



BUSINESS PAPER

ORDINARY MEETING OF COUNCIL

To be held on

Wednesday, 13 December 2017
1pm

at

Tingha Sports and Recreation Club

Members

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

AGENDA

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Item: 8.1 **Ref:** AINT/2017/19420
Title: FOR DECISION: Draft Complaints Management Policy
Container: ARC17/1514
Author: Heather Sills, Program Leader Corporate Planning and Performance
Attachments: 1. DRAFT Complaints Management Policy

RECOMMENDATION:

- (a) That the Draft Complaints Management Policy be endorsed.**
- (b) That the Draft Complaints Management Policy go on public exhibition for a period of not less than 28 days, from Friday 15 December 2017 to Monday 26 January 2018.**
- (c) That a further report be provided to the February 2018 Council meeting for consideration of any submissions received.**
- (d) That if no submissions are made within the submission period, then the Complaints Management Policy be adopted retrospectively.**
- (e) That it be acknowledged that the intent of the Complaints Management Policy is to be implemented immediately, in order to provide a good governance framework.**

Background:

The draft Complaints Management Policy provides a framework for the Council in considering dealing with complaints to ensure that they are addressed promptly and in a fair manner. The Complaints Management Policy deals with complaints relating to Council's service delivery. Procedures for reporting and investigating code of conduct complaints are addressed in the Model Code of Conduct.

Complaints in this context refer to an expression of dissatisfaction with the Council's policies, procedures, charges, staff, agents, or quality of service. A complaint may relate to a specific incident or issue involving Council, or to matters of a more philosophical or general nature regarding Council's processes and/or procedures. Customer Service Requests, requests for services, or reports of damaged, or faulty infrastructure are not considered complaints by the definition of this policy.

The draft policy outlines the procedures and processes for dealing with formal complaints, and provides definition and actions for when complaints are malicious or vexatious. The draft policy also provides for situations where relating to difficult and persistent complainants, giving authority to the Chief Executive Officer to put in place administrative controls to limit responses to further complaints or take other necessary action.

Key Issues and Risks

Council is committed to achieving best practice in delivering services to the community. To succeed, Council needs to ensure that any complaints received are dealt with courteously, investigated thoroughly, and resolved quickly and appropriately.

A Complaints Management Policy that clearly outlines the processes and procedures for handling complaints will mitigate Council's risk in this area.

Integrated Planning and Reporting Framework

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

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

L2.2.2 – Implement a Good Governance Framework

Stakeholder Engagement

Placing a draft policy on public exhibition is an important step in developing policy and engaging with the community and key stakeholders. It is also a statutory requirement that the draft Policy be publicly exhibited for not less than 28 days and that any submissions are considered by Council prior to the adoption of the Policy.

The recommendation provides for an extension of the public exhibition for an additional 2 weeks more than the statutory requirement due to the 2017 Christmas and New Year close down period, from close of business Friday 22 December 2017 and reopening on Tuesday 2 January 2018.

Financial Implications

Minimising the impact of vexatious and persistent complaints on staff time will result in productivity savings and hence enhanced community value.

Next Steps

The Policy will be placed on public exhibition and a report will be submitted to the February Council meeting if any submissions are received.

Item: 9.1 **Ref:** AINT/2017/20076
Title: FOR DECISION: Economic Development Strategy **Container:**
ARC16/0875
Author: Greg Lawrence, Service Leader Economic Development and Marketing
Attachments: 1. Economic Development Strategy 2017-2025 Final

RECOMMENDATION:

That the Armidale Region Economic Development Strategy (EDS) 2017-2025 in its current format be adopted.

Background:

At the Ordinary Council Meeting held on the 25 October 2017 it was recommended that Councillor's have the opportunity to workshop the Economic Development Strategy prior to being adopted. A workshop was held on the 22 November 2017 in Guyra.

Councillors provided constructive feedback on the current document and it is proposed that the Regional Growth and Economic Development Advisory Committee work with stakeholders on further enhancement of the Strategy during 2018.

The Economic Development Strategy is a living document able to be amended and adjusted as required. A review of the strategy will be carried out no later than the 30 September 2018.

Key Issues and Risks

The EDS is the blueprint for the region's future and outlines what is important to our community and business stakeholders alike. It is also the framework for the direction of our region and identifies what is needed to achieve the outcomes that have been articulated in this report.

Integrated Planning and Reporting Framework

Community Strategic Plan – Growth, prosperity and Economic Development.

G1 – The community experiences the benefits of an increasing population.

G1.2 – Develop an Economic Development Strategy for the region with the objective of supporting existing businesses, attracting new industries and businesses and creating more employment opportunities.

G1.2.1 – Implement Stage 1 of the Economic Development Action Plan.

Stakeholder Engagement

Extensive stakeholder engagement has been undertaken in the development of the strategy.

It is envisaged that during 2018 further stakeholder engagement will be undertaken to ensure that the views of Councillors and the Community are considered and incorporated to further enhance the Economic Development Strategy.

Financial Implications

The implementation of the Economic Development Strategy will be subject to budget availability and grant applications.

Next Steps

To implement the Economic Development Strategy as well as ensuring this document is also adaptive and responds to emerging opportunities and risks.

Item:	9.2	Ref: AINT/2017/20387
Title:	FOR DECISION: Dumaresq Dam Recreation Area Redevelopment - Opportunity for Funding	Container: ARC16/0125
Author:	Harold Ritch, Program Leader Economic Development	
Attachments:	Nil	

RECOMMENDATION:

- a) **That the intention to seek funding for this significant community project under the Federal Government's Building Better Regions Fund (round two) be approved.**
- b) **That the amount of \$1.5 Million be approved as Councils co contribution for this project.**

Background:

Completed in 1896, Dumaresq Dam was constructed to address the water shortage being experienced by an expanding Armidale. In 1969, having recognised the ever-growing need for water, Malpas Dam (30 times the size of Dumaresq Dam), was completed and in 1972 Dumaresq Dam then became a recreational facility – no longer required for the supply of water.

Originally leased to the University of New England, the recreational park was further enhanced with construction of boat launching facilities, walking and hiking tracks, barbeque and picnic facilities and the installation of play equipment. The construction of a small amenities block further enabled camping to become a popular pastime at the Dam.

The Dumaresq Dam recreational area is located on Dumaresq Creek, 10 kilometres North West of Armidale. The property is in total 232 hectares, of which 8 hectares have been developed as the recreation area. Owned by Armidale Regional Council, the reservoir's storage capacity is 400ML fed by a catchment area totalling 2,100 hectares. The reservoir, when full, covers 11.7 hectares, is 1.8 kilometres long and is tree and scrub lined for much of its perimeter.

In 2015 a Master Plan was commissioned with a Vision to “create an environmentally friendly, ‘regional nature park’; offering a place where the community and visitors can reconnect with the natural environment and participate in active and passive recreational and sporting activities”.

