advertised through Tender link in accordance with Council's Procurement Policy.

## **7. Conclusion**

Council staff have evaluated tenders, demonstrated the proposed used Truck Mounted Combination Vacuum Jetting Machine. The unit comes with twelve months warranty from Bell Environmental, full service history from new and is Council's staff preferred machine. Lismore City Council staff are very impressed with the machine and are selling to upgrade to a larger 6x4 truck.

The used Truck Mounted Combination Vacuum Jetting Machine meets Council's specification, provides a saving of \$130,000 off the price of an identical new unit and is available for immediate delivery.

<b>Item:</b>	<b>12.15</b>	<b>Ref: AINT/2021/07661</b>
<b>Title:</b>	<b>Approval of Development Application DA-125-2020 at 156-160 and 162 Bradley Street, Guyra, for a Centre-Based Child Care Facility and associated works</b>	
		<b>Container: DA-125-2020</b>
<b>Responsible Officer</b>	<b>Director Businesses and Services</b>	
<b>Author:</b>	<b>Simon Vivers, Town Planner</b>	
<b>Attachments:</b>	1. Site Plan 2. Architectural Plans 3. Submission 1 4. Submission 2	

**Ordinary Council at its meeting on 24 March 2021 resolved that the matter be deferred to the meeting to be held on 28 April 2021.**

#### 1. Proposal/ Development Summary

<b>DA Number</b>	DA-125-2020
<b>Proposed Development</b>	Construction of centre-based child care facility together with construction of car park, tree and building removal and associated works.
<b>Street Address</b>	156-160 and 162 Bradley Street GUYRA NSW 2365 Lot 161 and 173 DP 753659
<b>Applicant</b>	Armidale Regional Council
<b>DA Lodgement Date:</b>	9 October 2020
<b>Number of Submissions</b>	2
<b>List of all relevant s4.15(1)(a) matters</b>	State Environmental Planning Policy 55 Contaminated Land State Environmental Planning Policy (Infrastructure) 2007 State Environmental Planning Policy (Koala Habitat Protection) 2019 State Environmental Planning Policy (State and Regional Development) 2011 SEPP (Educational Establishments and Child Care Facilities) 2017 Guyra Local Environmental Plan 2012 Guyra Development Control Plan 2015
<b>List all documents submitted with this report for the Council's consideration</b>	<ul style="list-style-type: none"> <li>- Geotechnical Assessment Report;</li> <li>- Preliminary Site Investigation;</li> <li>- Heritage Impact Statement;</li> <li>- Traffic Flow Assessment;</li> <li>- Statement of Environmental Effects;</li> </ul>

	<ul style="list-style-type: none"> <li>- Details of responses to Community Information Sessions ;</li> <li>- Response to Community Stakeholder Meeting;</li> <li>- Architectural Drawings;</li> <li>- Site Plans;</li> <li>- Site Survey;</li> <li>- Acoustic Report (following information request); and</li> <li>- Arboricultural Impact Assessment (following information request).</li> </ul>
<b>Estimated Construction Value of Development:</b>	\$2,526,018

## 2. Executive Summary

### Proposal:

The proposed development is for the construction and operation of a centre-based child care facility building together with associated car parking and access and includes the removal of the existing Men's Shed, UNE outbuilding, two garages and four trees.

### Permissibility:

The subject lots being Lot 161 and 173 DP 753659, and known as 156-160 and 162 Bradley Street are currently zoned SP2 Infrastructure and B4 Mixed use respectively, under *Guyra Local Environmental Plan 2012*.

The proposed development is considered to be for a centre-based child care facility which is defined under *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017* as:

- (a) a building or place used for the education and care of children that provides any one or more of the following—
  - (i) long day care,
  - (ii) occasional child care,
  - (iii) out-of-school-hours care (including vacation care),
  - (iv) preschool care, or
- (b) an approved family day care venue (within the meaning of the *Children (Education and Care Services) National Law (NSW)*),

#### Note—

An approved family day care venue is a place, other than a residence, where an approved family day care service (within the meaning of the *Children (Education and Care Services) National Law (NSW)*) is provided.

but does not include—

- (c) a building or place used for home-based child care or school-based child care, or
- (d) an office of a family day care service (within the meanings of the *Children (Education and Care Services) National Law (NSW)*), or

- (e) a babysitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or
- (f) a child-minding service that is provided in connection with a recreational or commercial facility (such as a gymnasium) to care for children while the children's parents are using the facility, or
- (g) a service that is concerned primarily with providing lessons or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity, or providing private tutoring, or
- (h) a child-minding service that is provided by or in a health services facility, but only if the service is established, registered or licensed as part of the institution operating in the facility.

The permissibility of the development on the site is using the provisions of Clause 5.3 of *Guyra Local Environmental Plan 2012, 'Development Near Zone Boundaries'*, which provides for flexibility, where it can be established a use on the other side of the zone boundary is "more logical and appropriate and can be compatible with adjoining land uses and objectives.

**Subject site and locality:**

The application relates to 156-160 Bradley Street and 162 Bradley Street, Guyra. The land fronts Mackenzie, Bradley and Moredun Streets and has an area of approximately 10,119m<sup>2</sup>.

Under the *Guyra Local Environmental Plan (GLEP) 2012*, 162 Bradley is zoned B4 Mixed Use. 156-160 Bradley is zoned SP2 Infrastructure. Uses on the land are as follows:

162 Bradley Street	Council owned, used for home support office
156-162 Bradley Street	Council owned, used for <ul style="list-style-type: none"><li>- Guyra Civic Administration Building , including Library</li><li>- Mens shed</li><li>- UNE outbuilding</li><li>- "The Hub"</li><li>- Car park</li><li>- Rural Fire Service shed</li></ul>

Both sites contain local heritage items in accordance with the *GLEP 2012*. These are as follows:

- Item I048 - Former Guyra Public School
- Item I049 – Former Guyra Medical Centre
- Item I050 – LT Starr Memorial Library

Trees within the land are also captured under the heritage designations. Access to the land is currently from both Moredun and Mackenzie Streets, with Mackenzie being the primary access.





### 3. OFFICERS' RECOMMENDATION:

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

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

#### PART A – DEFERRED COMMENCEMENT CONDITION:

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

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

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

- A revised Arboricultural Impact Assessment (AIA) shall be provided together with amended car parking/internal access road area plans as required. The AIA and amended plans are to demonstrate retention of the English Elm (*Ulmus procera*) (in addition to the Holm Oak [*Quercus ilex*] also to be retained adjacent to the

parking/internal access road area).

- Any revised car parking and access layout shall provide a minimum of Twenty Eight (28) car parking spaces. Entry and Exit locations and pick up / set down drop of area shall be generally in accordance with those details shown on the submitted plans.

The revised Arboricultural Impact Assessment must be prepared by a qualified arborist who has a Diploma of Horticulture (Australian Qualifications Framework Level 5).

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

The report is to include as a minimum:

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

The revised report must:

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

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

**PART B – OPERATIONAL CONDITIONS:**

**PRESCRIBED CONDITIONS**

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

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

- (1) For the purposes of section 4.17 (11) of the Act, the following conditions are prescribed in relation to a development consent for development that involves any building work:
  - (a) that the work must be carried out in accordance with the requirements of the Building Code of Australia.
- (2) In this clause, a reference to the *Building Code of Australia* is a reference to that Code as in force on the date the application is made for the relevant:
  - (a) construction certificate.

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

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

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

**GENERAL CONDITIONS**

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

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

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

The approved document is listed below:

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

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

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

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

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

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

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

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

5. In accordance with the provisions of Section 6.6 and 6.7 of the *Environmental Planning and Assessment Act 1979*, construction works approved by this consent must not commence until:

- a) a Construction Certificate has been issued;
- b) a Principal Certifying Authority has been appointed; and
- c) at least two days notice has been given to Council of the intention to commence work (using the online service on Council's website - click on the SELF SERVICE tab, register and follow the prompts).

Documentation required under this condition must show that the proposal complies with all relevant development consent conditions and is not inconsistent with the

approved plans, the Building Code of Australia and the relevant Australian Standards.

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

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

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

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

- Chapter 4 of the Child Care Planning Guideline (NSW, Planning and Environment), August 2017. This includes specific detail relating to:

Chapter 4.1: Indoor space requirements.

Chapter 4.2: Laundry and hygiene facilities.

Chapter 4.3: Toilet and hygiene facilities.

Chapter 4.4: Ventilation and natural light.

Chapter 4.5: Administrative space.

Chapter 4.6: Nappy change facilities.

Chapter 4.7: Premises designed to facilitate supervision.

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

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

8. To ensure that the proposed childcare centre is not adversely affected by noise from the adjacent roads, appropriate construction measures shall be taken to ensure that the following LAeq levels are not exceeded:

- a) In any sleeping area in the building—35 dB(A) at any time during hours of operation of the centre.

Details shall be in accordance with the approved Acoustic Report and are to be submitted for the approval of the relevant Certifying Authority prior to the issue of a Construction Certificate for the development.

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

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

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

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

*end of this consent).*

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

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

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

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

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

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

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

- Provision of a minimum of 28 off-street parking spaces to serve the development (of which at least 1 is to be designated accessible parking space).
- Parking and drop off / pick up bays, including spaces allocated for people with disabilities, are to be clearly identified by appropriate markings.
- An all-weather, nuisance-free surface for pedestrians and vehicles is to be provided throughout the site, including parking areas and driveways.
- The surface shall be provided with effective edge support / drainage control and landscaped areas adjacent to kerbing to be self-draining to the kerb.
- Car parking facilities, including all internal parking and manoeuvring areas, are to be designed and constructed in accordance with Australian Standards AS/NZS 2890.1 (current edition): Off-street car parking, AS/NZS 2890.2 (current edition): Off-street commercial vehicle facilities and AS/NZS 2890.6 (current edition): Off-street parking for people with disabilities.
- Bicycle facilities are to be provided in accordance with the Guyra Development Control Plan 2015.

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

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

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

Details to be submitted for the approval of the Council's Environmental Health Officer

before the issue of a Construction Certificate.

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

#### **DURING CONSTRUCTION**

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

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

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

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

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



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

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

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

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

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

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

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

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

25. Roof and surface stormwater from paved and impervious areas is to be collected and directed to a legal point of discharge and in accordance with the approved stormwater management plan, to protect the site and adjoining property from effects of flooding. Relevant work to be carried out immediately once the roof and guttering is installed.

26. Toilet facilities are to be provided at, or in the vicinity of the work site, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be connected to an accredited sewage management facility approved by the council or some other sewage management facility approved by the council.

27. The development must be carried out in accordance with *Managing Urban Stormwater: Soils & Construction* (4th edition, Landcom, 2004), commonly referred to as the "Blue Book" and as in force at the date of this consent; to maintain public and environmental safety and amenity, and prevent erosion and sedimentation.

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

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

Temporary fencing and hoardings to sufficiently prevent any substance from or in connection with the work falling into the public place. The work site must be kept lit

between sunset and sunrise if it is likely to be hazardous to persons in the public place. The hoarding, fence or awning is to be removed once the work has been completed.

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

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

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

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

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

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

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

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

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

are to be completed and inspected by the relevant Certifying Authority prior to commencement of operation of the approved development.

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

#### **OPERATIONAL MATTERS**

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

## **Assessment Report**

### **Proposed development**

Approval is sought for the following:

- Construction of centre-based child care facility building together with associated car parking and access;
- Removal of existing Men's Shed, UNE outbuilding and two garages;
- Removal of 4 trees.

The centre-based child care facility building would be a single storey building located generally in the position of the current car parking area servicing the site. The existing Mens Shed and UNE Outbuilding would be removed from the site to facilitate the siting of the proposed development. The building would comprise the following internal areas:

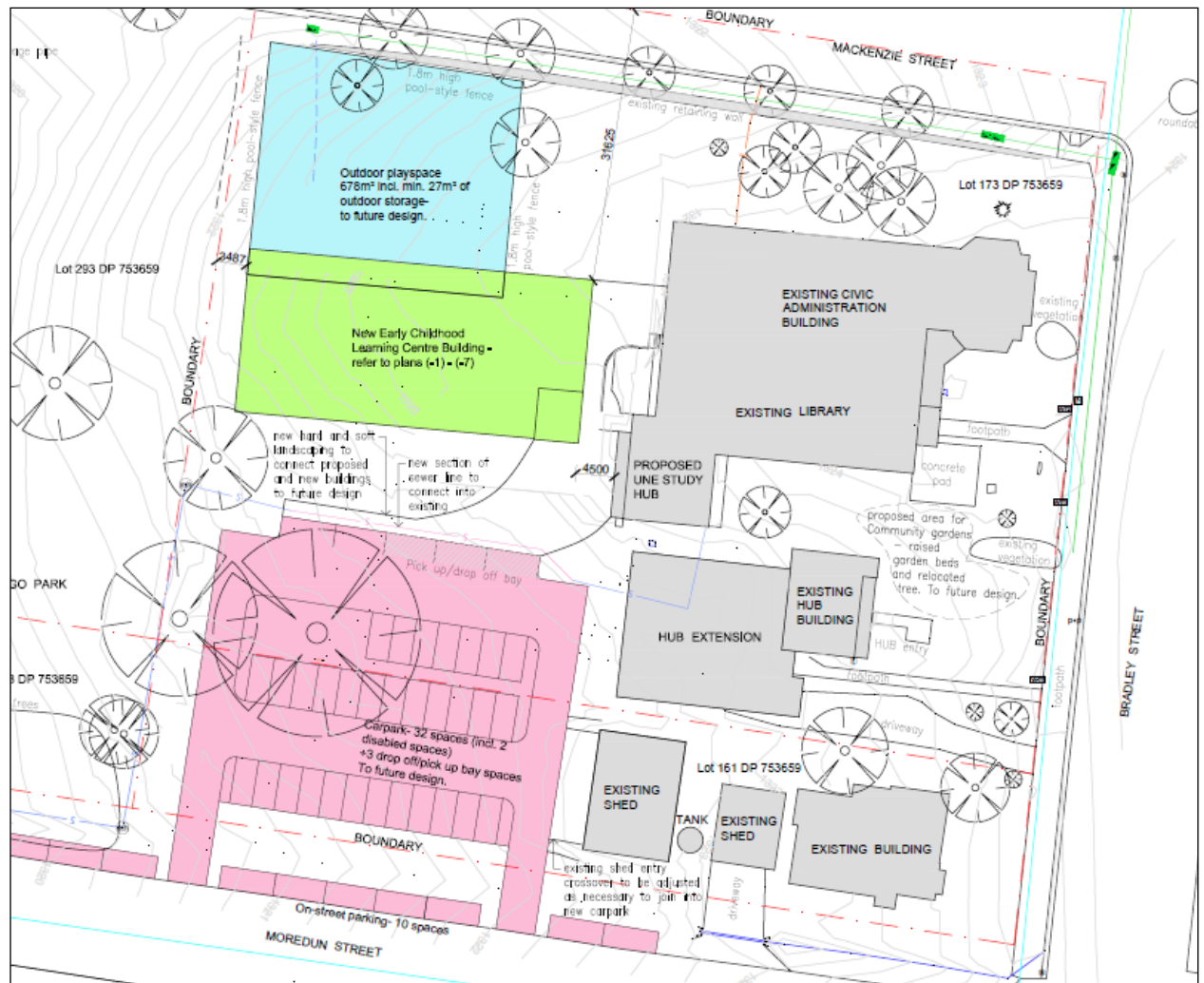
- An Entry room for dropping off and collection of children, and will act as delineation between the Preschool and the Out of School House care part;
- A reception area;
- An office which can connect to the reception area via an operable wall but will also provide privacy from children and parents and allow for private conversations when operable wall is closed;
- A Playroom each for:
  - Babies, including lockers, art sink, bottle preparation zone and adult hand washing basin;
  - Toddlers, including lockers, art sink and adult hand washing basin;
  - 3-4 Pre-schoolers, including lockers and art sink;
  - 4-6 Pre-schoolers, including lockers and art sink and;
  - Out of School Hours Care (OSHC) children;
- A staff room with a kitchenette that will allow for a 'break out' and planning space for staff.; and
- Two separate general store rooms and a shared store room for each Preschool play space within the Preschool, and a dedicated store cupboard in the OSHC room.