A nature park and wildlife sanctuary, Dumaresq Dam will offer a viewing platform for observing waterbirds, a choice of walking and hiking trails and a mountain bike track to the boundary of the site providing a range of exercise options and the dam, which can be explored from canoe, kayak, paddle-board or rowing boat. The ‘natural’ amphitheatre will offer a venue for informal gatherings and events or small concerts.

A restoration of camping facilities will ensure that the park's features and facilities are also available to the regional community and visitors to New England's High Country.

The future use and purpose of this natural amenity is driven by a desire of the community to retain and enhance this picturesque recreation area. This Dumaresq Dam project provides the opportunity to create one of the premier recreational facilities in the New England area in close proximity to the Armidale CBD. The project will further enhance Tourism offerings for our region as well as providing a great option for recreation for our growing regional community.

A grant application was submitted earlier this year for the Regional Growth, Environment and Tourism Fund (State Government) and while this application was unsuccessful in the first round, we are confident that it will be reconsidered in the second round of funding next year and hence potentially offset Council's contribution.

Federal funding is now available through the Building Better Regions Fund and Council proposes to submit an application for the Dumaresq Dam project for this grant. The grant application process closes on 19 December 2017.

Key Issues and Risks

The Dumaresq Dam Recreation Area Redevelopment offers a new alternative for overnight and day visitors to Armidale, it improves local amenity and the quality of life benefits for our local community.

There are risks in not securing funding and not being able to fulfil the outcomes of the Dumaresq Dam Master Plan but the current grant environment suggests 2017 to 2019 is a once in a generation opportunity to bring this vision to reality. It is not often that this level of funding is available for projects such as this. Council considers carefully the affordability of such projects and the ongoing maintenance and renewal issues. Maximising external funding and developing user pays modelling (where appropriate) on such projects is essential.

Integrated Planning and Reporting Framework

Community Strategic Plan – Environment & Infrastructure

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

E1.2 – Through Tourism strategies and active, eco-tourism partnerships, promote the local landscape and natural attractions while considering potential impacts on the environment and ways to mitigate such impacts.

E1.3 – Maintain and improve local waterways, lagoons and creek lands in partnership with community groups and other agencies.

Community Strategic Plan – Growth, Prosperity and Economic Development

G3 - The visitor economy generates additional revenue and employment to boost the local economy and creates opportunities for more vibrant cultural activities

Community Strategic Plan – Our People and Community

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

P5 – Services and activities are provided for all ages and segments of our community to promote life-long learning, healthy living and community well-being

Stakeholder Engagement

Community engagement is a critical component of both grant funding conditions and of Council's desire to improve infrastructure and services in the local government area.

During the preparation of the Dumaresq Dam Master Plan, Council undertook consultation with government agencies, the public, community groups and land owners to identify key issues and support. Throughout the process, stakeholder awareness, project information and community feedback was facilitated through the availability of the Master Plan website (CREATE2350), popular social media channels, newsletters, flyers, surveys and the media. In addition,

interested stakeholders were able to subscribe to receive regular e-mail updates. No negative feedback was received in relation to the potential upgrade and redevelopment of the Dumaresq Dam Recreation Area site.

Council is committed to continuing a consultation and engagement process and is planning to showcase major projects and the focus of council's infrastructure programs in a pop-up stall in the Mall (*The Community Connect Engagement Centre*). This site will be utilised to inform the community about current and future developments and to secure the community's views, feedback, and submissions.

Financial Implications

The Dumaresq Dam Project is subject to the success of grant applications. In total the works will total over \$3M but may be completed in stages subject to funding opportunities. Council's recently prepared Land Portfolio Strategy may provide an opportunity for some proceeds of land divestment to be directed to such a project where co-contribution is required.

Next Steps

1. Seek funding under State and Federal grants available over the short term.
2. Continue to canvass State and Federal representatives and departments to ensure funding is secured.
3. Undertake ongoing community consultation on this and other infrastructure projects.

Item: 10.1 **Ref:** AINT/2017/16811
Title: FOR DECISION: Guyra Bulk Water Augmentation Options **Container:** ARC17/1529
Author: Phillip Perram, Service Leader Business Unit
Attachments:

1. Guyra Pipeline fact sheet final version
2. MEDIA RELEASE: Councillors shape and support Pipeline's future
3. Costa - Town Water Supply Management letter
4. Letter to Council - Malpas Dam -Costa
5. Media Release Adam Marshall MP- ENSURING GUYRAS WATER SECURITY A TOP PRIORITY FOR LOCAL MP 27.2.17

RECOMMENDATION:

- (a) That the report on Guyra's water security be noted
- (b) That Council continues to seek funding from the NSW Government towards augmentation of Guyra's water supply.

Background:

Investigations show that Guyra's bulk water system does not meet drought security criteria used for town water supply. The 'secure yield' of the existing water dams is less than the current water demand. Growing demand will see Guyra increasingly vulnerable to running short of water unless the system is augmented. Inadequate drought security is a constraint on growth and development of new employment opportunities. Hydrologic studies show that only a transfer pipeline from Malpas Dam to Guyra can provide long-term drought security in line with projected demands. Other options such as expansion of the existing dams would not provide a secure supply beyond 10-15 years hence. The proposed pipeline would only be used in the event of severe drought and would provide access to a reservoir more than 20 times the size of Guyra's existing dams. Economic assessment to NSW Treasury guidelines shows a strong business case for the project. The pipeline cost is estimated at \$12.845M and Council officers have been pursuing Federal and State government funding opportunities towards construction of a pipeline. An application for Federal funding for \$6.425M has been submitted with assessment due in February 2018. Federal funding is on the basis of the project being 'shovel ready' on signing agreement with the Federal government so design preliminaries are being fast tracked. Funding from the NSW Government is also being sought.

Key Issues and Risks

This paper relates to Guyra's water security and actions to augment the bulk water supply.

About Guyra's water supply

Guyra's water is sourced from two dams located 7km north of the town. The dams have a combined capacity of 460 million litres (ML) including 50 ML of 'dead storage' in the upper dam. Average annual water consumption is 429 ML. The 20-hectare Tomato Farm on Blush Road (est. 2005) accounts for about 40% of this demand on average.

The table below illustrates the impact that industry has on water demand in Guyra.