In terms of design, the proposed building would appear contemporary. Refer to attached plans and figures below.

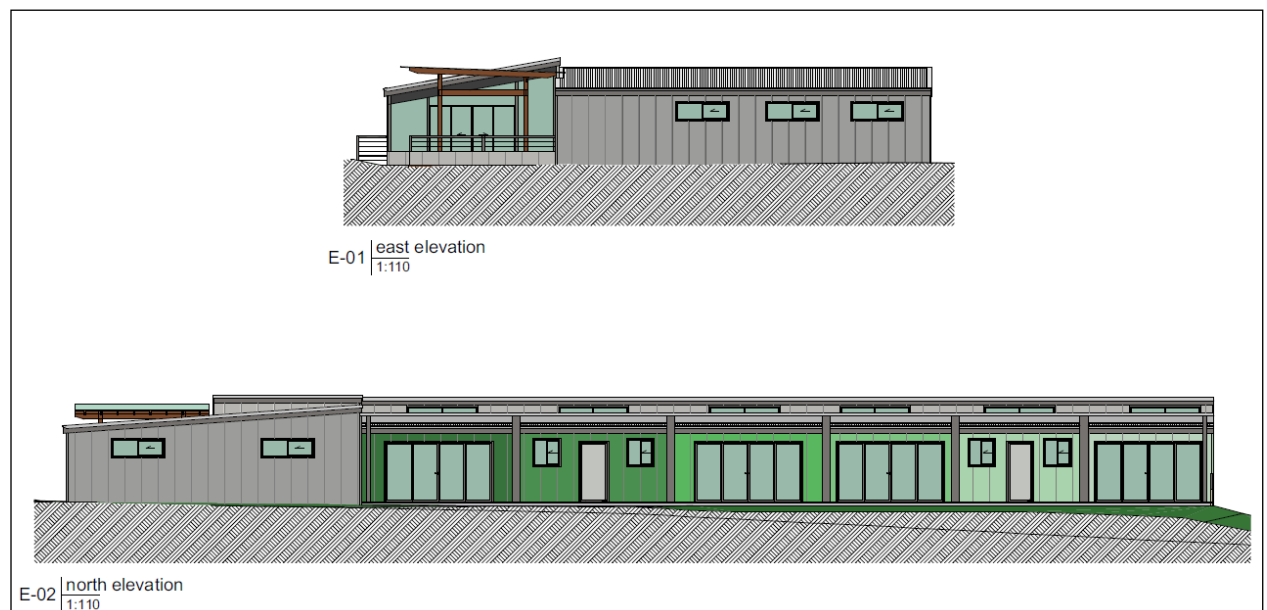
The proposal has been designed to exceed the minimum floor area requirements set by the *Child Care Planning Guideline*. A car parking and drop off area is proposed to provide 32 off street spaces (however this may be reduced in accordance with recommended conditions – discussed further in the report).

The proposed use would have:

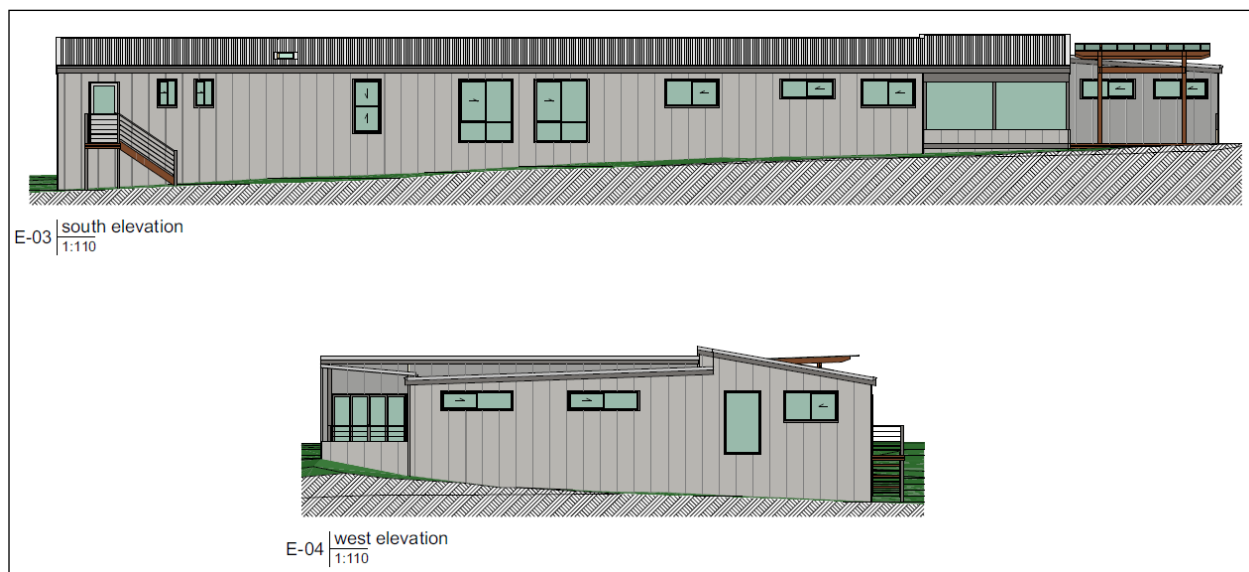
- hours of operation from 7.00am – 7.00pm weekdays;
- maximum of 14 full time staff; and
- maximum capacity of 88 children.



**Figure 1: Extract from Site Plan**



**Figure 2: North and East Elevations**



**Figure 3: South and West Elevations**

Revisions:

An additional information request was made 4 November 2020, regarding:

- Tree Removal (Aboricultural Assessment required);
- Acoustic Report;
- Engineering and Access (Requested single access from Moredun Street and details of upgrade from Moredun Street); and
- Design Recommendations:
  1. The southern elevation looks stark and flat for what appears as the main point of entry;
  2. The northern elevation looks good generally. Again, I would hope the final product keeps some sort of articulation and colouring as presented in the DA;
  3. The northern elevation of the OSHC part of the building takes away from the northern elevation. The high level windows etc. are more typical of a side or rear elevation of a dwelling house; and
  4. There is a lack of connection to Mackenzie Street, and this is a missed opportunity. It is a wider road, closer to the shopping area and seems like a natural point for a pedestrian access. It seems like the design cuts off any sensible pedestrian route from the north to the site.

A satisfactory response has been provided enabling assessment to continue. These matters shall be discussed in detail further within this report.

## Referrals undertaken and other approvals required

### Internal:

Development Engineering Officer	No objection subject to recommended conditions in relation to: <ul style="list-style-type: none"> <li>- Car Parking;</li> <li>- Access and External Roadworks;</li> <li>- Stormwater Management;</li> <li>- Water and Sewer DSP Contributions;</li> <li>- Connections to Council's Stormwater, Water; and Sewerage Infrastructure.</li> </ul>
Tree Officer	No objection subject to recommended conditions in relation to: <ul style="list-style-type: none"> <li>- Deferred commencement Condition, requiring submission of revised plans and aboricultural assessment demonstrating retention of Oak, in addition to others to be retained.</li> </ul>
Building Surveyor	No objection subject to recommended conditions in relation to: <ul style="list-style-type: none"> <li>- Compliance with Building Code of Australia; and</li> <li>- Fire Safety.</li> </ul>
Environmental Health Officer	No objection to findings of the Preliminary Site Investigation. No objection subject to recommended conditions in relation to: <ul style="list-style-type: none"> <li>- Compliance of kitchen with Australia and New Zealand Food Safety Authority Food Safety Standards; and</li> <li>- Compliance with Acoustic Report and standards for sleeping area.</li> </ul>

### External

Police (CPTED)	No objection.
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### Political Donations

At the time of lodging the Development Application the Applicant indicated, pursuant to Section 10.4(4) of the *Environmental Planning and Assessment Act 1979*, that no reportable political donation or gift had been made by the Applicant or any person with a financial interest in this Application to a local Councillor or employee of Armidale Regional Council.

### Matters for Consideration

The assessment of this Development Application has been undertaken in accordance with Section 4.15 (1) of the *Environmental Planning and Assessment Act 1979*, as amended. In

determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development application:

**(1)(a) the provisions of the following that apply to the land to which the development application relates:**

**(i) the provisions of any environmental planning instrument**

**State Environmental Planning Policies (SEPPs):**

The following SEPPs have been considered in connection with this development:

**State Environmental Planning Policy No 55—Remediation of Land**

Clause 7 (contamination and remediation to be considered in determining development application) requires that:

*(1) A consent authority must not consent to the carrying out of any development on land unless—*

*(a) it has considered whether the land is contaminated, and*

*(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*

*(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

*(2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subclause (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.*

*(3) The applicant for development consent must carry out the investigation required by subclause (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.*

*(4) The land concerned is—*

*(a) land that is within an investigation area,*

*(b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,*

*(c) to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital—land—*

*(i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and*

*(ii) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).*

The land is not identified as potentially contaminated land in accordance with Council's mapping. The proposed use of the land is identified within Clause 7(4)(c), therefore Council has submitted a Preliminary Site Investigation in order to satisfy the clause. Sampling has been taken from locations shown in Figure 4. The report concludes that *"the site is considered to be clean and*



*suitable for purpose as an Early Learning Centre, pending effective removal of the surface bitumen and building structures."*

Councils Environment and Environmental Health & Building Officer has raised no objection to the findings of this report.

The proposal therefore satisfies this SEPP.



**Figure 4: Sampling Locations**

**State Environmental Planning Policy (Infrastructure) 2007**

Referral to Transport for NSW was not required, given the site is not in proximity to a classified road and the proposed use does not exceed any threshold within Schedule 3 (Traffic-generating development to be referred to Transport for NSW).

The proposal therefore satisfies this SEPP.

**State Environmental Planning Policy (Koala Habitat Protection) 2019**

The application was submitted prior to this SEPP being repealed by State Environmental Planning Policy (Koala Habitat Protection) 2020. This SEPP applies to the land given the site has an area exceeding 1ha.

Clause 9 (development assessment process—no approved koala plan of management for land) states that.

*(2) Before a council may grant consent to a development application for consent to carry out development on the land, the council must assess, in accordance with the Guideline, whether the*

*development is likely to have any impact on koalas or koala habitat.*

*(3) If the council is satisfied that the development is likely to have low or no impact on koalas or koala habitat, the council may grant consent to the development application.*

The supporting guideline provided guidance to determine if a development was a Tier 1 (low impact development), as below:

*1. onsite or aerial photography is sufficient evidence to demonstrate that the development does not involve and will not result in clearing of regionally relevant trees of the species listed in Schedule 2 of the Koala SEPP, and*

*2. the development is below the Biodiversity Offsets Scheme threshold under the BC Act*

### 3.1 Tier 1 - Low or no direct impact development

The Tier 1 process is for development which can be demonstrated to have low or no impact on koalas or koala habitat as follows:

1. onsite or aerial photography is sufficient evidence to demonstrate that the development does not involve and will not result in clearing of regionally relevant trees of the species listed in Schedule 2 of the Koala SEPP, and
2. the development is below the Biodiversity Offsets Scheme threshold under the BC Act, or
3. council agrees the proposed development will have low or no impact on koalas or koala habitat on a case by case basis.

If the development cannot either meet **the first two criteria OR criteria 3** above, it must progress as a Tier 2 development application.

Tier 1 development does not require the landholder to engage a suitably qualified and experienced person to prepare any reports or conduct any surveys. This differentiates the Tier 1 process from the Tier 2 process which requires a suitably qualified and experienced person to conduct a survey for core koala habitat and prepare a Koala Assessment Report.

#### Management measures to address key risks

Development issues **must** be assessed on a case-by-case basis and different councils may apply prescriptions that align with broader considerations relevant to their council area.

Councils are **encouraged** to develop requirements within their development control plans that specifically deal with koala habitat management issues as this will provide more detailed and tailored information around what is expected in the local area.

**Figure 5: Extract from Koala Habitat Guideline**

In this regard, Council is satisfied that the proposal would not involve removal of any regionally relevant trees listed within the Koala SEPP (European trees only) and also would not exceed the maximum area clearing threshold under the Biodiversity Offsets Scheme under the Biodiversity Conservation Act 2016.

The proposal therefore satisfies this SEPP.

#### **State Environmental Planning Policy (State and Regional Development) 2011**

In accordance with Schedule 7 of the SEPP, the cost of work is less than 5 million. Council may therefore determine the application rather than the Northern Regional Planning Panel.

#### **SEPP (Educational Establishments and Child Care Facilities) 2017:**

This SEPP is relevant. The following is an assessment against the SEPP:

- Concurrence with the regulatory authority in relation to childcare centres is not required as the proposed area of unencumbered indoor and outdoor space exceeds the minimum requirement.

Regulation 107 of the *Education and Care Services National Regulations*, NSW requires 3.25 square metres of unencumbered indoor space to be provided for every child. 88 children require the provision of 286 square metres of indoor space. The proposed plans and Statement of Environmental Effects demonstrates provision for 336.92 square metres.

Regulation 108 of the *Education and Care Services National Regulations*, NSW requires 7 square metres of outdoor play area to be provided for every child. 88 children require the provision of 616 square metres of outdoor unencumbered space. The proposed site plan makes provision for 678 square metres.

- The *Child Care Planning Guideline* supports the SEPP.

**Matters for Consideration:**

➤ Site selection and location:

The proposal complies with the considerations as follows:

- The subject site is considered to be suitable for the purposes of a child care facility. The proposed development is sited within SP2 Infrastructure zoned land. B2 (commercial) and B4 (mixed use) zone land is located to the north and south of the site, separated by roads. This matter is discussed in more detail under Clause 2.3 and 5.3 of the GLEP 2012, further in this report.
- In the case of the B4 land located at Moredun Street, this is mostly developed with dwellings. Council is satisfied that the proposal would not have an unreasonable noise impact on these properties. In reaching this conclusion, an Acoustic Assessment has been provided to support the application. Additionally, by siting the building and outdoor area in the northern part of the site, there is sufficient setback from residential uses. The proposal would cause an increase in traffic along Moredun Street, however this is within acceptable limits for the B4 Zone. Sufficient car parking will be provided off street to not cause material harm to existing levels of amenity of these dwellings through additional traffic impact.
- The proposal is considered compatible with the mixed use nature of the site. The proposal would be complimentary to the community use theme of the wider site, and would not cause conflict in terms of parking provision and hours of operation.
- No concerns are raised over the proposals siting in relationship with the B2 zoned land to the north of the site. This will be further discussed with regards to noise and air pollution.
- The site is not shown to be affected by any environmental hazards and constraints, and is environmentally safe (not flood or fire affected etc). Large trees are not located within the outdoor play area. Notwithstanding, recommended conditions of approval ensure that all retained trees will be compatible with regards to car parking and access

works.

- The proposal is not located near any incompatible premises, subject to compliance with existing consent conditions in the case of 2 Moredun Street.
- There are acceptable opportunities on site for drop off and pick up areas within the site. Additionally, Moredun Street is considered safe for the proposed use, again, subject to compliance with existing consent conditions.