Period	1986 to 1995	1996-2004	2005 - 2016
Industry	Abattoir operating	No abattoir, no tomato farm	Tomato farm operating
Average annual demand for water	601 ML	259 ML	429 ML
Range (min to max annual demand)	431 to 755 ML	169 to 306 ML	358 to 507

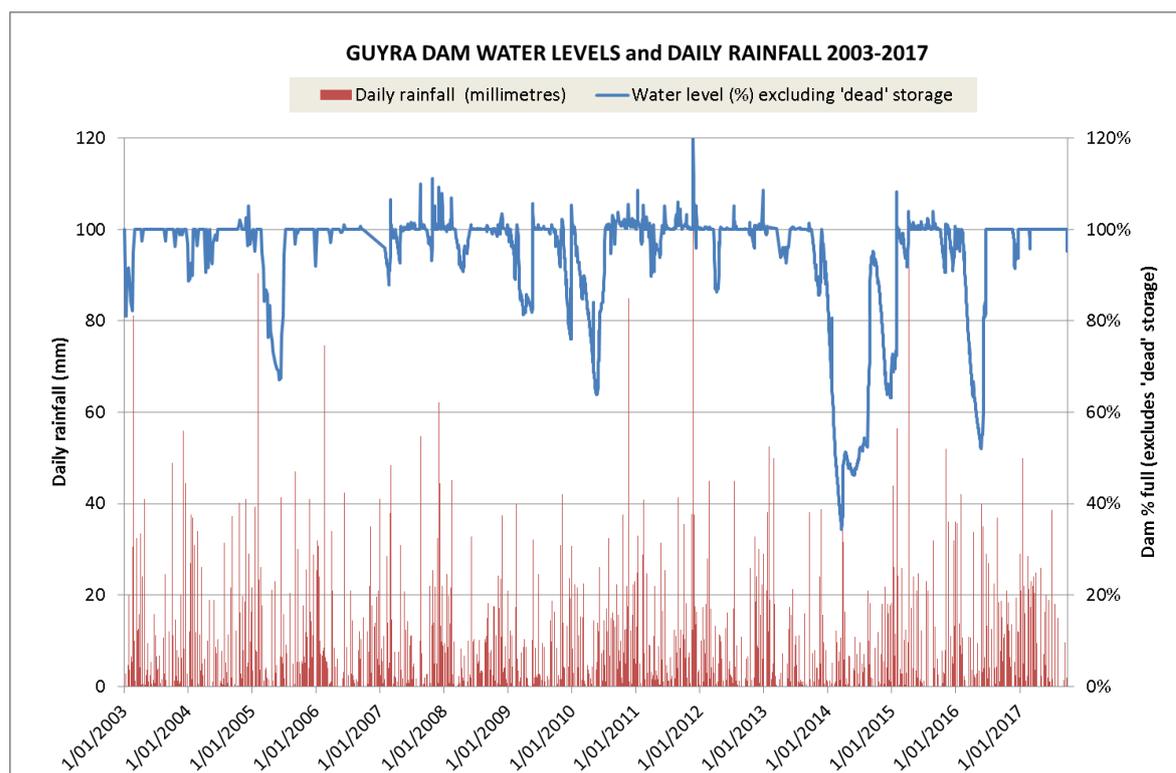
Water supplied to the tomato farm on Blush Road is 'shandied' with water collected on site and is further treated by the farm operators to reduce the sodium concentration which would otherwise adversely impact fruit production. Average water use by the farm is 166ML/year but has been up to 226ML/year in dry times. The former Guyra Shire Council indicated a willingness to supply up to 250ML/year to the tomato farm but reserved the right to renegotiate if circumstances changed.

The newer 10-hectare Tomato Farm on the New England Highway is restricted to 8ML/year of town water for process operations as Guyra's water system does not have capacity to also meet the high water demands for that site. It is understood that the new tomato farm, while highly water efficient, may not have access to sufficient water sources for it to expand with a further 10 hectares under glass. Such expansion would increase employment opportunities in the region.

Because annual demand for water is high relative to the amount of water in storage (429ML/year demand compared to 460 ML storage) the water supply system is dependent on regular rainfall to replenish dam levels. As the catchment is large at 75km² in area even modest rainfall refills the dams quickly. However short, intense dry spells see a rapid drop in water storage as illustrated by charts in the attachments.

In the 2014 drought, which was the worst drought since 1981 and one of the worst in the last century, the dam dropped 270ML in 115 days from 100% to 34%. During this drought the Tomato Farm operators cooperated with Council to curtail their use of town water though they advise this impacted on crop yield. A follow up drought in 2016 saw the dams go from full to 54% in three months. The water supply is vulnerable to short, intense dry spells due to limited storage and the increased demand for water during those drought periods.

Guyra's water supply dams have a total capacity of 460 million litres (ML) including 50 ML of 'dead storage' in the upper dam, less than 4% of the total capacity of Malpas Dam (12,000 ML). With a small capacity relative to water demand the dams are susceptible to short, intense dry spells that see a rapid drop in water storage, as illustrated in the chart below. The small size of the two Guyra dams provides very limited security against drought.



What is the future water demand in Guyra?

Guyra's urban centre has grown at an average of 0.95% per annum over the last 15 years according to Census data tabulated below:

CENSUS YEAR	2001	2006	2011	2016
Population of Guyra Urban Centre (i.e. town) at Census	1725	1758	1947	1982
Population change in 5 years		33	189	35
% change in 5 years		1.91%	10.7%	1.79%
% change per annum		0.38%	2.06%	0.36%

Average water demand is forecast to grow to 459ML/year by 2036 and 488ML/year by 2046. Dry year demands are projected to rise from the current 515 ML/yr to 590 ML/yr by 2046

How is the drought security of a town water supply defined?

A dam is buffer storage to allow a continuous demand for water to be met even when the source river has insufficient flow to meet that demand. When inflow to the dam is less than extraction the water level in the dam will be drawn down by ongoing demand. The consequences of totally running out of drinking water are catastrophic for a town so water systems are designed to run a very low risk of this happening.

One part of handling this risk is to restrict water usage as water levels in dams drop below critical thresholds. It is generally not affordable or cost-effective to build water supplies large enough to avoid restrictions altogether. Conventionally for dams supplying town water when levels get down to ~60% of capacity restrictions are introduced to conserve the remaining supply, with more severe restrictions imposed if levels fall further.

The 'secure yield' of a water source is a design concept providing information on the suitability of a water source to satisfy pre-defined criteria about the duration, frequency and severity of water restrictions. The 'secure yield' is defined as the highest annual water demand that can be supplied while meeting the '5% Duration: 10% Frequency: 10% Severity' criteria which are:

Duration: Water restrictions are in place no more than 5% of the time (eg. on average, restrictions will not need to be applied for more than 5 months in every 100 months).

Frequency: Water restrictions occur on average less than once every 10 years (i.e. 10% of years, thus on average not more than 10 years in every 100 years will be affected by restrictions).

Severity: During water restrictions demand is reduced by 10% (eg. during a repeat of the worst drought on record, 90% of normal demand could still be supplied once restrictions are introduced).

In essence the 'secure yield' concept is about having sufficient water storage capacity so that dam levels don't drop low enough to require restrictions too frequently, for too long or so as to require draconian measures to conserve water. Dams with small capacity relative to their demand or with volatile inflows are at greater risk of having restrictions imposed and thus a lower 'secure yield'.