➤ Local character, streetscape and the public domain interface:

The proposal complies with the considerations as follows:

- The proposed building will adopt a contemporary form which celebrates and identifies the building. In terms of scale, materials and colours, it is considered that the building will contribute to the local character and streetscape. Landscaping and car parking are integrated on site within the overall design. It is recommended that conditions are applied regarding the finishes of the building, to ensure its design is not watered down through potential future modifications.
- The building will be oriented towards Mackenzie Street, and will provide passive surveillance and connection with the street.
- Landscaping shall be conditioned to comply with the guideline in terms of defining entries and incorporation of fencing and visual permeability.
- The proposal will be appropriately delineated from public areas, to ensure safety of children.
- The entry to the proposed childcare site will be adequately legible from the car parking area.

➤ Building orientation, envelope and design:

The proposal complies with the considerations as follows:

- The building will be single storey in scale, which is in keeping with the character of the site. Both the building and the external play areas are north facing with optimises solar access. The northern orientation also reduces potential noise and overlooking impacts on residential neighbours. The siting takes advantage of a relatively flat site and negates the need for cut and fill.
- There are no concerns with the proposed setbacks of the building, which sits comfortably within the site and away from neighbouring properties, in a manner which is consistent with the existing Civic Administration Building.
- The general siting of the proposal respects the heritage value of the retained trees, subject to recommended conditions of approval.
- The siting and design of the building will have a defined entry point from the car park which is visible from the Moredun Street frontage. Conditions shall be applied to ensure that the building meets all access requirements.
- Although the southern elevation is only partially articulated, it is

sufficiently open to not detract unreasonably from the appearance from this elevation. Where high fences are to be used, they shall be of an open appearance. Additionally, no acoustic fencing is required as confirmed by the Acoustic Report.

- Entry is limited to one secure point, which can be easily monitored and is not accessed through an outdoor play area. Although not a requirement, there are opportunities for access to be provided from Mackenzie Street, still utilising the proposed entry point to the building. Although the entry would be somewhat central within the site, the relationship with the shared carpark ensures a high level of passive surveillance.

➤ Landscaping:

The proposal complies with the considerations as follows:

- The site layout plan provides areas able to be landscaped. A condition of consent will be imposed requiring a detailed landscape plan to be prepared prior to the issue of a Construction Certificate. A condition will also be imposed requiring the landscaping to be satisfactorily established prior to the issue of an Occupation Certificate.
- The car parking design retains significant trees, which are of value in several respects (shade, local character).
- Conditions will also be included in relation to the landscaping of outdoor play areas including the provision of play equipment and other furniture.

➤ Visual and acoustic privacy:

The proposal complies with the considerations as follows:

- An acoustic report was submitted with the application, which recommends that the proposal is acceptable subject to conditions regarding upgraded glazing standards. A condition of consent will require demonstration of compliance with the recommendations prior to the issue of an Occupation Certificate.
- As the proposal is sited away from residential receptors, there are no concerns regarding overlooking.

➤ Noise and air pollution

The proposal complies with the considerations as follows:

- The proposal is not sited in close proximity to excessive sources of noise. It is noted that the premises located at 2 Moredun Street and 27 Booroolong Street (and surrounding streets generally) will both cause some noise by virtue of their land uses and comings and goings, however this is within reasonable limits.
- As the proposal is not situated in industrial zoned land or within a flight path, an acoustic assessment is not required. Notwithstanding, an acoustic assessment has been provided in accordance with Councils POL235 (Environmental Noise Guidelines). The submitted acoustic assessment deems that the proposed use is compatible for the site in terms of noise, subject to conditions to require appropriate glazing to windows. In addition, the proposal is comfortably located within the site

to reduce perceived noise impacts.

- Council's POL235 (Environmental Noise Guidelines) refers to the following in terms of noise levels within a childcare centre:

Childcare facilities	<p>Sleeping rooms <math>L_{Aeq}</math> (1 hour) 35 (internal)</p> <p>Indoor play areas <math>L_{Aeq}</math> (1 hour) 40 (internal)</p> <p>Outdoor play areas <math>L_{Aeq}</math> (1 hour) 55 (external)</p>	-	Multi-purpose spaces, e.g. shared indoor play/sleeping rooms should meet the lower of the respective criteria. Measurements for sleeping rooms should be taken during designated sleeping times for the facility, or if these are not known, during the highest hourly traffic noise level during the opening hours of the facility.
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The submitted acoustic assessment provides the following results:

**Table 5: Received Noise – External Noise Sources, dB(A),Leq  
Propagated Within Outdoor Play Area**

Activity	W'shop (S1)	Cars (S2)	Truck (S3)	W'shop (S4)	E'moving (S5)	Cars (S6)	Truck (S7)
Lw dB(A)	84	82	102	86	106	82	102
Ave Dist to rec (m)	60	40	30	35	100	30	60
Duration of event	15 min	10 sec	20 sec	15 min	2 min	10 sec	20 sec
No. of events	1	2	1	1	1	10	1
Barrier loss/Dir <sup>1</sup>	0	0	0	0	24	8	24
Rec dB(A),Leq	40	25	48	47	22	27	18
Combined	49						
Criteria	55dB(A),Leq						
Impact	0						

**Table 6: Received Noise – External Noise Sources, dB(A),Leq  
Propagated Within OSHC**

Activity	W'shop (S1)	Cars (S2)	Truck (S3)	W'shop (S4)	E'moving (S5)	Cars (S6)	Truck (S7)
Lw dB(A)	84	82	102	86	106	82	102
Ave Dist to rec (m)	60	45	60	65	90	15	50
Duration of event	15 min	10 sec	20 sec	15 min	2 min	10 sec	20 sec
No. of events	1	2	1	1	1	10	1
Barrier loss/Dir <sup>1</sup>	5	2	2	2	16	8	14
TL Glazing <sup>2</sup>	6	6	5	6	5	6	5
Rec dB(A),Leq	29	17	35	34	25	27	24
Combined	36						
Criteria	40dB(A),Leq						
Impact	0						

As can be seen by the above results, noise from nearby external activities/equipment is predicted to be compliant with the criteria in the OSHC room and outdoor play area. However, exceedances of the criteria may occur from vehicle movements in the carpark. Theoretical calculations reveal that glazing within some sensitive rooms must achieve  $\geq R_w30$  rating. This can typically be achieved with laminated or Vlam Hush glass, fitted with acoustic seals fitted at sliders. See Section 8 for glazing schedule and required design modifications.

**Figure 6: Extract from Acoustic Report demonstrating noise impacts from external sources**

- It is recommended to impose a condition which requires that sleeping areas have a noise level which does not exceed 35dB(A), in accordance with Councils policy.
- The proposal is not adjacent to a major road or industrial area, therefore in accordance with the guideline an air quality assessment is not required.

➤ Hours of operation:

- The proposed development will be conditioned to have hours of operation from 7.00am – 7.00pm. These are slightly greater than those proposed (7.00am – 6.30pm), however these are within the limits of the

guideline and would provide additional flexibility. Additionally, the hours of operation of the facility would not cause unreasonable conflict with adjoining lands.

➤ Traffic, parking and pedestrian circulation:

- The Guideline provided that car parking should be provided in accordance with rates specified in a Development Control Plan that applies to the land. In this case, the Guyra DCP 2015 provides that 1 space is to be provided per employee. In response to Council's information request, a maximum of 14 personnel would be employed/on the site at any one time. Therefore, 14 spaces are required for the use.

The application as submitted proposes to construct 32 spaces on site and 10 spaces off site (also providing dedicated car parking for the CAB and The Hub).

Currently 20 spaces serve the Guyra CAB including Mens Shed and UNE Building. Through the removal of 440m<sup>2</sup> of floor area with the demolition of the Mens Shed and UNE Building with these outbuildings, the CAB aspect of the site would require the provision of 9 spaces.

Extensions to The Hub required provision of 5 spaces.

Therefore 28 spaces would be required.

The submitted car parking layout assumed retention of 1 x Elm and 1 x Oak, among other trees. The submitted Arboricultural Impact Assessment (AIA) determines that the Oak (a Category A tree – high retention value) would be required to be removed in order to adhere to the parking layout.

It is therefore recommended that a condition be applied which requires the provision of an amended plan and supporting documents showing a minimum of 28 off street parking spaces and retention of the Oak. Removal of both Elms in the car parking/access area is acceptable, as supported by the AIA, as discussed further in this report.

While the provision of on street parking is welcomed, it is recognised that in response to the submitters concerns, removal of 5 off street spaces between the entry and exit point (to improve site distances) is acceptable noting sufficient off-street parking. This shall also be discussed further within this report.

A summary of car parking calculations is as follows:

Existing Development				
Civic Administration Building and associated outbuildings (Mens Shed and UNE)				20 Spaces required
Less parking required for two building being removed (Mens Shed and UNE) (440m <sup>2</sup> @ 1 space per 40m <sup>2</sup> )				11 Spaces (credit)
<b>Total</b>	<b>Parking</b>	<b>Required</b>	<b>pre</b>	<b>9 Spaces</b>

<b>development</b>	
<b>Proposed Requirement</b>	
Childcare (1 space per Employee)	14 spaces
The Hub (1 space per 40m2 for Stage 2 extension)	5 spaces
Parking required for proposed development	19 spaces
Total parking required existing development (9) plus proposed development (19)	28

- A Traffic and Parking study has not been requested by Councils Development Engineer, given the proposed parking meets the requirements of the guideline.
- It is noted that the existing development located at 2 Moredun Street attracts heavy vehicle movements which may cause some conflict with the proposed development. It is considered that potential conflict is manageable subject to the owner's compliance with their consents.
- In terms of design and layout, the proposal demonstrates opportunity for separate pedestrian access and the ability for vehicles to enter and exit in a forward direction. The outdoor play area and the building itself will be secure from the parking and drop off areas.

➤ The remainder of the guideline refers to compliance with the National Regulations. The applicant has provided a checklist which appears to demonstrate satisfactory compliance. A condition will be included requiring demonstrated compliance with Part 4 of the guideline prior to the issue of a Construction Certificate.

In terms of all application SEPPs, the application is acceptable.

#### Local Environmental Plans (LEPs):

The **Guyra Local Environmental Plan 2012** has been considered in connection with this development below:

<b>PART 1 PRELIMINARY</b>	
1.2 Aims of Plan	The assessment of this application has been carried out having regard to the aims of the Plan.
No other aspects of Part 1 are relevant	
<b>PART 2 PERMITTED OR PROHIBITED DEVELOPMENT</b>	
2.2 Zoning of	SP2 Infrastructure (Building and play area)



land to which Plan applies	B4 Mixed Use (Car Park)
2.3 Zone objectives and Land Use Table	<p>The land use table for the SP2 zone allows that development for the purposes shown on the land zoning map, including any development that is ordinarily incidental or ancillary to development for that purpose is permitted with consent.</p> <p>The current land zoning map identifies the land for <b>Public Administration</b>.</p> <p>The nearest LEP definition is for Public Administration Building, as follows: <i><b>public administration building</b> means a building used as offices or for administrative or other like purposes by the Crown, a statutory body, a council or an organisation established for public purposes, and includes a courthouse or a police station.</i></p> <p>The proposed use falls outside this definition. In reviewing the development assessment a drafting error was identified relating to the subject property at the time of making of <i>Guyra Local Environmental Plan 2012 (GLEP)</i> (Amendment No 1) which took effect on 26 September 2014.</p> <p>Prior to the making of GLEP (Amendment No 1) the subject site was zoned SP2 Infrastructure and identified the land for Community Facilities/Public Administration Buildings), which would have permitted the proposed use as a type of community facility.</p> <p>GLEP (Amendment No 1) does not relate to the subject site. Initial discussion with DPIE has confirmed that there has likely been a drafting issue at the time (2014) of making of GLEP (Amendment No 1) which has inadvertently removed one of the purposes from the gazetted land zoning map.</p> <p>Despite this Clause 5.3 of the GLEP allows flexibility around the land use of a site adjoining zone boundaries. Refer to discussion below.</p>
2.7 Demolition requires development consent	This clause requires that the demolition of a building or work may be carried out only with development consent. The proposal has included all required demolition, therefore satisfying this clause.
No other aspects of Part 2 are relevant.	
<b>PART 4 PRINCIPAL DEVELOPMENT STANDARDS</b>	
The proposal does not seek to vary any principle development standards of the LEP.	
<b>PART 5 MISCELLANEOUS PROVISIONS</b>	
5.3 Development near zone boundaries	<p>The clause states:</p> <p><i>(1) The objective of this clause is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.</i></p>

*(2) This clause applies to so much of any land that is within the relevant distance of a boundary between any 2 zones. The relevant distance is 50 metres.*

*(3) This clause does not apply to—*

*(a) land in Zone RE1 Public Recreation, Zone E1 National Parks and Nature Reserves, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone W1 Natural Waterways, or*

*(b) land within the coastal zone, or*

*(c) land proposed to be developed for the purpose of sex services or restricted premises.*

**Note—**

*When this Plan was made it did not include Zone E2 Environmental Conservation or Zone W1 Natural Waterways.*

*(4) Despite the provisions of this Plan relating to the purposes for which development may be carried out, development consent may be granted to development of land to which this clause applies for any purpose that may be carried out in the adjoining zone, but only if the consent authority is satisfied that—*

*(a) the development is not inconsistent with the objectives for development in both zones, and*

*(b) the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.*

*(5) This clause does not prescribe a development standard that may be varied under this Plan.*

The development is eligible to utilise this clause, given:

- SP2 zoned land is suitable for application of the clause; and
- The entirety of the centre based childcare facility is within 50m of either the B4 Mixed Use zone (to the south) and B2 Local Centre zone (to the north); and
- In both the B4 Mixed Use zone and the B2 Local Centre zones a centre-based child care facility is permitted with consent.

In considering clause 5.3(4), the following response is provided:

Clause 5.3(4) (a) – consistency with zone objectives

The objectives for the zones are as follows:

**SP2 Infrastructure**

- To provide for infrastructure and related uses.
- To prevent development that is not compatible with or that may detract from the provision of infrastructure.
  - The proposed development is not inconsistent with the objectives of the SP2 zone. The proposal is compatible with and would not detract from the provision of infrastructure for the purposes of Public Administration.