In decades past the 'Severity' criteria assumed a 20% reduction in demand was feasible during restrictions but as households have cut back their water use over the last 30 years the capacity of households and businesses to further reduce water consumption has also dropped. For instance, Sydney Water Corporation now assumes that restrictions will only cut demand by 7% to 12% from normal.

What is the 'yield' of Guyra's water supply dams?

In 2013 the NSW Department of Primary Industries published its methodology for assessing urban water security, being the '5/10/10' rule with consideration of climate change. Council has undertaken two studies to determine the yield of the Guyra water system. In 2014 consultants Hunter Water Australia Pty Ltd (HWA) were engaged by Guyra Shire Council to assess the secure yield of the system and consider augmentation options.

Modelling results are tabulated below.

#	AUGMENTATION OPTION	Secure yield	Cost est
A	Current system	390 ML/yr	-
B	Raise the height of the wall of Guyra Dam #2 by 2.0m to add 336ML of storage	610 ML/yr	\$6.5M
C	Raise the height of the wall of Guyra Dam #2 by 3.0m to add 555ML of storage	755 ML/yr	\$7.5M
D	Build an off-creek dam to add 500ML of storage plus transfer pumps	780 ML/yr	\$8.4M
E	Build a 14km pipeline from Malpas Dam to Guyra.	Not Examined	\$9.5M

The consultant found the current demands in Guyra exceeds the secure yield and thus the risk of imposing restrictions is greater than the criteria set by DPI. Ballpark costs were provided for augmentation options ranging from \$6.5M to \$9.5M and further investigations were recommended. In 2014 Guyra Shire Council applied unsuccessfully for grant funding to progress investigations under the NSW Government *Water Security for Regions* scheme.

In 2016 the former Armidale Dumaresq Council engaged hydrology consultants WREMA Pty Ltd to examine the secure yield of the Malpas Dam and by necessity that study included Guyra's dams which are in the same catchment. A sonar survey of Guyra's dams discovered that the earlier 2014 study had slightly overestimated the capacity of the dams. More importantly, the consultants were able to calibrate their hydrology model to historical dam levels which were not available to the consultant in 2014, plus more information was available on water demands. WREMA were engaged in 2017 to re-evaluate the yield of the Guyra dams and augmentation options using this new data plus information on water demands and historical dam levels. Both the HWA and WREMA studies are in the attachments.

WREMA's calibrated hydrology model found that in the long term the average inflow to the Guyra dams is 15ML/day and that 50% of the time the flow is 3.35ML/day or less, with zero flow 19% of the time. Zero flow into the dam for nearly a fifth of the time further underscores the need to have sufficient water in storage to get through dry periods.

They found that the yield of the existing system is **277 ML/yr** compared to the earlier estimate of **390 ML/yr** and the yield of augmentation options are also less than that of the 2014 study. The difference is attributable to the different methods employed, more detailed modelling and more severe dry spells. Council also engaged NSW Public Works Advisory to consider engineering aspects of the augmentation options and refine costings. Revised cost estimates are tabulated below alongside the secure yield for each option.

#	AUGMENTATION OPTION	Secure yield	Cost estimate from PWA
0	Current system	277 ML/yr	-
1	Raise the height of the wall of Guyra Dam #2 by 3.0m to add 500ML of storage	539 ML/yr	\$9.19M
2	Build an off-creek dam to add 500ML of storage plus transfer pumps	554 ML/yr	\$12.05M
3	Build a 14km pipeline from Malpas Dam to Guyra Water Treatment Plant	741 ML/yr	\$9.48M
3a	Build a 19km pipeline from Malpas Dam to Guyra Water Treatment Plant via Malpas Dam Road	741 ML/yr	\$12.845M
4	Build an 8km pipeline from Malpas Dam to supply untreated water to the Tomato Farm only.	541 ML/yr	Uncosted
5	Raise the height of the wall of Guyra Dam #2 by 3.0m to add 500ML of storage PLUS supply highly treated effluent to the Tomato Farm.	588 ML/yr	Opt 1 cost + Uncosted treatment plant upgrade

Augmentation options

Consultants WREMA found the only augmentation option that will meet long-term target of 589 ML/yr is a pipeline from Malpas Dam. The yield from raising Guyra Dam #2 (Option 1) or building a new off-creek storage (Option 2) would meet forecast dry-year water demands to about 2029 and 2035 respectively. Thereafter further augmentation would be needed for the system to meet the '5/10/10' drought security criteria. Increasing the size of Dam #2 together with supply of treated effluent to industry (instead of drinking water) would meet projected demands until 2048. For this option to be feasible would require consent of the industrial users and an upgrade to the Guyra Sewage Treatment Plant with a disinfection step so that treated effluent can meet the Australian Guidelines for Water Recycling, concurrence of the NSW Department of Primary Industries and also the cost of raising the dam.

Public Works Advisory also examined a draft business case for a pipeline from Malpas Dam to Guyra using NSW Treasury guidelines, finding that there was a positive benefit-cost ratio for the scheme. Further economic assessment by independent economists has calculated a BCR of 2.8. Both reports are attached.

As the cost of operating the Malpas-Guyra pipeline would be considerable due to the large vertical lift required the pipeline would only be activated if water levels in the Guyra Dams were at critically low levels. To do otherwise by running the pipeline on a regular basis would be to waste energy and money pumping water up hill to Guyra when it could be supplied more cheaply from the existing dams. Analysis by WREMA indicates that on average the pipeline would be needed once every 12 years during serious droughts.

For a pipeline from Malpas Dam to Guyra Water Treatment Plant there are several plausible pipeline routes. Council officers have been in talks with several landowners to determine their willingness to have a pipeline cross their land. In the worst case that no landowner is willing to allow a pipeline on their land there is an option to run the pipeline entirely within public roads which has been costed by PWA at \$12.845M.

Guyra Water supply options



Discussion

Two separate hydrological investigations have shown that Guyra's bulk water supply does not meet the drought security criteria commonly used in water supply. Climate change is expected to result in a more volatile and less reliable climate which will worsen the situation. On average 40% of supplied water is used by one of the glasshouse tomato farms which is a major employer in Guyra. Access to a reliable water supply is crucial to that industry's ability to grow their

product. Amplification of the bulk water supply will improve the reliability of supply to customers and contribute towards further expansion of industry.

The 'do nothing' option will leave Guyra vulnerable to water shortages that are frequent, persistent and may require severe water restrictions at times. Such restrictions would not only impact on residential lifestyle but also industrial activity and the attractiveness of the region for further growth.

Of the options available to augment supply only a pipeline from Malpas Dam will meet projected dry-year demands and meet drought security criteria beyond 20 years from now. The pipeline would only need to be used infrequently when the region is hit with serious drought. The cost of this pipeline will be substantial and total or joint funding from Federal/State governments is essential. Two separate studies show a positive cost-benefit ratio for the pipeline.