	<p><b>B4 Mixed Use</b></p> <ul style="list-style-type: none"> <li>• To provide a mixture of compatible land uses.</li> <li>• To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling. <ul style="list-style-type: none"> <li>- The proposed development is not inconsistent with the objectives of the B4 zone. As discussed further within the report, the proposal is considered compatible with surrounding land uses. The proposed development would be in an accessible location to the town centre, and would be conducive to access by walking and cycling.</li> </ul> </li> </ul> <p><b>B2 Local Centre</b></p> <ul style="list-style-type: none"> <li>• To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.</li> <li>• To encourage employment opportunities in accessible locations.</li> <li>• To maximise public transport patronage and encourage walking and cycling.</li> <li>• To encourage development in the existing town centre that reflects or enhances its character. <ul style="list-style-type: none"> <li>- The proposed development is not inconsistent with the objectives of the B2 zone. The proposal provides for a development which is supportive of the needs of residents, and encourages employment and development in proximity to the town centre and would not adversely affect the local character. Again, the proposal would be in an accessible location to the town centre, and would be conducive to access by walking and cycling.</li> </ul> </li> </ul> <p><u>Clause 5.3(4) (b) – compatibility, infrastructure capacity and other planning principles relating to the efficient and timely development of land</u></p> <p>The assessment determines that the proposed development is compatible with surrounding land uses. The siting and capacity of the proposed development are acceptable in relation to provision of services and their capacity, in terms of essential services (such as roads, water, sewer and stormwater). The proposal satisfies relevant planning controls, and would not adversely impact the public interest or conflict with the principles of Ecologically Sustainable Development.</p> <p>On this basis, the proposal meets the requirements of Clause 5.3 of the LEP and provides sufficient merit to justify permissibility of the centre-based child care facility.</p>
5.10 Heritage conservation	<p>The site contains three separate heritage items, as listed under Schedule 5 of the LEP:</p> <ul style="list-style-type: none"> <li>• Guyra Shire Civic Centre - Former Guyra Public School;</li> <li>• Office - Former Public School Principal's residence; and</li> <li>• Library - L.T. Starr Memorial Library.</li> </ul> <p>The objectives of this clause are as follows:</p>

- (a) to conserve the environmental heritage of Guyra,*
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*
- (c) to conserve archaeological sites,*
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.*

The clause goes on to state:

*The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned.*

In this instance, the proposal would impact on Item I048, **Guyra Shire Civic Centre - Former Guyra Public School**. Details of the listing are as follows:

Statement of Significance:

*The site of the Guyra Shire Council has landmark, aesthetic, historic, social and representative significance. This site was once part of the four acres dedicated to the Guyra Public School which was located here from 1893 to 1977. The brick buildings facing Bradley Street were removed to make way for the new Council Chambers but some of the buildings survive at the rear; that is, those timber portable classrooms associated with developments of secondary education. Some of the early plantings survive. Social significance of the timber buildings arise from their former use as school buildings and their role in the film 'Little Boy Lost'. The site would also have some archaeological potential because of the demolition of the brick buildings that took place here. The Guyra Shire Council has identified 'significant and remarkable trees' on the site on 27 February 2003; a European Larch, *Larix decidua* planted c1900, a conifer *Cryptomeria japonica* as well as a number of Holm Oaks *Quercus ilex*.*

Historical Notes:

*This site was originally the Guyra Public School site which occupied an area of 4 acres. The school established in 1883 was located near to the Mother of Ducks lagoon. After community lobbying, the school was moved to this site which it occupied from 1893 to 1977. Some of the earlier buildings survive behind the Civic Centre.*

*The Guyra Argus, 28 August 1947 announced that the Guyra Parents and Citizens Association had been authorised by the Minister for Education to obtain quotations from local builders to remove the Mount Mitchell school building and re-erect it at Guyra.*

*Once the school had moved to its present site, the buildings were used as a base for the movie 'Little Boy Lost' starring John Hargraves. On the lawn in the front of the new Chambers are some memorials including a dedication to the two F111 crewmen who lost their lives in a training exercise over Guyra.*

*The Guyra Shire Council has identified 'significant and remarkable trees' on the site on 27 February 2003; a European Larch *Larix decidua* planted c1900, a conifer *Cryptomeria japonica* as well as a number of Holm Oaks *Quercus**

*ilex. The first two trees were planted by Miss Nina Youman, a teacher at the school. A plaque in memory of Miss Youman was erected at the request of the Guyra Garden Club.*

The applicant has submitted a Heritage Impact Statement which addresses the proposed development:

*“Following the heritage report on the former Department of Education weatherboards located in Guyra provided to council on 26 May 2020, I wish to confirm that there will be no impact on the heritage significance of the site.*

*It is proposed to develop the site for a Guyra Pre School. This would mean the removal of the two weather board buildings, demolition of the former garage built in the 1920s and the removal of diseased trees.*

*It is recommended that:*

- the larger weatherboard building be removed to a new site so that it can be re-adapted for continued use by the community. Thus, it would also continue the link with those Guyra residents who were educated in the building. It is important that the distinctive timber windows be retained so that there is a continuity of architectural design.*
- because of the condition of the second smaller building, it is recommended that the building be sold either for removal or demolition so that the hardwood timber is recycled.*
- an interpretation panel be provided to show how the site has been developed.*

*With the intention to re-adapt the site to a new educational facility to cater for the Guyra pre-school, it is determined that the proposed development will not have an adverse impact on the heritage significance of the site.”*

It is considered that bearing in mind the statement of significance, the proposed heritage impact statement is acceptable, as such no in principle objection is raised to the removal of the buildings.

Details of the relocation of the larger building have not been established as part of the proposal and as such would be subject to separate approvals on a new site. It would not be reasonable to secure details of the relocation by condition, given it effectively would relate to another site.

Demolition of other buildings is also acceptable, whether or not any materials are salvaged.

In terms of trees expressly mentioned in the statement of significance, a single Holm Oak (*Quercus ilex*) is currently on site. While not included in the listing, other significant trees include:

2 x English Elm (*Ulmus procera*);

1 x English oak (*Quercus robur*); and

1 x Claret Ash (*Fraxinus angustifolia* subsp. *oxycarpa*).

Other less significant species include:

1 x Common Fig (*Ficus carica*); and

1 x Desert Ash (*Fraxinus Oxycarpa*).

The submitted Arboricultural Impact Assessment (AIA) recommends retaining the Claret Ash and Holm Oak, and removing all others within the site.

With exception of the English Oak, all other trees to be removed are identified as category B and C (lower category) trees by the AIA, and are considered acceptable to be removed.

The English Oak is a Category A tree with significance due to its age/size, amenity value and summer shade. Council's assessment officer has indicated at pre-lodgement stage that this tree is to be retained. It was also the applicant's intent, however the AIA proposed its removal on the basis of the car parking layout which is an unnecessary driver for the removal of such a significant tree.

Therefore, it is recommended that the approval of the application be subject to a condition which requires the submission of an amended plan and AIA retaining the Oak tree. Council has confirmation from the arborist that keeping of the tree while maintaining provision of on-site parking is achievable.

On this basis, the proposal complies with the clause.



**Figure 7: Category A Oak tree to be retained, subject to recommended conditions**



**Figure 8: Category B Elms, considered acceptable to be removed.**

*A full series of photographs of trees is not considered necessary. The submitted photographs are to support retention of the Oak and demonstrate the lower quality of the adjacent Elms.*

No other aspects of Part 5 are considered relevant

## **PART 6      ADDITIONAL LOCAL PROVISIONS**

The site is not flood affected and the proposed use is capable of being connected to all relevant essential services and conditioned appropriately with regards to earthworks.

Conditions shall be applied for appropriate service connections.

### **(ii)      Draft Planning Instruments**

No draft instruments apply to the site.

### **(iii)      the provisions of any development control plan**

The applicable chapters of the Guyra Development Control Plan 2012 are addressed below.

Chapter	Comment
<b>Chapter 5   Development in Commercial and Industrial Areas</b>	
This chapter applies to the part of the Car Parking area associated with the proposal. Given	



this aspect is ancillary to the development as a whole and no built structures would be in this land, no discussion of this chapter is required.	
<b>Chapter 6 Sediment and Erosion Control</b>	
The proposal satisfies this chapter, subject to the application of standard conditions.	
<b>Chapter 8 Access and Parking</b>	
Proposals Requiring development Consent	<p>In determining the parking and traffic requirements for a development proposal, Council will take into account the following matters:</p> <ul style="list-style-type: none"> <li>• the likely demand for off-street parking generated by the development;</li> <li>• the availability of public transport and public parking facilities in the vicinity to service the proposed development;</li> <li>• the probable mode of transport of the users of a development;</li> <li>• the likely peak parking demand of a proposal;</li> <li>• the existing traffic volume on the surrounding street network and where relevant, the potential future traffic volumes; and</li> <li>• the desirability of rationalising on-site parking within commercially zoned areas.</li> </ul>
Access and Traffic Generation	<p>Whilst the development will increase the amount of traffic to approximately 61 vehicles per day, it is considered the existing road network will be able to adequately cater for the traffic generated by the development. In accordance with the allowances of the DCP, no Traffic Impact Assessment is required.</p>
Parking Requirements	<p><u>Car Parking:</u></p> <p>The DCP requires that Pre-Schools and Child Care Centres have parking at a rate of 1 space per employee plus pick up / set down area.</p> <p>The application material proposes that the facility would have 14 employees at any one time, and within provides the required number of spaces. Refer to discussion under the SEPP for further information.</p> <p><u>Service Vehicles:</u></p> <p>The use does not warrant the consideration of any service vehicles owing to the nature of the uses on the site. The site layout will allow for satisfactory entry and exit from the RFS Shed. Additionally, the pick-up/drop off bay is sited away from his part of the land.</p>
<b>Chapter 10 Signage and Outdoor Advertising</b>	
No signage or outdoor advertising has been applied for as part of this application.	
<b>Chapter 11 Development and Heritage Conservation</b>	
This chapter has been adequately discussed in detail under Clause 5.10 of the LEP.	



## Chapter 12 Contaminated Land

This chapter has been adequately discussed in detail under SEPP 55.

No other chapters of the DCP are considered relevant.

**(iiiia) the provisions of any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4**

Not applicable.

**(iv) the provisions of the regulations**

Relevant Clauses of the Regulations have been considered during the assessment of this proposal.

Does the proposal include any demolition?	Yes
Does the proposal involve the relocation of a building to/from the site?	Yes
Are there any fire considerations (i.e. fire separation)	Yes – satisfied by recommend conditions.
Should the building be brought up to current BCA standards? (Refer Building Surveyor assessment)	N/A – new building.

**(1)(b) the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality**

This assessment has been undertaken having regard to various issues, as follows:

Potential impacts on the natural environment?	<p>The proposal would require tree removal and extensive site works, however no unreasonable adverse impacts are likely, subject to the recommended conditions.</p> <p>Owing to the urban setting and only European trees to be removed, the proposal would not cause unreasonable harm in terms flora or fauna impacts.</p> <p>Owing to the nature of the proposed use, it would not give rise to any air pollution or cause similar hazards through its operation.</p>
Potential impacts on the built environments?	<p>The application would have an acceptable impact in terms of European heritage, subject to the recommended conditions. It is also recommended that an advisory note is included with respect to management of any artefacts or</p>

	archaeological items.  The report demonstrates that the proposal would not cause unreasonable impacts on adjoining and nearby occupiers in terms of scale, privacy, noise and traffic. Additionally, the proposal is considered complementary to the existing uses located within the land.	
Likely social impacts, benefits or precedents?	The proposal would overall have a social benefit, through providing a fit for purpose child care centre in an acceptable position.	
Implications for public infrastructure? (i.e. public transport, main extensions etc.)	No impact anticipated.	
Impact on surrounding public places?	No impact anticipated, subject to recommended conditions.	
Likely economic impacts or benefits?	The proposal would provide overall economic benefit through construction of the development together with ongoing employment opportunities and enhancement of a community facility which inherently supports (mainly working) persons needing child care.	
Developer contributions applicable?	Yes. Developer Servicing Charges, as shown in table below. No Section 7.12 Contribution applicable owing to the nature of the facility being exempt under part 3.13 of the Plan.	
<b>Section 64 Contributions</b>		
<i>POL181 – Utilities - Development Servicing Plan for Water and Sewerage</i>		
number of ET's:	The following ET's were calculated using the categories; <i>Child Care Centre / Pre-school:</i> <b>ET's Generated:</b> Water ET's = 0.060ET's/person x 72 people (8x babies, 10x toddlers, 20x 3-4 years, 20x 4-6 years, 14 FTEs) <u>Water ET's = 4.320ET's</u> Sewer ET's = 0.100ET's/person x 72 people <u>Sewer ET's = 7.200ET's</u>	
water contribution	\$9,500.00 x 4.320 ET's	=\$41,040.00 Total Water Contribution
sewer contribution	\$3,250.00 x 7.200 ET's	=\$23,400.00 Total Sewer Contribution
<b>Total</b>		<b>=\$64,440.00 Total Contribution</b>

**(1)(c) the suitability of the site for the development**

There are no prevalent risks and hazards, constraints or land use conflicts which would affect the suitability of the site for the proposal.

The proposal will fit into the locality and the site attributes are conducive to the proposed development.

Site constraints have been adequately addressed and appropriate conditions of consent recommended.

**(1)(d) any submissions made in accordance with the Act or the Regulations**

The Application was notified in accordance with Council's Community Participation Plan from the 13 October 2020 until 30 October 2020. At the conclusion of the notification period 2 submissions/objections had been received by Council.

The planning grounds of each submission are as follows:

Submission 1:

- Proposal encroaches on lease space containing Guyra Community Garden;
- Lack of consultation between Council and submitters regarding proposal and in turn, impact on lease arrangements;
- Safety impacts from positioning:
  1. Conflict between car park and RFS vehicles.
  2. Conflict with existing use at Moredun Street (including brake testing and provision conflict from new on street parking, limited visibility due to proposed on street parking);
- Plan should be amended, leaving existing car park in current location and siting building further south (open space up to northern aspect, have [less appealing] southern elevation less visible, remove RFS shed, allow pre-schoolers access to retained community garden); and
- Trees (Oak in particular) are towards their life expectancy, and should not drive the siting of the proposal.

The submission has offered the following recommendations:

*SUGGESTED ACTIONS:*

- Remove the couple of trees;
- Relocate the Rural Fire Service;
- Flip the design;
- Locate the rear of the pre-school building on Moredun Street;
- Keep the car park on Mackenzie Street; and
- Allow two-way traffic on Moredun Street.

*POSITIVE OUTCOMES:*

- No compromise of Stage 2 The Hub at Guyra;
- Relocation and rebuild of Guyra Community Garden;
- No disruption to the longstanding and legitimate businesses in Moredun and Bradley Streets;
- No disruption to the residents and their visitors in Moredun Street;
- Maximised use of the commercially used Mackenzie Street;
- No disruption to visitors to Mother of Ducks Lagoon;
- Minimised car parking safety concerns; and
- Open, direct, and safe access to the precinct for the pre-schoolers, their families, and staff.

Submission 2:

- Car Parking on Moredun Street will be hazardous to children due to heavy vehicles and machinery that use the street;
- Street needs to remain 2 directional to allow backing of trailers from street to within the submitters site;
- Powerlines at Moredun Street should be located underground to provide additional street width;
- Street is gazetted for use by the submitter for the purposes of vehicle testing (braking etc);
- Driveways should be positioned away from entrance to submitters premises
- Original trees must be preserved, especially the English Oak; and
- No in principle objection to the proposed development, however proposal should not disadvantage existing development at 2 Moredun Street or cause a risk of life to users of the development.

Officers Response:

- Concerns in relation to consultation and impact on existing leases are noted. However, concerns relating to the lease are not a planning matter material to the assessment.
- The encroachment of the development on the Guyra Community Garden is not grounds to refuse the application. While the significance of the garden is noted, it is recent addition in the context of the site, and not afforded the protection of heritage items within the land. Along these lines, Council considers the Oak tree is worth retaining. This is supported by the Aboricultural Impact Assessment, which confirms that it should have a reasonable life expectancy subject to a modified car park area design. Less significant trees are acceptable to be removed (such as Elms) in order to strike a reasonable balance allowing for the overall development of the site while maintaining high levels of amenity value.
- Councils officer considers that the proposal sensitively allows for future extension of The Hub, while also allowing this development to meet its parking obligations. Taking aside the garden, the proposal would not impact on the footprint of Stage 2 of The Hub.
- In terms of redesigning the site, the design demonstrates overall suitability when considered against the matters for consideration contained within the Child Care Planning Guideline. On this basis, there are not sufficient grounds to argue that the proposal should be amended.
- The childcare centre itself will be sited away from the RFS shed. Council's officer considers that any potential conflict in access to the shed is within acceptable limits i.e. RFS would be required to manoeuvre through a car park area which itself would meet relevant standards. Additionally, Councils Development Engineer has provided no objection to the layout proposed.
- Councils officer confirms that Moredun Street would remain two directional.
- Councils Officer is satisfied that the use of Moredun Street as a brake testing street is manageable in relation to the proposed development.
- Under the application at hand, it is not reasonable to condition that powerlines be relocated underground.

- Council's officer is satisfied that on the basis of the proposed development being acceptable in terms of parking, removal of on-street spaces between entrances would be acceptable, as these are not directly required to meet obligations. It is noted that if this area was identified as a no standing zone, it would exclude all users.
- The owner of 2 Moredun Street has been reminded that use of the land is for Light Industry (repair and storage of machinery), as approved under **DA 49-2001/02**. Later approvals were **DA-138-2009** for extension of a shed and **DA-182-2012** for an additional shed extension and expansion of the approved use.

**Condition 10 of DA-49-2001/02 states:**

*"All vehicles leaving the premises must do so in a forward direction to minimise risk of an accident involving persons leaving the premises and to ensure safe passage by pedestrians and vehicles in the area."*

**Condition 10 of DA-138-2009 states:**

*"Provision of on site parking for two vehicles for staff and for visitors or customers. Parking areas, access lanes, and vehicle movement areas shall be drained and constructed to a standard approved by the Director of Development and Engineering"*

*Note 1 – There must be adequate turning room so that all traffic can enter and leave the premises in a forward direction*

*Note 2 – a dust free gravel surface may be acceptable."*

**Conditions 11 and 12 of DA -182-2012 state:**

*"11. Provision of on site parking for three (3) vehicles. Parking areas, access lanes and vehicle movement areas shall be drained and constructed to a standard approved by the Director of Development and Engineering"*

*Note 1 – There must be adequate turning room so that all traffic can enter and leave the premises in a forward direction*

*Note 2 – a dust free gravel surface may be acceptable*

*12. An appropriate vehicular access must be installed to the property at the owners expense prior to the issue of an Occupation Certificate. Such access must-*

- *Be designed such that vehicles can enter and leave the premises in a forward direction*
- *Be of a geometric design approved by Council*
- *Be compliant with AUSSPECT 1997 and be installed by either Council or a qualified construction firm approved by Council"*

Council's officer considers that the proposed development will not have an adverse impact provided that the occupier of 2 Moredun Street complies with conditions of consent imposed by the former Guyra Shire Council.

While it is noted that businesses grow, the above listed conditions are fundamental and should not be ignored at the cost of other street users and safety in general.

The image below shows the current relationship of the site to Moredun Street:



*Figure 9: Moredun Street*

**(1)(e) the public interest**

The proposal satisfies relevant planning controls and is not considered to impact adversely on the public interest.

<b>Item:</b>	<b>12.16</b>	<b>Ref: AINT/2021/10621</b>
<b>Title:</b>	<b>DA-116-2018/D - Motel Development - (Modification Requesting Deletion of Condition 25A)</b>	<b>Container: DA-116-2018/D</b>
<b>Responsible Officer</b>	<b>Director Businesses and Services</b>	
<b>Author:</b>	<b>John Goodall, Coordinator Development</b>	
<b>Attachments:</b>	1. DA-116-2018-D Modification Request	

### 1. Purpose

The purpose of this Report is to allow Council to consider the Applicants request for the Development Servicing Plan (DSP) charges for water and sewer amounting to \$133,520.00, which have been applied to the motel development at 141 Dumaresq Street, to be waived.

### 2. OFFICERS' RECOMMENDATION:

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

#### NOTE TO COUNCILLORS:

1. In accordance with the provisions of S375A of the Local Government Act 1993, a Division is to be called whenever a motion for a planning decision is put to the meeting, for the purpose of recording voting on planning matters. Pursuant to clause 2(a) under the heading Matters to be Included in Minutes of Council.
2. Under Council's adopted Code of Meeting Practice (as amended) a Division will be deemed to have been called by the mover and seconder of all motions relating to this report.

## **ASSESSMENT REPORT**

<b>DA Number</b>	DA-116-2018/D
<b>Proposed Development</b>	Motel Development, Associated Works and Car Parking- (Consent Modification Requesting Deletion of Condition 25A for the Payment of DSP Charges).
<b>Street Address</b>	141 Dumaresq Street Armidale
<b>Applicant/Owner</b>	Applicant: Rice Construction Group Pty Ltd Owner: Armidale Ex-Services Memorial Club Ltd
<b>DA Lodgement Date:</b>	28/1/2021
<b>Number of Submissions</b>	Nil
<b>Names and Address of Submitters</b>	N/A
<b>List of all relevant s4.15(1) matters</b>	<ul style="list-style-type: none"><li>• Social and economic impacts in the locality;</li><li>• Public interest.</li></ul>

<b>List all documents submitted with this report for the Council's consideration</b>	<ul style="list-style-type: none"> <li>Written statement from Applicant in support of the waiver of the DSP Charges dated 20 January 2021</li> </ul>
<b>Estimated Construction Value of Development:</b>	\$6 Million

#### Reason for Report:

This application has been referred to Council because the Applicant has lodged development application DA-116-2018/D for Council's consideration, requesting that DA-116-2018/C be modified by waiving the DSP charges that have been applied to the motel development.

#### Description of Proposal:

The proposal is for a new motel development at 141 Dumaresq Street and associated works and on-site car parking.

#### Site Description and Locality

The site is located at 141 Dumaresq Street Armidale, which adjoins the Armidale Ex- Services Club which is to the east of the site and the Belgrave Cinema which is located to the west. The site is located within the B4 Mixed Use Zone with an existing retail complex located to the south and open space to the north across Dumaresq Creek.

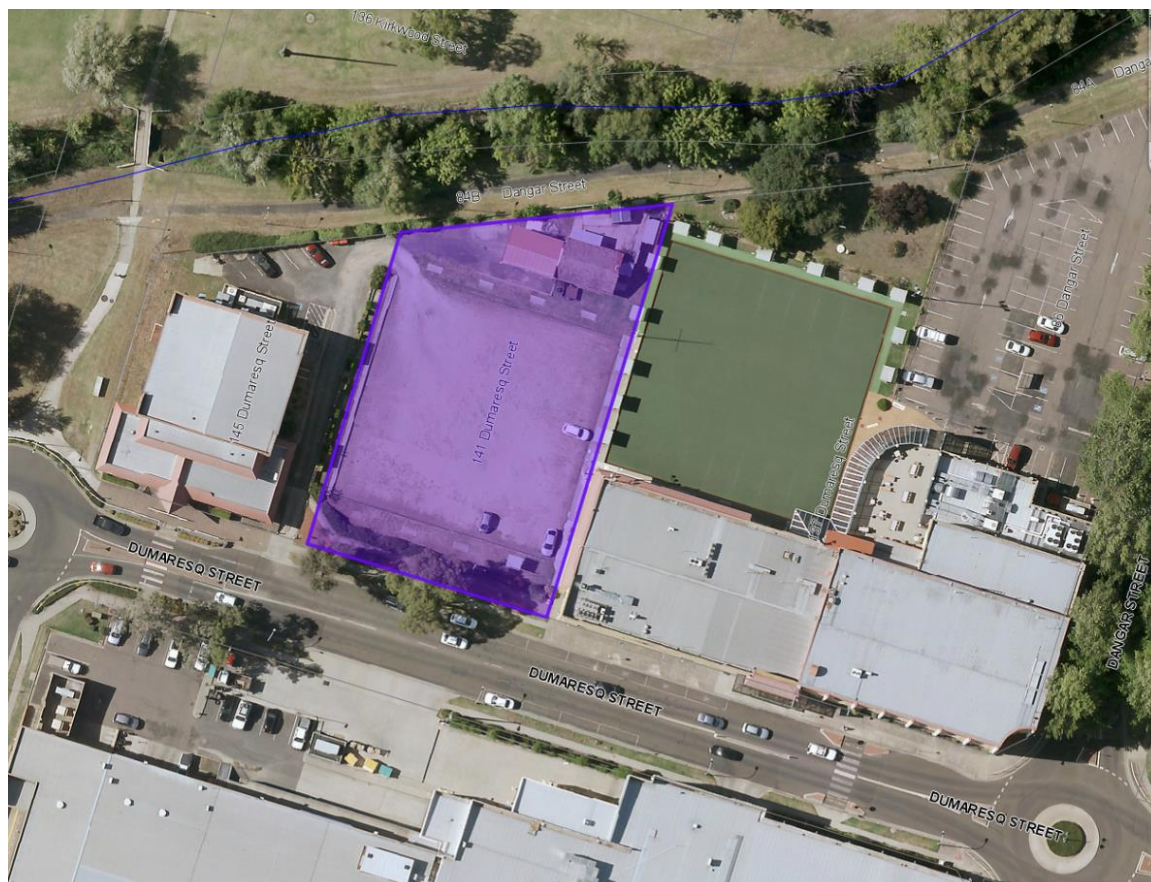


Figure 1 – Site location for motel development



### Permissibility:

The subject development is permissible with consent within the B4 Mixed Use zone.

### Key Issues:

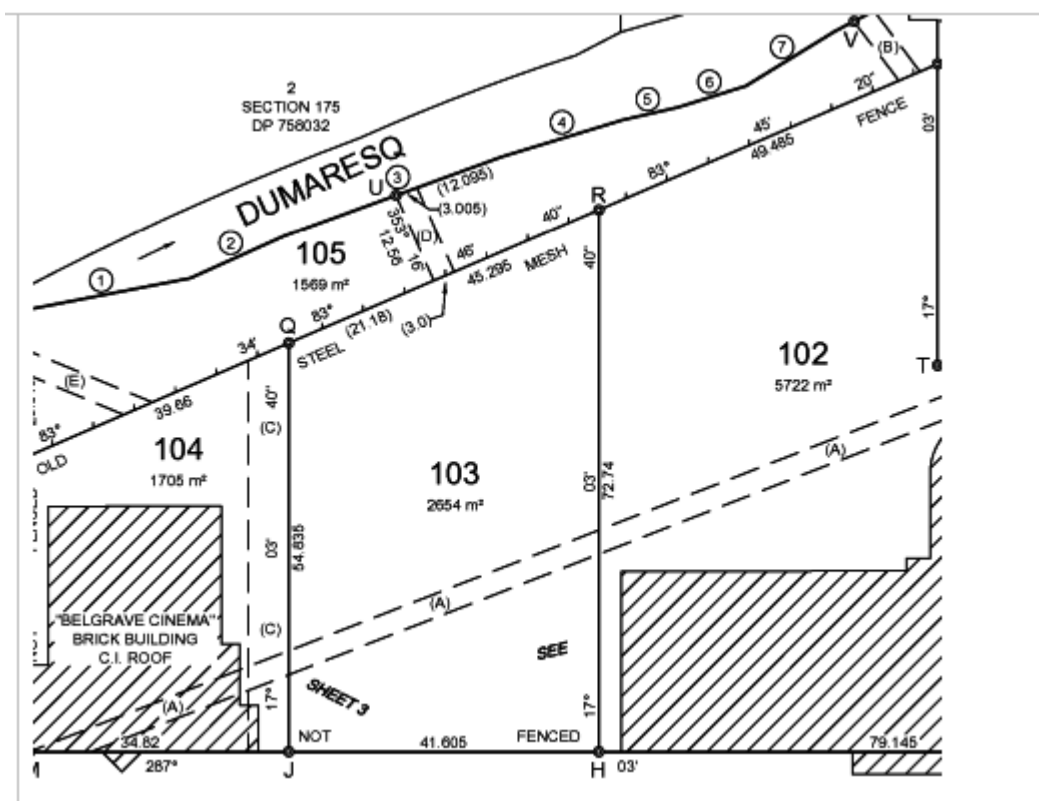
A detailed Section 4.15 Planning Assessment Report was undertaken for the original development DA-116-2018 and where relevant were also considered for subsequent applications requesting to amend the consent.

The key issue for consideration with this particular application is solely related to the Applicant's request for the waiver of DSP charges. No other modifications to the development are proposed.

### Assessment:

On 5 October 2018 Council granted consent to DA-116-2018 for a 32 room motel development, car parking and associated works.

The proposed development, which is to be largely located on Lot 103 to the east of the Armidale Ex-Services Club, was burdened by a number of easements (refer copy of Title Plan below), of which the easement to drain sewer, containing Council's sewer main, needed to be relocated and extinguished to be able to facilitate the development.



As such, the development was subject to a number of conditions which were required to be satisfied prior to the release of a Construction Certificate for the building, most notably of which was the diversion of the existing sewer main from running under the new motel development, to be relocated and reconnected into the existing sewer main located on the northern side of Dumaresq Creek.

The Development Application has been subject to three previous modifications, as detailed below, prior to the submission of this further modification lodged by the Applicant:

- On 2 May 2019, the Applicant lodged DA-116-2018/A, seeking to amend condition 11. This modification was considered to be a relatively minor amendment, which corrected wording in condition 11 to reference an updated report. Council granted consent to DA-116-2018/A on 21 May 2019.
- On 17 December 2019, the Applicant lodged DA-116-2018/B, which sought to amend the design of the façade of the motel and amend some of the conditions of consent. In this regard, following its assessment of the amended proposal, Council granted consent to the amended design of the motel and amended some conditions of consent on 17 February 2020.
- On 14 May 2020, the Applicant lodged a further modification DA-116-2018/C, which sought to amend the timing of the payment of the DSP charges calculated for the development, from prior to the issue of the Construction Certificate for the stage 2 works, to prior to the actual commencement of works on site.

The Applicant requested Council's consideration for the deferral of the DSP charges at the time, largely as a result of COVID which had severely impacted the revenue of the Club placing uncertainty on the development itself.

Whilst the payment of DSP charges is traditionally required prior to the issue of any Construction Certificate, Council Officer's agreed in this instance to defer the payment of these charges to help alleviate the current financial position facing the Club and to hopefully facilitate the development proceeding as the economy improved.

Council granted consent to DA-116-2018/C on 9 June 2020, which deferred the payment of the DSP charges until the development for stage 2, being the motel building, commenced on site.

Whilst Council was considering these applications to modify previous consents, works had commenced on site in relation to stage 1, being the remediation of the land and the diversion of the sewer main to relocate it clear of the building footprint.

The works involved with the diversion of the sewer main were undertaken by Council following the Club's acceptance of a detailed quote from Armidale Regional Council (ARC) and the execution of an agreement between the two parties.

Advice on this matter was sought from Council's Engineering Department seeking the actual costs involved with the diversion works for the sewer undertaken by Council.

In this regard, it was advised that at the time of the quote, the Ex-Services Club was unwilling to take any risk with the works possibly blowing out due to the unknown costs largely associated with handling of potentially contaminated waste material and hence the Club insisted on a fixed price quotation rather than Council's normal practice for costing of private works.

The Club was also encouraged to seek other quotes for undertaking the works from private contractors, but the Club decided on Council's fixed price quote.

The total contract sum of the project was \$840,000 (incl GST). ARC agreed to contribute \$132,000 incl GST (which included the estimated cost to reline the existing sewer main) and the contribution from Ex Services was \$708,000 including GST.

The current application before Council is DA-116-2018/D which was lodged on 28 January 2021, with the Applicant requesting that the DSP charges for the development of \$133,519.99, be waived by Council.

The DSP charges were subsequently paid in full on 4 February 2021, as the development for stage 2 for the motel building had commenced on site. As such, the Applicant is now looking for a reimbursement of these fees.