Integrated Planning and Reporting Framework

Improving water security for Guyra aligns strongly with adopted Council direction under the IPR framework, specifically:

- Community Outcome 4 in the CSP *“Economic development is supported through new initiatives, innovation and additional resources to assist growth of business and industry.”* Water security is a key issue for expansion of horticultural production in Guyra.
- Item E3.6 of the Delivery Program seeks to *“Develop a strategy to ensure that water and sewer utilities are maintained to an acceptable standard, and to ensure that the community has access to a water supply even in times of drought”* and to *“Undertake a Cost Benefit Study on options to improve drought resilience of Guyra’s water supply, as part of the Integrated Water Cycle Management Plan.”*
- The draft Armidale Region Economic Development Strategy 2017-2025 discusses growth in the controlled-environment horticultural sector (i.e. glass houses) and notes *“The climatic conditions of the Armidale Region are ideal for glasshouse-based horticulture and there is scope for expansion and for other crops such as berries....To grow and prosper, the horticultural sector requires improved water security as droughts experienced in the region over the past ten years have at times, created significant pressure on water allocations. The planned construction of the Guyra to Malpas Dam Pipeline will secure the industry’s future and support the growth of the region’s other agricultural enterprises”* (p13).

Stakeholder Engagement

Costas the operators of the tomato farms have written to Council in support of investment to improve water security. Both the Federal and State Members of Parliament have been briefed on works to date and support the project and a media release from the State member has also been provided. Council has developed fact sheets and FAQs for broader community engagement.

Council is in the process of developing an Integrated Water Cycle Management (IWCM) plan which is a requirement of the NSW Government’s ‘best practice’ framework for water supply. Community consultation on water issues via a Project Reference Group including community

members is a mandatory feature of the IWCM development. Stakeholder engagement via the PRG will include discussion of Guyra's drought security.

Financial Implications

The funds required for any option to augment Guyra's bulk water supply are beyond the means of Council. Consequently Council officers have actively sought external funding from Federal and State Governments. Specifically an application has been submitted to the Federal government under the *National Water Infrastructure Development Fund* toward construction of a pipeline from Malpas Dam to Guyra Water Treatment Plant. That Fund has \$147M available and the application has been submitted by the NSW Government to the Federal Government on behalf of Council seeking \$6.425M in funding, being half the estimated project cost.

The remaining funds are to be sought from the NSW Government under Restart NSW funding. One such program recently announced is the \$1 billion *Safe and Secure* water program for which eligible projects can receive up to 50% funding. Thus the funding would be 50% Federal: 25% State: 25% Council. Officers are developing an application to argue for the NSW Government to fund 50% of the project cost such that no Council funds are needed.

Applications under the Federal funding will be assessed by February 2018. Only projects that are ready to progress to construction ('shovel ready') are eligible for funding and construction must commence within 6 months of signing the funding agreement. If Council is successful in gaining Federal funding the timeframes to begin works are very tight. To fast track the project Council has sought quotations from consultants to coordinate design preliminaries such as survey, easements, environmental and geotechnical assessment with the intent to call for quotations for a Design and Construct contract for a no later than December 2017 such that tenders are ready by Feb/March 2018.

The cost of such an engagement is in the order of \$200,000 and the timeframe is ambitious. Discussions have been held with several landowners adjacent to Malpas Dam in relation to securing an easement for the proposed pipeline to shorten the route and reduce costs. Agreement 'in principle' is yet to be reached and valuation of the affected land is in progress.

Next Steps

Complete valuation of prospective pipeline route and discuss compensation with affected landholders. Evaluate tenders and engage a consultant to manage design preliminaries for a pipeline from Malpas Dam to Guyra.

Advertise for community representatives to be on a Project Reference Group for the Integrated Water Cycle Management plan for Guyra to facilitate community engagement. Continue to develop case for application to NSW Government for co-funding of the Malpas-Guyra pipeline.

Item: 10.2 **Ref:** AINT/2017/18111
Title: FOR DECISION: Participation in Service NSW Easy To Do Business Trial
Container: ARC16/1132
Author: Ambrose Hallman, Service Leader Sustainability and Development
Attachments: 1. Draft Service Partnership Agreement

RECOMMENDATION:

- (a) **That Council advise the Commissioner for Small Business of Council's willingness to participate in the expansion of the Service NSW Easy To Do Business project for cafés, restaurants and small bars.**
- (b) **That Council delegate the CEO the authority to sign the Service Partnership Agreement between Service NSW and Armidale Regional Council.**

Background:

The Easy To Do Business program proposes to make it easier and faster for cafés, restaurants and small bars to commence operations. This is a joint initiative between Service NSW, the Offices of the NSW Small Business Commissioner, NSW Customer Service Commissioner and Local Government.

Service NSW has indicated it can take up to eighteen months to set up a café in NSW, people need to complete up to 48 forms (across three levels of Government) and comply with up to 75 different regulations across different jurisdictions. The initiative aims to reduce the time it takes to set up a café to three months.

Service NSW has conducted a six-month pilot with Parramatta and Dubbo Councils which is now complete and Service NSW are moving into the business as usual phase.

Service NSW contacted Armidale Regional Council to see if Council would like to participate in this initiative by signing up to the service for an initial period of 12 months. A draft of the Service Partnership Agreement is attached.

The initiative will provide a customer, who wishes to set up cafés, restaurants or small bar, with a single point of contact within Service NSW who will help them navigate all the required approvals to operate the business, for example registering the business, obtaining an ABN, and required Council approvals.

Service NSW will provide monthly reports to Council on the number of requests they have received under the Easy To Do Business initiative. This will include the number of initial enquiries through to new businesses commencing.

Key Issues and Risks

There is limited risk or issues in Council participating in this initiative.

Integrated Planning and Reporting Framework

Element G4 of the Community Strategic Plan states:

“Economic development is supported through new initiatives, innovation and additional resources to assist growth of business and industry”

This trial, while not identified as a distinct action in the delivery or operational plan, is clearly aligned with Element G4 and should assist in growing businesses in the region.

Stakeholder Engagement

The project will include extensive communication with the community by both Service NSW and Council's Communications Team. Council will need to nominate a contact person for Service NSW staff to call for detailed information should a customer require.

Financial Implications

Participating in this project will have limited financial implication but requires staff time and resources will be required which will come from within the existing adopted budget.

Next Steps

1. Advise Service NSW of Council's resolution on its intention to participate in the initiative.
2. The CEO sign the Service Participation agreement on behalf of Council.
3. Allocate a project manager and team members to manage and implement this project.
4. Provide Gap Analysis template and identify form owners to Service NSW,
5. Provide detailed lodgement requirements for council.
6. Provide any feedback, suggestions and FAQ's for inclusion in SNSW Knowledge Article.
7. Confirm preferred launch timing.
8. Draft Business Concierge Team Knowledge Article and Joint Operating Model
9. Provide input for Joint Marketing & Communications Plan.

Item:	10.3	Ref: AINT/2017/20006
Title:	FOR DECISION: Draft Amendment No 10 Armidale Dumaresq LEP 2012	Container: A16/7020
Author:	Kathy Martin, Acting Program Leader Environment and Sustainability	
Attachments:	<ol style="list-style-type: none">1. Planning Proposal No 10 as exhibited2. Gateway Determination 18 November 20163. Summary- government agency comments4. Submission and map- <i>As this attachment deals with information that would, if disclosed, prejudice the maintenance of law (Section 10A(2)(e) 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>	

RECOMMENDATION:

- a) That Council exercise its local plan making delegations under section 59 of the Environmental Planning and Assessment Act 1979, to adopt and make Draft Amendment No 10 to Armidale Dumaresq Local Environmental Plan 2012, consistent with Planning Proposal No 10 as exhibited.**
- b) That the proponent for Planning Proposal No 10 be advised of Council's decision.**
- c) That persons who made a submission on Planning Proposal No 10 be advised of Council's decision.**

Background:

The Planning Proposal for Draft Amendment No 10 to Armidale Dumaresq Local Environmental Plan 2012 (ADLEP 2012) applies to part of the property at 48-72 Kurrawatha Avenue, Armidale, (the Site). The proponent for the Planning Proposal is New England Surveying and Engineering on behalf of the owners of 48-72 Kurrawatha Avenue. Planning Proposal No 10, as exhibited, is in Attachment 1. The Site is shown on page 2 of the Planning Proposal.

It is proposed to zone most of the Site from R5 Large Lot Residential to R2 Low Density Residential and to alter the minimum lot size standard to enable low density residential development. Under the current zoning and lot size standard the estimated lot yield for the Site is 10 residential lots. The proposed changes to ADLEP 2012 will enable an increase in the potential lot yield by approximately 11 lots. It is also proposed to zone part of Martins Gully on the eastern part of the Site to E4 Environmental Living to include part of the flood planning area and to protect riparian values, a threatened flora species (Blue Grass) and a Ribbon-Gum woodland endangered ecological community. Maps showing the current and proposed zonings and lot size standards are on pages 29 and 30 of the Planning Proposal.

At its meeting on 26 October 2016 Council adopted (Minute No: 173/16) the following recommendation:

- a) That Planning Proposal No 10 to amend Armidale Dumaresq Local Environmental Plan 2012, which proposes to:*
 - *rezone Lots 661 and 662 DP 755808, Lot 1 DP 1129031 and Lot 2 DP 1213220 at 48-72 Kurrawatha Avenue, Armidale, from R5 Large Lot Residential to part R2 Low Density Residential and part E4 Environmental*

Living, and

- *alter the lot size standard for Lots 661 and 662 DP 755808, Lot 2 DP 1213220 and part Lot 1 DP 1129031 to 4,000m²,*

be forwarded to the Department of Planning and Environment with a request for a Gateway Determination, in accordance with section 56 of the Environmental Planning and Assessment Act 1979.

- b) *That a further report be provided to Council following public exhibition of Planning Proposal No 10 to amend Armidale Dumaresq Local Environmental Plan 2012.*
- c) *That the proponent be advised of Council's resolution.*

Planning Proposal No 10 was forwarded to the Department of Planning and Environment (DP&E) on 8 November 2016 and council received a Gateway Determination on 21 November 2017 along with a written authority enabling council to use its local plan making delegations under section 59 of the *Environmental Planning and Assessment Act 1979* (EPA Act). A copy of the Gateway Determination and authorisation is in Attachment 2.

Prior to undertaking government agency or community consultation, the Gateway Determination required the following specialist studies to be completed for the Site:

- A geotechnical assessment
- An updated threatened species assessment
- An Aboriginal cultural heritage assessment.

In January 2017 council began consultations with the DP&E to defer the requirement for a geotechnical assessment to the development application stage for subdivision. Council received an altered Gateway Determination (dated 13 March 2017) which removed the requirement for a geotechnical assessment to be undertaken as part of the Planning Proposal. The proponent submitted an Aboriginal cultural heritage assessment for the Site (excluding Lot 2 DP 1213220) on 8 December 2016 and an updated threatened species assessment on 21 March 2017.

Planning Proposal No 10 was referred to the following government agencies for comment in accordance with the Gateway Determination:

- Office of Environment and Heritage (OEH)
- Department of Primary Industries – Water (DPI-Water)
- The Department of the Commonwealth responsible for aerodromes.

A summary of the comments provided by the government agencies along with consideration of the matters raised is included in Attachment 3. The comments from OEH noted that Lot 2 DP 1213220 was not included in the Aboriginal cultural heritage assessment for the Site and that an assessment be undertaken. Lot 2 DP 1213220 was included in an archaeological assessment of potential sites of Aboriginal cultural significance (John Appleton, Archaeological Surveys & Reports Pty Ltd, January 2014) undertaken for council along its water and wastewater pipeline routes for the proposed Armidale Airport Industrial Estate. The assessment noted that no archaeological sites of Indigenous origin were observed during the survey of the proposed pipeline routes. A copy of the assessment was provided to OEH, which subsequently advised council that it had no further issues with the Planning Proposal.

The Planning Proposal was amended to include the findings of the Aboriginal cultural heritage and updated threatened species assessments. The zoning and lot size maps were also updated

in consultation with the proponent to reflect the latest surveyed cadastre. None of the changes involved alterations to the intent or proposed zonings or lot size standards in the Planning Proposal.

The Gateway Determination required that the Planning Proposal be made publicly available for a minimum of 28 days. Planning Proposal No 10 and supporting documentation was placed on public exhibition from Thursday, 28 September 2017 to Friday, 27 October 2017 with notice being given:

- in a local newspaper
- on council's website
- in writing to owners of properties adjoining the Site.

One submission was received during the public exhibition period and is included in Attachment 4. The submission is from the owner of an adjoining property that has frontage to Uralla Road and a tributary of Martins Gully running through the middle of it. A map showing the location of the property is included in Attachment 4. The submission requests that an easement or right of access be included in the proposed development to provide access to the rear of the property fronting Uralla Road. Consideration of the request has concluded that access to the rear of the property from Uralla Road could be achieved by some form of culvert crossing over the tributary. If it is proposed to subdivide the property in the future access could be provided by public road, battle-axe or right of carriageway access off Uralla Road.

Generally, a right of carriageway is only considered where alternative (public road or battle-axe) access is not available. Should the owner wish to gain access to the rear of their property via future subdivision of the Site, this matter that could be discussed between the owner of the property with the developer of the Site. Any agreed access via a future subdivision of the Site could then be included in a development application for the subdivision. It is concluded that no changes to the Planning Proposal are considered necessary in response to the matters raised in the public submission.