A full copy of the Applicants letter justifying the waiver of the DSP charges is included in the attachments, but the following are the reasons provided:

*'A condition of the development consent involved a substantial redirection of the sewer main. The Club entered into an agreement with ARC which engaged ARC to undertake the sewer redirection works. The cost agreement for the redirection works totalled \$708,000. The Club entered into this agreement based on the ARC costing being an accurate and true reflection of the actual sewer redirection costs. Of this, approximately \$200,000 related to excavation, boring, laying and connection of the redirected pipeline. The balance, being approximately \$500,000 related to contaminated management costs (i.e. management and disposal of contaminated soils).*

*During the ongoing monitoring of the sewer redirection works, Club personnel were made aware that the anticipated high contamination management requirements and costs were not required due to lower than anticipated levels of contamination and the minimal need for removal and treatment of contaminated waste. On this basis, only a small fraction of the contaminated management costs would have been utilised to cover the actual costs of contamination management. The Club therefore requests that the water and sewer charges for this development, totalling \$133,520 be waived. This is considered to be a fair and reasonable approach, which would result in the Clubs overall contribution to sewer network improvements being more reflective of the actual sewer redirection costs incurred by ARC.*

*It is further noted that the sewer redirection resulted in the decommissioning of a section of sewer main nearing its end of design life. This removes the need for Council to undertake costly upgrades to the decommissioned section of sewer main and also removes the significant risks associated with the failure of the sewer main the bowling green's and any associated rectification works to the bowling green's. This has provided a substantial public benefit and reduced financial burden to ARC.*

*As you are aware, the Club is a not-for-profit community-based organisation that is a significant employer in Armidale that contributes to a wide range of community groups and organisations through financial contributions and sponsorships. As part of the Club's strategic planning, it is diversifying its income streams to achieve long term sustainability of the Club. This will generate economic benefits to the regional economy, increase employment opportunities and provides much needed development activity within the Armidale CBD.*

*The significant investment in the Motel development presents many financial challenges for the Club.*

*For this project to be successful, the Club requests that ARC approves this waiver request to ensure the developments costs are fair and reasonable and reflective of the actual development costs.*

From the information available in Council's Finance system, Tech One, the expenditure of this project was:

Design Cost = \$37,433.70

Construction cost = \$589,949.30

Adding only a 10% profit and 10% GST makes the total expenditure of the project **\$759,133.43** incl GST, which is approximately \$80k less than the contract sum. In accordance with the contract and at the Club's insistence, ARC took the risk associated with the works and contamination management costs and had the works gone over budget then ARC would have borne those additional cost.

Furthermore, under Council's fees and charges it is advised that the actual cost associated with undertaking private works is, the actual cost of the works + 25% margin + GST. The profit margin charged in this instance was well below that quoted in Council's fees and charges. Had Council charged the applicable rate in this instance, the total project expenditure would have actually been \$862,651.63.

Advice was also sought on Council's contribution of \$132,000 and how this came about from Council's Engineering Department, who advised that this was the value negotiated with the Club for the diversion works from the existing sewer main traversing the site, given the age of the existing pipe and that it would have possibly needed to be upgraded at some time in the future. Council's current practice for upgrading sewer mains is to reline the existing pipes rather than removing and replacing with new sections. As such, the actual costs paid by the Ex-Services Club was purely for the diversion works required to facilitate their development itself.

Whilst the works undertaken by ARC were for the purpose of diverting the sewer main from being beneath the proposed new Motel development to connect to the existing line to the north of the site, any costs and/or private works undertaken are not related to the payment of DSP charges which are largely collected to fund the future provision and augmentation of these services. As such, it is considered DSP charges should not be used as an avenue to seek a refund for the sewer diversion works.

Given the above, and in consideration of intergenerational equity that we don't burden future ratepayers of ARC financial with decisions made today, it is considered that the request to waive the DSP charges in this instance would not be in the public interest and it is therefore strongly recommended that Council does not resolve to waive these charges in this instance.

### **3. Implications**

#### **3.1. Strategic and Policy Implications**

This report and subsequent recommendation to Council is made after consideration the Community Strategic Plan specifically:

*Goal:*

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

*Principal activity:*

L2.1 - Financial sustainability is maintained through effective short, medium, and long term financial management. Includes an application to IPART for an SRV at a rate determined through community consultation for the specific purpose of creating revenue to fund asset maintenance and renewals; and

L2.4 - Manage operations to ensure delivery of value for money services for our community and customers

### 3.2. Risk

Legislative Risk: Any waiver of fees would be required to be comply with Section 356 of the *Local Government Act 1993*.

Financial Risk: any waiver of fees would negatively impact the financial sustainability of Council's Water and Sewer funds, which have substantial infrastructure works requiring funding over the next five years, and would represent an amount that would then need to be recouped from ratepayers.

### 3.3. Sustainability

The waiving of the fees would be considered to impact the current and long term financial position of Council's water and sewer funds.

### 3.4. Financial

Budget Area:	Water and Sewer						
Funding Source:	Developer Servicing Plan charges						
Budget Ref: (PN)	Description	Approved Budget	Actual	Committed	Proposed	Total Forecast Revenue	Remaining Budget
280022.2. 3370.165. 1870	Water Developer Servicing Charges Revenue	0	(362,915)	0	0	(362,915)	(362,915)
260023.3. 2650.165. 1880	Sewer Developer Servicing Charges Revenue	0	(324,333)	0	0	(324,333)	(324,333)

There are no financial implications resulting from the report recommendation to refuse the Applicant's request for the waiver of the Developer Services Plan charges.

If Council were to consider waiving charges it must also consider Section 356(2) of the *Local Government Act 1993* which states:

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

At this time, the Financial Controller must also approve any requests proposed to be made under section 356 of the Act.

Given Council's precarious financial situation it should not, under any circumstances, be waiving developer service plan charges. Doing so undermines the financial sustainability goals of the council and cost shifts, longer term, onto the other users of the services.

#### **4. Consultation and Communication**

The modification was not required to be notified under Councils Community Participation Plan. As the report is not recommending the fees be waived public notice of the waiver in accordance with Section 356(2) have not being undertaken. Should Council seek to grant this modification to waive the Water and Sewer DSP charges, compliance with Section 356(2) would need to be undertaken first.

#### **5. Conclusion**

Council collects DSP contributions to maintain, renew and upgrade its utilities. Waiving fees burdens future ratepayers with infrastructure costs that should have been provided for by today's users of these assets.

It is recommend modification DA-118-2020/D to waive the Developer Services Plan charges for the development at 141 Dumaresq Street Armidale should be refused for reasons of equity and asset management of its utilities.

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<b>Item:</b>	<b>12.17</b>	<b>Ref: AINT/2021/10981</b>
<b>Title:</b>	<b>Local Roads and Community Infrastructure Program Phase 2 - Reallocation of a Project Nomination</b>	<b>Container: ARC20/4278</b>
<b>Responsible Officer</b>	<b>General Manager</b>	
<b>Author:</b>	<b>Scot MacDonald, Director Businesses and Services</b>	
<b>Attachments:</b>	<b>Nil</b>	

### **1. Purpose**

A new Nature Playground was nominated as a proposed project in the second phase of the Federal Government's Local Roads and Community Infrastructure program. This project is not proceeding following an unsuccessful grant application to the NSW Government's 'Everyone Can Play' program. This Report outlines proposed alternative projects that will broadly benefit the community.

### **2. OFFICERS' RECOMMENDATION:**

**That Council requests the Federal Department of Infrastructure, Transport, Regional Development approve a variation of the funds nominated (\$225,000) for the proposed Nature Playground in the second phase of the Local Roads and Community Infrastructure program to the following projects:**

- a. Monkton Aquatic Centre – \$35,000 - electrical upgrade (supplement to the Heat pump project)**
- b. Building and facility renewals - \$190,000 – Hillgrove Hall, Guyra HACC Building, Former Guyra Courthouse, Puddledock Hall, Dangarsleigh Hall**

### **3. Background**

Council had proposed to construct a new Adventure Playground between Dumaresq Creek and the new Playground at Curtis Park. The project was projected to cost \$600,000 and was reliant on three internal and external funding sources.

Armidale Regional Council was unsuccessful with its grant application for \$300,000 under the NSW Government's 'Everyone Can Play' program. Consequently the Adventure Playground cannot proceed and Council seeks to reallocate secured funding of \$225,000 from the Federal Government's Local Roads and Community Infrastructure (LRCI) program.

### **4. Discussion**

The revised projects nominated seek to address compliance deficiencies, safety issues and asset maintenance backlog of Council facilities that are valued and utilised by the community and to improve services, facilities and access.

All projects meet the LRCI program guidelines.

Potential additional costs – No co-contributions are required under LRCI. The Monkton electrical upgrade, Hillgrove Hall air conditioning project, improvements at Puddledock Hall, painting of the former Guyra Court House and work on Dangarsleigh Hall do not require any additional costs to design, seek quotes or manage. They are relatively small projects that will be absorbed in the Facility Business Unit work commitments.

All these projects will be completed by 31/12/21.

The electrical upgrade at Monkton Aquatic Centre will defray maintenance costs. The contractor noted many of the electrical components at the Monkton Aquatic Centre are 30 to 40 years old and not fit for purpose.

## **5. Implications**

### **5.1. Strategic and Policy Implications**

The nominated projects align with Armidale Regional Council's Community Strategic Plan 2017-2027 includes: -

"Our People and Community – Community Outcome 2 Community programs, services and facilities meet the needs of the community and provide a safe place to live.

- Council works collaboratively to develop Asset Management Plans for community facilities and public spaces such as buildings, sportsgrounds, swimming pools, playgrounds and open space which reflect community needs."

"Environment and Infrastructure – The community is provided with the essential and resilient infrastructure it requires for daily life, and has access to a prioritised schedule of infrastructure works.

- Partnerships with all levels of government to support the provision of improved infrastructure for the region
- Allocate resources and investigate opportunities to access grants and funding to further improve infrastructure across the region."

The 2020-2021 Operational Plan includes:-

Environment and Infrastructure

- "Maintenance of buildings and facilities.
- Swimming pools maintenance and operation.
- Revaluation, maintenance and rehabilitation of roads, stormwater, bridges, footpath and related assets

### **5.2. Risk**

Operational Risk: - All projects require Business Unit and PMO resourcing and prioritisation to deliver by the program deadline of 31/12/2021. The risk will be mitigated by the requirement for Managers to Report to ELT and the program requirement to report progress to the funding body.

### **5.3. Financial**

Budget Area:	2021/22 Capital Program
Funding Source:	Australian Government Department of Infrastructure, Transport, Regional Development and Communication Local Road and Community Infrastructure Phase 2 \$225,000 General Revenue \$75,000



Budget Ref: (PN)	Description	Draft 2021/22 Budget	Actual	Committed	Proposed	Total Forecast Expenditure	Remaining Budget
2021/22 Draft Budget	Nature Playground	\$300,000 reallocated below	\$0	\$0	(300,000)	\$0	\$0
2021/22 Draft Budget	Monkton Aquatic Centre	\$35,000	\$0	\$0	\$35,000	\$35,000	\$0
2021/22 Draft Budget	Building and facility renewals	\$190,000	\$0	\$0	\$170,000	\$170,000	\$0
2021/22 Draft Budget	2021/22 Capital Renewals	\$75,000	\$0	\$0	\$75,000	\$75,000	\$0

Adoption of the recommendation in this report will result in the Nature Playground not proceeding and \$225,000 of grant funding reallocated to pool upgrade works and facility renewals. The \$75,000 of General Revenue will be used to support the 2021/22 capital renewals program, which is not yet fully funded.

## 6. Consultation and Communication

Facilities staff and Asset managers were consulted to identify urgent works required at Council buildings and facilities.

## 7. Conclusion

Council was unsuccessful with its application for funding for a proposed Adventure Playground under the NSW Everyone Can Play program.

It is recommended the LRCI #2 funding contribution of \$225,000 for the Playground be reallocated to priority projects at Council facilities.

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<b>Item:</b>	<b>12.18</b>	<b>Ref: AINT/2021/11508</b>
<b>Title:</b>	<b>Regional Landfill: Electrical Power Supply Line Contract</b>	
		<b>Container: ARC21/4465</b>
<b>Responsible Officer</b>	<b>Director Businesses and Services</b>	
<b>Author:</b>	<b>Mike Brooks, Senior Engineer</b>	
<b>Attachments:</b>	1. Regional Landfill Electrical Supply Line Contract: analysis of tenders received- <i>As this attachment deals with commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the Council (Section 10A (2)(d)(ii) of the Local Government Act 1993). Council closes this meeting in accordance with Council's Code of Meeting Practice, as consideration of this matter in open Council would be contrary to the public interest.</i>	

### 1. Purpose

To obtain Council approval to accept a tender to provide an electrical power supply from the network capable of operating pumps, other equipment and the site office at the regional landfill on Waterfall Way.

### 2. OFFICERS' RECOMMENDATION:

That Council:

- a. **accept the tender from Reg Latter Electrical Pty Ltd for the design and construction of an electrical power supply line into the regional landfill for the sum of \$118,255.50 including GST.**
- b. **Delegate authority to the General Manager to execute all documents in relation to the contract.**

### 3. Background

Council has constructed a new regional landfill on Waterfall Way approximately 12 kilometres east of Armidale. The landfill is currently operational with all of the power required to operate pumps and other equipment being provided by a 50Kva standby generator.

In order to obtain a more reliable and efficient power supply Council requires an accredited electrical contractor to undertake the design, approval and construction of a power line from an existing Essential Energy overhead line, within the road reserve adjacent to the site, to the existing switchboard located at the office building in the centre of the landfill.

### 4. Discussion

A tender for this work was posted on Tenderlink in January 2021 on this basis and it closed on the 9<sup>th</sup> February 2021. Eight tenders were received and the evaluation of those responses are summarized in the table attached.

## **5. Implications**

### **5.1. Strategic and Policy Implications**

The proposed tender will support the provision of an environmentally sustainable landfill for the Armidale region for the next 50 years in support of Environment & Infrastructure Item E2.2 Waste and Recycling in the Delivery Program 2018-2022.

### **5.2. Risk**

A permanent power supply, coupled with a standby generator, will provide optimum reliability for the essential pumping operations of the water capture storages at the landfill and allow for remote monitoring 24/7. This will minimise the risk that problems with the power supply will cause breaches of Council's Environment Protection Licence for the landfill.

### **5.3. Sustainability**

The power supply will allow for the more efficient operation of the landfill. A power supply to the landfill reduces the risk of pump failure and pollution monitoring equipment.

### **5.4. Financial**

Budget Area:	Waste						
Funding Source:	Unspent Waste Loan Reserve						
Budget Ref: (PN)	Description	Approved Budget	Actual	Committed	Proposed	Total Forecast Expenditure	Remaining Budget
290146	Landfill Construction Waterfall Way	\$596,000	\$292,992	\$149,356	\$125,000	\$567,348	\$28,652

The cost of installing the power supply will be costed to the above project, which is funded from the loan taken out for the construction of the new regional landfill.

## **6. Consultation and Communication**

The proposed line of the incoming power line has been approved by the owners of properties adjacent to the landfill.

## **7. Conclusion**

On both capability and price, the tender submitted by Reg Latter Electrical was the most advantageous to Council for the design and construction of an electrical power supply line into the regional landfill.