It is recommended that council use its delegations and exercise the functions of the Minister for Planning under section 59 of the EPA Act to make Amendment No 10 to ADLEP 2012 consistent with Planning Proposal No 10, as exhibited.

Key Issues and Risks

The proposed E4 Environmental Living zoning and retaining the current lot size standard of 2ha for land along Martins Gully will restrict future development of this part of the Site. The proposed E4 zone will conserve the native grassy community woodland and *Dicanthium setosum* (Bluegrass) on the Site as well as include the trees in the Ribbon-Gum-Mountain Gum-Snow Gum Grassy Forest/Woodland endangered ecological community (Ribbon Gum Grassy Woodland EEC) on the basalt soil in the east of the Site. Bluegrass and the Ribbon Gum Grassy Woodland EEC are both listed under the *Threatened Species Conservation Act 1995*. The proposed E4 zoning will also protect the riparian area along Martins Gully and encourage future development to be located in the most open areas of the Site while minimising the clearing of trees.

The eastern part of the Site is traversed by Martins Gully and one of its tributaries. It is proposed to zone much of the land below the flood planning level (1:100 year flood level + 0.5m) to E4 which will restrict future residential development of this land.

The Site is within the Airport Buffer area of Armidale Regional Airport. Future low density residential development of the Site is unlikely to adversely affect the safe and effective operation of the Airport. Future development will not penetrate the Obstacle Limitation Surface for the airport and is unlikely to be adversely affected by aircraft noise or result in aviation hazards such as bird strikes.

An Aboriginal Heritage Impact Assessment (AHIA) was undertaken by RPS in 2010 for all of the property at 48-72 Kurrawatha Avenue. The Assessment included the Site, except for Lot 2 DP 1213220. One Aboriginal site was identified and the remainder of the property was considered to have low archaeological sensitivity. The Aboriginal site is located outside the area subject of the Planning Proposal. Lot 2 DP 1213220 was included in an archaeological assessment of potential sites of Aboriginal cultural significance (John Appleton, Archaeological Surveys & Reports Pty Ltd, January 2014) undertaken for council along its water and wastewater pipeline routes for the proposed Armidale Airport Industrial Estate. The assessment noted that no archaeological sites of Indigenous origin were observed during the survey of the proposed pipeline routes.

No negative social or economic effects are anticipated from the intended outcomes of the Planning Proposal. The Site is located adjacent to the existing urban area of Armidale and has the potential for 21 low density residential lots under the proposed zonings. It is in proximity to or able to access social infrastructure such as schools, recreational areas and health facilities. Adequate public infrastructure including reticulated water supply and sewerage services, telecommunications and road access are available or can be made available to the Site.

The Gateway Determination initially required the LEP amendment to be completed by 25 August 2016. Requests by council to extend the timeframe have been made to the DP&E and subsequently granted, mainly to accommodate the time associated with preparing additional studies and information required since the original determination was issued.

Integrated Planning and Reporting Framework

By providing for additional housing sites that can be served with appropriate infrastructure while minimising environmental impacts associated with future residential development, the Planning Proposal is considered to support relevant community outcomes for the following Strategic Directions in council's Community Strategic Plan 2017-2027:

- Environment and Infrastructure
- Growth, prosperity and economic development
- Our people and community.

Stakeholder Engagement

The Gateway Determination specified the consultations to be undertaken with government agencies and the community. The Planning Proposal was referred to OEH, DPI-Water, Commonwealth Department of Infrastructure and Regional Development and the Civil Aviation Safety Authority. A summary of the comments provided by the government agencies along with consideration of the matters raised is included in Attachment 3. The Planning Proposal was placed on public exhibition for 30 days and one submission was received. The matters raised in the public submission have been considered as part of this report.

Preparation of the Planning Proposal has included consultation with relevant council staff, including engineering services.

Financial Implications

Clause 11 of the EPA Regulation allows Council to enter into an agreement or arrangement with a person who requests preparation of a Planning Proposal for the payment of the costs and expenses incurred by Council in undertaking studies and other matters required in relation to the Planning Proposal. Council has entered into an agreement with the landowner for Planning Proposal No 10 to pay for costs associated with preparing the proposal in accordance with the Fees Schedule in Council's Operational Plan.

Next Steps

Council has received authorisation to use its delegations and exercise the Minister's functions under section 59 of the EPA Act to make Draft Amendment No 10. The local plan making functions under section 59 include:

- following completion of community consultation, deciding:
 - to make an LEP amendment (with or without variation of the Planning Proposal), or
 - not to make the proposed LEP amendment.
- making arrangements for the drafting of an LEP amendment to give effect to the final Planning Proposal.

No variations to Planning Proposal No 10, as exhibited, are considered necessary as a result of the community consultation. It is recommended that council exercise its local plan making delegations to adopt and proceed to make Draft Amendment No 10, consistent with the exhibited Planning Proposal.

Amendment No 10 to ADLEP 2012 will come into effect when it is published on the NSW legislation website.

Item:	12.1	Ref: AINT/2017/19365
Title:	FOR INFORMATION: Status of Contributions Plan for Armidale Regional Council	Container: ARC16/1051
Author:	Ambrose Hallman, Service Leader Sustainability and Development	
Attachments:	Nil	

RECOMMENDATION:

That Council note the status of the new Contributions Plan for Armidale Regional Council.

Background:

Section 94 of the *Environmental Planning and Assessment Act 1979* (EPA Act) allows council to include a condition of consent for a development application that requires a developer to contribute towards new/additional infrastructure that meets demand generated, or likely to be generated, by the development. The contribution may be a monetary contribution, dedication of land or works in kind. In order to require a contribution, council must have adopted a Section 94 or 94A contributions plan that identifies the infrastructure to be provided, timing of its provision and the contribution rates.

A Section 94 Plan has a contribution rate based on the cost of infrastructure to be provided in response to increased demand arising from the development, eg contribution rate expressed as \$/lot. A Section 94A Plan has a contribution rate based on a fixed percentage of the cost of the development. Contributions to water and sewage are captured under a Development Services Plan (DSP) under which contributions are placed in dedicated funds.

Development contributions can only be required towards the capital costs (not asset preservation or operational matters) of facilities and infrastructure provided by council. The only exception to this is road maintenance of local roads subject to heavy vehicle usage as a result of a specific development (eg extractive industry). Contribution can only be levied where a clear connection (nexus) can be established between the increased demand for infrastructure and the development. The types of infrastructure that a Section 94 or 94A Plan may apply to include:

- Local road upgrading
- Car parking
- Cycleways
- Community facilities
- Open space
- Administration of Section 94/94A, eg recouping the cost of preparing the new plan.