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<b>Item:</b>	<b>13.1</b>	<b>Ref: AINT/2021/10687</b>
<b>Title:</b>	<b>Review of Council Grants and Sponsorship Programs</b>	
	<b>Container: ARC17/2360</b>	
<b>Responsible Officer</b>	<b>Acting Director Organisational and Corporate Services</b>	
<b>Author:</b>	<b>Darren Schaefer, Manager Strategic Communications and Marketing</b>	
<b>Attachments:</b>	1. Review Council Grants and Sponsorships	

## **1. Purpose**

Following a request from Council to address the matters raised in the resolution of 19 August 2020 pertaining to community grants, an independent review of Armidale Regional Council (ARC) Grants and Sponsorships has been undertaken. The purpose of this report is to present the findings of this review and share the road map ahead in addressing its recommendations.

Further, this report seeks to advise that a number of Council grants remain unpaid as a result of a Council resolution 23<sup>rd</sup> September 2020 to only pay 50% of amounts invoiced until such time as review has been undertaken and agreements with partners finalised. With the review complete and the roadmap now in place, this report requests that Council authorise payment to these organisations for which Council has a longstanding relationship, or an existing agreement and is included the 2020/2021 budget. Further relationships with these (or any) organisations will commence next financial year, and will require approval from Council before proceeding and formal agreements to be in place.

## **2. OFFICERS' RECOMMENDATION:**

**That Council:**

- a. Action the following Recommendations from the Review of Council Grants and Sponsorship Programs report:**
  - 1. Details of the grant and sponsorship program area and their value be included in the relevant sections of the Annual Operational Plan including Budget and Resourcing Strategy**
  - 2. Annual Grant and Sponsorship Guidelines should be submitted to Council for endorsement prior to programs opening.**
  - 3. That a Grants and Sponsorships policy be developed that incorporates all prior subsidies and waivers to ensure all costs are captured in compliance with section 356 of the *Local Government Act 1993*, including consideration by Council.**
  - 4. Review the need for memberships of the following regional bodies:**
    - New England Joint Organisation (NEJO)
    - Local Government NSW (LGNSW)
    - Regional Cities NSW
    - Country Mayors
    - Project Zero30
- b. Note the remaining operational recommendations contained the Review of Council Grants and Sponsorship Programs and action these in accordance with the proposed roadmap.**
- c. Approve payment of the 2020/21 contributions (ex GST where applicable) to the following community groups:**

1. Armidale Neighbourhood Centre \$20,000
2. New England Regional Art Museum (NERAM) \$182,223 (remaining 50%)
3. New England Conservatorium of Music (NECOM) \$4,250 (remaining 50%)
4. Aboriginal Cultural Centre & Keeping Place Inc \$18,000 (remaining 50%)

### 3. Background

Armidale Council has a long history of providing financial support to, and working in strong, productive and creative partnerships with local community, sporting, environmental, and cultural and business groups. In some instances these relationships date back many decades. In recent times, a number concerns have been noted relating to the grant and sponsorship allocation processes and the total value of the programs compared to Council's rate revenue. As a result, the Acting General Manager at the time commissioned a review of the grant and sponsorship programs.

This Review examines which groups were provided with funding in the 2019/20 financial year and whether clear agreements are in place to ensure they achieve outcomes that provide value for money, as well as compliance with Section 356 of the *Local Government Act 1993*.

### 4. Discussion

The Review has recommended that Council consider the following in relation to administering grant funds moving forward:

1. A Grant and Sponsorship Register be established for outgoing grants within the records management system and ensure that all outgoing grants, sponsorships, contributions, and waiving of fees and charges are recorded in this register.
2. The total value of each grant and sponsorship program area (Building Communities and Recreational Opportunities, Celebrating Culture and Creativity, Ensuring Environmental Sustainability, Supporting the Economy and Business) be set as part of the annual budget process.
3. Grant and Sponsorship programs be consolidated under the following areas:
  - a. Building Communities and Recreational Opportunities
  - b. Celebrating Culture and Creativity
  - c. Ensuring Environmental Sustainability
  - d. Supporting Economy and Business
4. As far as possible, applications for grant and sponsorship programs be made available on one occasion each year.
5. A consistent set of guidelines be created for each program area that include:
  - a. Current Funding Priorities
  - b. Expected Project Outcomes
  - c. Assessment Criteria
6. Guidelines should be reviewed and updated on an annual basis.
7. The need to create fee or charges waivers for trivial amounts (\$50 for an individual activity or \$200 for ongoing annual activities) be eliminated by including a \$0 charge in the annual fees and charges schedule for known / predicted charitable activities. **This Recommendation is *not* supported – See Financial Implications section below.**

8. Section 356 grants, subsidies, contributions, sponsorships, fee waivers and the like be referred to simply as 'Grants and Sponsorship' to eliminate confusion in the difference between these concepts.
9. All agreements that relate to a grant or sponsorship be referred to as a Memorandum of Understanding.
10. As far as possible, the term of new Memorandums of Understanding be limited to no more than 12 months.
11. Where there is a clear and compelling need for MOUs to extend beyond 12-months, they should be limited to the remaining period of the elected Council term.
12. All new MOUs should include a statement indicating that the agreement is not a legal document and include a termination clause of 60 days in writing by either party.
13. All grants and sponsorships should be acquitted within 30 days of an activity occurring or within 30 days of the end of the financial year for grants and sponsorships that span a 12-month period.
14. Failure to submit an acquittal within the required time frame should disqualify a group from submitting further grant / sponsorship applications and receiving any further funding for a 12-month period and until the acquittal is submitted.
15. Acknowledgement of ARC should be included in speeches, annual reports, media releases, digital and printed materials, web pages and online documents, advertising, plaques and on any signs relating to projects / infrastructure made possible with funding from ARC where the level of contribution permits relative to other contributing sponsors.
16. Grant and sponsorship acquittals should require evidence of the recognition of Armidale Regional Council in funded activities.
17. Annual Grant and Sponsorship programs and their guidelines should be advertised as widely as possible to ensure that all groups who may be interested in applying have equal access to information relating to the priorities of each program area and the desired outcomes.
18. Refresh the Community Grants and Funding Opportunities Web Page to reflect the new grants and sponsorships structure and also provide links to external funding opportunities.
19. A summary of all grant and sponsorship applications and recommendations for funding in each program area should be submitted to Council for decision.
20. A review of small grants and small grant programs be undertaken to ensure they continue to be relevant, provide value for money in terms of the impact they deliver and are cost efficient to administer.
21. Establish a system to ensure that the implementation of council decisions are tracked and reported back if necessary, for example, in relation for Armidale Neighbourhood Centre and the creation of a community hub.

## **5. Implications**

### **5.1. Strategic and Policy Implications**

Strategic: Details of the various grant and sponsorships Program Areas and their value will need to be included in the relevant sections of the Annual Operational Plan and Resourcing Strategy. The current 2020/2021 Operational Plan focused on new capital initiatives and was absent of this detail. This inclusion of the Programs in the Operational Plan, along with greater transparency and endorsement from Council will assist with compliance with Section 356 of the *Local Government Act 1993*.

Policy: A Grants and Sponsorship Policy be developed to incorporate the recommendations in the Review. This will not only include budgeted allocations, but circumstances of the waiving of fees and charges, how they are reported to Council and the maximum overall value of the waivers.

Agreements: All agreements that relate to a grant or sponsorship be referred to as a Memorandum of Understanding which, as far as possible, will be limited to a term of no more than 12 months and include minimum requirements when recognising Council.

## **5.2. Risk**

### **Reputational Risk:**

By not being open and transparent in the administration of the grant and subsidy process (advertising, website register, reporting, etc.) ARC's community contribution will continue to be largely unrecognised and thwart efforts to rebuild Council's reputation in the community.

Further, failure to pay organisations with which ARC has longstanding relationship and for which we have a budgeted commitment will impact negatively on Council's reputation.

### **Legislative and Regulatory Risk:**

If recommendations are not implemented, ARC will continue to be non-compliant with Section 356 with the *Local Government Act 1993*.

In the case of New England Regional Art Museum (NERAM) ARC has a legal agreement in place, and failure to pay will be in breach of this agreement.

Both the New England Conservatorium of Music (NECOM) and Armidale Neighbourhood Centre (ANC) have standing MOUs in place. The Aboriginal Cultural Centre and Keeping Place (ACCKP) does not have a formal agreement in place, however the relationship extends circa 20 years.

### **Compliance with Section 356 of the *Local Government Act 1993***

Council has not been complying with s356 of the Act in relation to grants and contributions.

This states that Council may, in accordance with a resolution of the council, contribute money or otherwise grant financial assistance to persons for the purpose of exercising its functions. These provisions are broad and apply to any contributions made to community organisations or individuals. As such, it encompasses all support including fee waivers, in kind support, direct payments and other proposals such as interest free loans and loan guarantees.

Public notification of proposals under s356 is a requirement where they have not already been included in Council's operational plan. Regardless of whether Council has an established funding agreement in place, such as with NERAM, s356 requires that Council include the proposed contribution in its operational plan each year else the public notification requirement is instigated.

In addition to this, where Council is operating grant programs, such as small community grants, details of these programs must be outlined in a policy that explains how funds will be distributed.

Financial assistance to community groups or persons that does not meet the above criteria must be publicly notified for 28 days before Council can resolve final approval.

These requirements have been confirmed with the Office of Local Government.

At this time, the Financial Controller must also approve any requests proposed to be made under section 356 of the Act.

### 5.3. Sustainability

Maintaining a more formalised approach to Grants, Sponsorships will help to better quantify ARC's contribution to the local community and recognise the associated economic and wellbeing benefits to the community.

### 5.4. Financial

The table below details the expenditure that will be provided in the current financial year to each of the organisations. Each of these payments is included in the current 20/21 budget.

**Table 1: Financials**

Budget Area:	Community Services – Donations and Contributions						
Funding Source:	Armidale Regional Council General Fund						
Budget Ref: (PN)	Description	Approved Budget	Actual	Committed	Proposed	Total Forecast Expenditure	Remaining Budget
220182.1.1305. 333.2394	Armidale Neighbourhood Centre	\$20,000	\$0	\$20,000	\$20,000	\$20,000	\$0
220650.1.1380. 333.2394	NERAM	\$364,445	\$182,222	\$364,445	\$364,445	\$364,445	\$0
220131.1.1305. 333.2394	NECOM	\$8,500	\$4,250	\$8,500	\$8,500	\$8,500	\$0
220103.1.1230. 333.2394	ACCKP	\$36,000	\$18,000	\$36,000	\$36,000	\$36,000	\$0

The report highlights that in any given year ARC can allocate circa \$1million in Sponsorships and Grants, depending on their classification. This highlights the need for better process and transparency in the way they are assessed and reported. The Road Map below provides details of how, and a time line for when the Review's recommendations are to be addressed.

Recommendation 14 of the Review seeks to implement a \$0 fee / charge for charitable organisations making a request for use of a facility or service where a small fee would normally be charged (in essence a fee waiver). This recommendation is not supported as it undermines the very transparency that Section 356 of the *Local Government Act 1993* seeks to achieve. Notwithstanding the nominal nature of the grant that would be provided and, in line with all other grant and sponsorship requests, it is considered that a brief report be prepared on a twelve month basis outlining the nature and cost of all such grants should be submitted to Council for consideration. This will ensure transparency in the grant making process and the great work being undertaken by these groups which is supported by Council.

## 6. Consultation and Communication

Armidale Regional Council has received multiple representations from the organisations listed (see Financial Table 1 above) as to the status of their payments. Particularly those with whom ARC currently has formal agreements. All understand that the Grants and Sponsorship process is



under review, and that the process of assessment in future will be changing. These changes have been identified in the Road Map table below.

**Table 2: Road Map**

Theme	Initiative / Task	April	May	June
Execution	Fulfil payments to organisations with whom ARC have agreements or long term relationships.			
Planning	Allocation of budget into suggested Programs and include in 2021/2022 Operational Plan. Demonstrate link of Programs to Community Strategic Plan.			
Reporting	Notification requirements to Council confirmed			
	Annual reporting requirements			
	Organisation acquittal requirements – frequency, templates, etc.			
Financial	Align operational plan to budget allocations for programs			
	Confirm staff delegations for competitive sponsorship approval under approved Programs in Operational Plan and process of ‘two to sign’.			
	Confirm a centralised or Program Area budget that aligns with delegations.			
Administration	Review and update the 2017 draft Grants and Sponsorship Policy			
	Review/develop criteria for assessment and scoresheet. Consider by Program area.			
	Refine application process, including: <ul style="list-style-type: none"> <li>- Timing</li> <li>- Online Forms</li> <li>- Record Keeping</li> <li>- Assessment</li> <li>- Staff Delegations (approval)</li> <li>- Councillor Approval &amp; Reporting</li> <li>- Formalise Standard Grants &amp; Sponsorship MOU</li> <li>- Register of Grants</li> </ul>			
Communication	Create webpage to house a register of approved Grant and Sponsorship recipients. Promote this.			

	Advertising for the application period	TBA
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## **7. Conclusion**

The recommendations in the Review of Councils Gants and Sponsorship report are born out of a thorough investigation. These recommendations will take some time to implement and as such, we recommend fulfilling the payments to the organisations listed in this report for this financial year only. Further relationships with these and any other organisations will be subject to the new processes once implemented per the Road Map above.

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<b>Item:</b>	<b>13.2</b>	<b>Ref: AINT/2021/10778</b>
<b>Title:</b>	<b>NSW Disaster Assistance C.3 - Funding to support Backtrack large scale clean-up operations in Lower Creek</b>	<b>Container: ARC20/4223</b>
<b>Responsible Officer</b>	<b>Acting Director Organisational and Corporate Services</b>	
<b>Author:</b>	<b>Tom Bower, Recovery Officer</b>	
<b>Attachments:</b>	<b>Nil</b>	

### **1. Purpose**

To seek Council endorsement in the completion of the Disaster Assistance C.3. Funding. This has been requested by Backtrack Youth Works to complete clean-up and restoration operations primarily focused on disaster damaged fences and properties from bushfires in the Lower Creek area.

### **2. OFFICERS' RECOMMENDATION:**

**That Council:**

- a. Give public notice for a period of 28 days in accordance with section 356 of the *Local Government Act 1993* of its intention to assist Backtrack with \$5,700 of Council funding for the purpose of assisting with their volunteer efforts to repair damaged fences and property, post bushfires in the Lower Creek area;**
- b. A further report be presented back to Council following the conclusion of the public notice period to address any matters raised during the exhibition period; and**
- c. Endorse the application to Resilience NSW for reimbursement of these funds (100%) from the Disaster Assistance C.3 funding for Backtracks "basecamp" accommodation and consumable costs.**

### **3. Background**

Following the devastating bushfire crisis at the beginning of 2020, BackTrack's social enterprise BT Works have deployed teams of young workers to 57+ bushfire-affected properties across several Local Government Areas utilising the Disaster Assistance C.3. funding from Resilience NSW. This funding helps reduce their operational costings in providing disaster clean-up or restoration support to people in need. Recently, ABC's 7:30 Report completed a story on their disaster recovery work in Nowendoc. This program was made possible via the Disaster Assistance C.3 Funding from Resilience NSW via Walcha Shire Council. Backtrack Youth Works has been instrumental in the repair and installation of over 120km of fencing across Northern NSW.

The Backtrack Youth Works have now turned their focus on the Armidale Local Government Area and the Lower Creek community. Backtrack Youth Works have approached Armidale Regional Council to submit a Disaster Assistance C.3 application to reimburse the organisation for their accommodation and consumable costs whilst completing an 8 week disaster clean-up program for local residents.

Through the Disaster Assistance C.3. Fund, Backtrack Youth Works request reimbursement to a budgeted amount from Armidale Regional Council. Armidale Regional Council can support this and will themselves request reimbursement from Resilience NSW for the same amount.

#### **4. Discussion**

The Disaster Assistance C.3 funding provided by Resilience NSW will go towards the accommodation and consumable costs of Backtrack Youth Works whilst at their base camp in Lower Creek. These projected costs have been provided by Backtrack Youth Works as being \$5,700. This is for the proposed works in Lower Creek between 1 March and 30 April 2021.

Requirements of Council for the application to be successful is that Armidale Regional Council:

- Endorses the base camp as a safe and suitable place for the group to stay whilst completing these works. To support this, a risk assessment of the premises has been completed and justification as to why this accommodation is deemed the most suitable in regards to location, sanitary amenities and financial viability has been provided by Backtrack Youth Works and endorsed by Recovery Officer, Mr Tom Bower.
- Acquires the Certificate of Currency of Backtrack Youth Works and the Flying Fox Cottage accommodation to accompany the submission for the Disaster Assistance C.3 Funding to Resilience NSW.
- Upon completion, Armidale Regional Council Recovery Officer completes an acquittal process with Backtrack Youth Works Managers to confirm the items included in this process meet the Resilience NSW criteria and the overall costs are consistent with the budgeted amount prior to commencement. Armidale Regional Council reimburse Backtrack Youth Works for the applicable costs and submit a reimbursement claim to Resilience NSW for these costs.

Work has already commenced by Backtrack Youth Works in Lower Creek with the project expected to conclude on 30 April 2021.

The financial assistance proposed falls under section 356 of the *Local Government Act 1993*. The requirements of this section of the Act are that Council may contribute money or otherwise grant financial assistance by way of a Council resolution. However, in this circumstance Council must give 28 days' public notice of its intention to pass the necessary resolution because:

- The financial assistance is not part of a specific program;
- It has not been included in Council's Operational Plan; and
- The proposed support does not uniformly apply to everyone within council's area.

At this time, the Financial Controller must also approve any requests proposed to be made under section 356 of the Act. A copy of this report has been provided to the Financial Controller and he has approved the report recommendation.

#### **5. Implications**

##### **5.1. Strategic and Policy Implications**

2020-2021 Operational Plan: Our People, Our Community

Title: Provide Community Assistance Grants to Community Groups

**P2.1** Deliver and support local programs and events which meet the social and cultural needs of the community

**P2.4** Support and empower the community to deliver community initiatives that improve the lives of residents and visitors to the region

## 5.2. Risk

- Economic risk.

Armidale Regional Council not receiving the total funding amount from Resilience NSW due to the type of accommodation or consumable items submitted that do not meet criteria.

Mitigation process - Accommodation type, certificate of currencies of all parties and completed risk assessment of the premises is submitted with the application. Prior to reimbursement provided to Backtrack Works, items and receipts are provided to Resilience NSW from Armidale Regional Council for confirmation that all meet the funding criteria.

- WHS risk.

Backtrack Youth Works employee is injured at the Armidale Regional Council endorsed base camp.

Mitigation Process – Accommodation has been assessed by Armidale Regional Council's Recovery Officer and a completed risk assessment has been submitted with the application as well as forwarded to Armidale Regional Council's Work Health & Safety Advisor. Certificate of currencies from both Backtrack Youth Works and Flying Fox Cottage accommodation have been collected and submitted with Armidale Regional Councils application.

## 5.3. Sustainability

Financial and social sustainability is provided through Armidale Regional Council assisting Backtrack Youth Works in accessing funding to complete recovery operations in the bushfire and flood affected areas of the Armidale LGA.

## 5.4. Financial

A projected amount of \$5,700 in operational costings have been identified as the budgeted amount that Backtrack Youth Works will wish to request reimbursement for via Resilience NSW's Disaster Assistance C.3. Funding. This forecast is based on the confirmed accommodation invoice of \$2,700 and a weekly consumable average calculated from previous camps of this nature.

Budget Area:	Community Services						
Funding Source:	Resilience NSW Disaster Assistance C3.  Note: ARC will pay Backtrack out of general fund initially, then seek reimbursement of funds from Resilience NSW immediately thereafter. The initial payment will be made from Community Services Sponsorship and Donations budget (below) which will carry the small risk if application for reimbursement is unsuccessful. An unsuccessful application is unlikely.						
Budget Ref: (PN)	Description	Approved Budget	Actual	Committed	Proposed	Total Forecast Expenditure	Remaining Budget
220131.1. 1305.333. 2394	Community Initiatives Donations & Sponsorships	\$21,500	\$7,750	\$0	\$5,700	\$13,450	\$8,050

## **6. Consultation and Communication**

Support for this Disaster Assistance has been seconded by National Bushfire Recovery Association Representative, Ms Mary Devine and consultations of the proposed recovery works with the Lower Creek community occurred on 27<sup>th</sup> February 2021.

## **7. Conclusion**

It is recommend that Council provide approval to support Backtrack Youth Works via the Disaster Assistance C.3 funding provided by Resilience NSW to continue to support one of our nationally recognised youth organisations to deliver outcomes for disaster affected areas such as Lower Creek and their residences.

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<b>Item:</b>	<b>13.3</b>	<b>Ref: AINT/2021/10805</b>
<b>Title:</b>	<b>Public Art Policy - Draft for Public Exhibition Container: ARC18/2995</b>	
<b>Responsible Officer</b>	<b>Acting Director Organisational and Corporate Services</b>	
<b>Author:</b>	<b>Aimee Hutton, Coordinator Libraries, Museums and Visitor Information Centre</b>	
<b>Attachments:</b>	1. Draft Public Art Policy	

### **1. Purpose**

The purpose of this report is to place the draft Public Art Policy on public exhibition. This policy provides a framework for planning and decision making in relation to the commissioning and acquisition of public art, as well as its ongoing maintenance and care.

### **2. OFFICERS' RECOMMENDATION:**

**That Council:**

- a. Endorse the draft Public Art Policy for public exhibition for a period not less than 28 days; and**
- b. Receive a further report at the conclusion of the exhibition period.**

### **3. Background**

The previous Public Art Policy has been updated to reflect the amalgamation of the Armidale Dumaresq and Guyra Local Government areas. The policy detail has also been refined and adjusted to adopt recommended practice.

### **4. Discussion**

This policy has been reformatted to reflect current branding and formatting guidelines. It is also now reflective of the new Armidale Regional Council Local Government Area and the handling of public art across the entire region.

### **5. Implications**

#### **5.1. Strategic and Policy Implications**

Adoption of this policy will ensure all public art proposals are handled uniformly and in line with set objectives. It also seeks to inform the community of Council's objectives in relation to public art.

#### **5.2. Risk**

The adoption of this policy will reduce the risks associated with public art by providing a guiding document for Council officers when making decisions relating to commissioning, acquisition, ongoing care and maintenance of public art.

#### **5.3. Sustainability**

This policy will ensure due consideration is given before any new public art is installed, particularly in relation to any ongoing maintenance requirements and the financial implications it may have.

#### 5.4. Financial

Budget Area:	Libraries, Museums and VIC							
Funding Source:	Untied Revenue							
Budget Ref: (PN)	Description	Approved Budget	Actual	Committed	Proposed	Total Forecast Expenditure	Remaining Budget	
220650.1.1380.333.2476	Materials (Public Art Fund)	\$5,000	\$0	\$0	\$5,000	\$5,000	\$0	

On the 24<sup>th</sup> March, 2021, Council resolved that the public art fund of \$5,000 be rolled over into the 2021/2022 financial year if it is not expended by 30 June 2021. Ref AINT/2021/06592 (ARC16/0217).

#### 6. Consultation and Communication

It is recommended that this policy be placed on public exhibition for a period not less than 28 days to seek input from the community, and submissions be considered before the final policy is returned to Council for adoption.

#### 7. Conclusion

Adoption of this policy will ensure the responsible and uniform management of all forms of public art across the region.



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<b>Item:</b>	16.1	<b>Ref:</b> AINT/2021/08269
<b>Title:</b>	Minutes - New England Weeds Authority	<b>Container:</b> ARC16/0463-2
<b>Author:</b>	Jessica Bower, Executive Officer	
<b>Attachments:</b>	<ol style="list-style-type: none"><li>1. NEWA Minutes October 2020</li><li>2. NEWA Draft Minutes March 2021</li></ol>	

**RECOMMENDATION:**

**That Council note the Minutes of the New England Weeds Authority meeting held on 20 October 2020 and 9 March 2021.**

**Context:**

New England Tablelands (Noxious Plants) County Council (trading as New England Weeds Authority) is a single purpose Council which is a Local Control Authority for priority and invasive weeds under the NSW Biosecurity Act, 2015. The County Council's governance is in accordance with the Local Government Act 1993 (LGA 1993) with the County Council first proclaimed in 1947.

The present area of operation of NEWA is the local government areas of Armidale Regional, Walcha, Uralla Shire, and Glen Innes Severn (under MOU).

Armidale Regional Council pays an annual contribution to NEWA to complete Council's obligations under the Biosecurity Act 2015. The Authority rents office and depot space from Council.

The minutes of the meeting held 20 October 2020 and 9 March 2021 are presented for noting by Council.

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<b>Item:</b>	<b>16.2</b>	<b>Ref: AINT/2021/10486</b>
<b>Title:</b>	<b>Minutes - Traffic Advisory Committee Meeting held 6 April 2021</b> <b>Container: ARC16/0168-6</b>	
<b>Responsible Officer</b>	<b>Director Businesses and Services</b>	
<b>Author:</b>	<b>Belinda Ackling, Personal Assistant</b>	
<b>Attachments:</b>	1. Minutes - Traffic Advisory Committee 6th March 2021 2. Agenda - Traffic Advisory Committee 6th March 2021	

**RECOMMENDATION:**

**That Council:**

- a. Note the Minutes of the Traffic Advisory Committee meeting held on 6<sup>th</sup> April 2021.
- b. Endorse the road closure of Faulkner Street between Kirkwood and Dumaresq Street during the Big Chill Beer & BBQ Festival from 12am Saturday 15 May until 10pm Sunday 16 May.
- c. Deny the request to consider a pedestrian crossing on Barney Street at the Faulkner Intersection, with the advice from TfNSW that there are crossings at the intersection with Barney and Marsh St at the lights and a pedestrian refuge at Barney, Dangar intersection, both within 200m of the requested location.
- d. Endorse the Police request to shift the 15 minute car parking space to the northern end of Faulkner Street grouping the existing police parking spaces together.
- e. Note that specified line marking requested for the Police parking in Faulkner Street will be at a cost to Police.

<b>Item:</b>	<b>16.3</b>	<b>Ref: AINT/2021/11032</b>
<b>Title:</b>	<b>Community Wellbeing Committee - Minutes of the meeting held 25 March 2021</b>	<b>Container: ARC16/1052</b>
<b>Responsible Officer</b>	<b>General Manager</b>	
<b>Author:</b>	<b>Marissa Racamelara, Acting Director Organisational and Corporate Services</b>	
<b>Attachments:</b>	<b>1. Minutes Community Wellbeing Committee 25 March 2021</b>	

**RECOMMENDATION:**

**That the Minutes of the Community Wellbeing Committee meeting held on 25 March 2021 be noted.**

<b>Item:</b>	<b>16.4</b>	<b>Ref: AINT/2021/11041</b>
<b>Title:</b>	<b>Economic Development Committee Meeting Minutes - Meeting held 29th March 2021.</b>	<b>Container: ARC19/3530</b>
<b>Responsible Officer</b>	<b>Acting Director Organisational and Corporate Services</b>	
<b>Author:</b>	<b>Darren Schaefer, Manager Strategic Communications and Marketing</b>	
<b>Attachments:</b>	<ol style="list-style-type: none"><li>1. Armidale Regional Council Economic Development Committee Meeting Minutes 29th March 2021</li><li>2. Combined attachments EDC minutes 29/3/21</li></ol>	

**RECOMMENDATION:**

**That the Minutes of the Economic Development Committee meeting held on 29 March 2021 be noted.**

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<b>Item:</b>	<b>16.5</b>	<b>Ref: AINT/2021/11461</b>
<b>Title:</b>	<b>Environmental Sustainability Advisory Committee Meeting Minutes</b> <b>Container: ARC16/0864</b>	
<b>Responsible Officer</b>	<b>Acting Director Organisational and Corporate Services</b>	
<b>Author:</b>	<b>Mandy McLeod, Sustainability Officer</b>	
<b>Attachments:</b>	1. Minutes - Environmental Sustainability Advisory Committee - 13 April 2021	

**RECOMMENDATION:**

**That the Minutes of the Environmental Sustainability Advisory Committee meeting held on 13 April be noted.**

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

- a. **That two representatives from the Environmental Sustainability Advisory Committee meet with Council staff to undertake a detailed analysis of EcoARC (Council's Green – print) to determine how some of the actions and recommendations could be undertaken in alignment with the Community Strategic Plan. This would include determining short, medium and long term initiatives to develop a ten (10) year implementation plan.**
- b. **That the resignation of Sustainable Living Armidale member Jo Leoni be acknowledged and that Sustainable Living Armidale member Helen Webb be substituted onto the committee in her place.**
- c. **That two representatives from the Climate Emergency Working Group report meet with Council staff regarding items from their report *A Framework for Climate Action* and recommendations from the report being funding into the 2021/2022 budget.**
- d. **That applications for the Air Quality Working Group be assessed by a panel of two members of the Environmental Sustainability Advisory Committee and Councils Sustainability Officer.**
- e. **That two representatives of the Climate Emergency Working Group meet with Council staff to discuss possible projects in order to the join the Cities Power Partnership.**

Note that in relations to Recommendation 2.b, Resolution 54/21, Ordinary Council Meeting 10<sup>th</sup> February 2021, Item d. states: That the membership of all the above Committees remain unchanged until the Committee cease when Council moves into caretaker mode.

**Item:** 16.6 **Ref:** AINT/2021/11475  
**Title:** Minutes of Sports Council Committee meeting held 7 April 2021  
**Container:** ARC16/0330  
**Responsible Officer:** Director Businesses and Services  
**Author:** Amy Biggs, Sport & Recreation Development Officer  
**Attachments:**  
1. Minutes - Sports Council - 07 April 2021  
2. Agenda - Sports Council - 07 April 2021

**RECOMMENDATION:**

**That the Minutes of the Sports Council Committee meeting held on 7 April 2021 be noted and they include:**

- a. That the Committee recommended to Council that the proposed additional user fees in excess of the current fees and charges not be charged for regional level fields – Harris Park, Armidale Sportsground and Rologas/Wicklow fields.
- b. That the committee urges the Council to seek Commonwealth and/or State funding for field lighting at Jack Valance Oval and for the replacement and extension of the lighting on Newling Oval.
- c. That the Committee recommended that Council arrange for refurbishing of the Jack Valance oval surface when a budget is available.
- d. That the committee recommend to Council that capital income for next year's budget is restored to at least the level of 2019/20 of \$75,000.
- e. That the committee recommended to Council that a total of \$117,000 be referred to the budget process for consideration in the 2021/22 budget.

**1. Implications**

**1.1 Financial**

Budget Area:	Public & Town Spaces						
Funding Source:	General Revenue						
Budget Ref: (PN)	Description	Draft 2021/22 Budget	Actual	Committed	Proposed	Total Forecast Expenditure	Remaining Budget
240520.1. 2040.333. 2394	Sports Council Funding 2021/22	\$42,000	\$0	\$42,000	\$42,000 from meeting recommendation 3/3/21. \$75,000 from meeting recommendation 7/4/21	\$159,000	(\$117,000)

The Committee is seeking \$117,000 in additional funding in total over what has been provided for in the draft 2021/22 budget. This will require consideration by Council at the next 2021/22 budget briefing in the context of other funding priorities and Council's overall financial position.