Prior to the merger the former Armidale Dumaresq Council did not have a LGA wide Contributions Plan. It did however levy contributions under six Site Specific contributions plans for development in residential release areas and contributions have continued to be levied under these plans. In addition, a number of voluntary planning agreements (VPA) under Section 93F of the EPA Act between developers and Council have been used for the provision of infrastructure. The former Guyra Shire Council had a Section 94 Plan for road maintenance (heavy vehicles) and a Section 94A plan and these plans continue to levy applicable developments in the former shire.

Whilst the absence of a Section 94 Plan the Region has meant forgone revenue for the general fund given the historically low population growth the revenue that could have been raised has

not been as significant as in Councils experiencing high growth. With the ABS data showing change in population for 2015 to 2016 being only 0.3% growth this has curbed growth in new development where the Section 94 Plan would be applied. The estimated loss of income resulting in Council not having a Contributions Plan has been approximately \$50,000 per annum.

Consultant Strategy Hunter has now been engaged to with preparing a new LGA wide S94/94A contributions plan. The new Plan will replace the current contributions plans as well as providing for the levying of contributions on future development. Council officers and the consultant have worked on a draft discussion paper which will inform the new plan. A significant part of the process has involved reviewing the current Armidale and Guyra plans as a contributions plan may only be amended or repealed by a subsequent contributions plan. In some instances it is appropriate for facilities under the current plans to be carried through into the new plan.

A draft list of facilities has been prepared in consultation with relevant managers and has been forwarded to the consultant. The consultant will advise on whether the facilities should be included in the new plan, based on the requirements of Section 94/94A and the supporting regulations and State government guidelines. The consultant is meeting with council's working group, which comprises relevant managers, on 18 December 2017 to finalise a draft list of facilities.

It is proposed to hold a Councillors' workshop on the draft contributions plan and background report prior to the council meeting on 28 March 2018 when the draft plan is proposed to be presented for endorsement to go on public exhibition.

With greater economic prosperity and population growth the implementation of a contributions plan will be in place to capture these funds and provide additional income for Council to assist with providing public infrastructure where there is a nexus between new development and the infrastructure included in the plan.

Key Issues and Risks

The legislation requires that the infrastructure in the contributions plan will be provided within a reasonable time. However, the accumulation of contributions is dependent on the rate of development which may vary over time. Consequently contributions plans should be subject of review.

The legislation also requires that the contribution rate must be reasonable. If contributions are too high they may be passed onto purchasers of the land. The development industry may also consider contributions to be a deterrent to development if they are perceived to be too high. The consultant and council's working group undertaking plan formulation will need to deliver the project on time.

Integrated Planning and Reporting Framework

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.

The implementation of a Contribution Plan will assist in Councils long term financial sustainability.

Stakeholder Engagement

The draft contributions plan will be placed on public exhibition seeking public comments.

Preparation of the draft contributions plan has involved extensive consultation with relevant managers of facilities across council.

Financial Implications

With greater economic prosperity and population growth the implementation of a contributions plan will be in place to capture these funds and provide additional income for Council to assist with providing public infrastructure where there is a nexus between new development and the infrastructure included in the plan.

Next Steps

Consultant prepares draft contributions plan based on draft list of infrastructure and information provided by council's working group.

Provide a report to Council to place the draft contributions plan on public exhibition.

Item: 12.2 **Ref:** AINT/2017/19478
Title: FOR INFORMATION: Environmental Planning and Assessment
Amendment Bill 2017 **Container:** ARC16/0121
Author: Ambrose Hallman, Service Leader Sustainability and Development
Attachments: Nil

RECOMMENDATION:

That the report on the new Environmental Planning and Assessment Amendment Bill 2017 be noted.

Background:

The Environmental Planning and Assessment Amendment Bill 2017 was assented on 23 November 2017 by Parliament.

The amendments to the legislation have four underlying intents:

- To enhance community participation.
- To promote strategic planning.
- To increase probity and accountability in decision-making.
- To promote simpler, faster processes for all participants.

The Department of Planning and Environment conducted community and stakeholder consultations across the State, receiving over 470 submissions from councils, community, environment groups, industry, planning practitioners and individuals. The resulting measures are designed to address existing and future challenges and opportunities for NSW.

Council considered a report at its 18 January 2017 meeting and resolved:

- That the report on the proposed amendments to the Environmental Planning and Assessment Act 1979, which are open for public comment until 10 March 2017, be noted.*
- That Council make a submission on the proposed amendments and specifically regarding notification requirements for complying development being more limited than for development applications, which may mitigate against securing the stated objectives of the amendments.*

Given the scope of the changes in this Bill, the Government will be taking a staged approach to the Bill's commencement. This will allow a smooth transition to the new measures and provide time for councils, communities, industry and practitioners to understand and prepare for the new requirements, including by updating their documents and forms to reflect the new, modernised structure.

Most of the changes will commence in the first quarter of next year. Other changes will take longer to switch on and will involve further consultation, so new features of the planning system like community participation plans and local strategic planning statements will be introduced over time. This will ensure that all stakeholders have a proper opportunity to prepare for

changes, supported by appropriate guidance, templates and other resources.

What does the new Bill hope to achieve?

Modernises the structure and language of the Environmental Planning and Assessment Act (EP&A)

The EP&A Act is almost 40 years old, and has been amended over 150 times. To make the Act easier to navigate and understand, the Bill:

- Gives the act a clear structure of 10 principal parts, with decimal numbering of all provisions;
- Moves some detailed provisions to schedules and the regulations where appropriate; and
- Updates the language of the objects of the act while maintaining their substance.

Creates new objects to ensure the Act supports a thriving built environment

The new objects reflect the Government's commitment to thriving, safe and well-designed communities with local character and heritage. When performing functions under the Act, authorities will now be guided by additional objects promoting:

- Good design and amenity of the built environment;
- The sustainable management of built and cultural heritage (including aboriginal cultural heritage); and
- The proper construction and maintenance of buildings, including the protection of the health and safety of their occupants.

Enhances community participation in the planning system

When the community can engage effectively with planning decisions, the outcomes are better and there is more confidence in the decisions made. The Bill will make it clearer and easier for the community to understand how it can participate in planning decisions:

- All planning authorities (every council and NSW agency with a function under the Act) will need to prepare a community participation plan. This will spell out when and how they will engage with their communities across all the planning functions they perform;
- The plans will have to meet the minimum requirements for community participation that will be set out in Schedule 1 of the Act. In their plans, authorities can commit to go beyond the minimum requirements, to suit the needs of their communities;
- In preparing their plans, authorities will have to take into consideration new community participation principles, which set the bar for how the community should be engaged. The principles state, among other things, that the community has a right to be informed about planning matters that affect it and they should be given opportunities to participate as early as possible in strategic planning; and
- To improve accountability to all stakeholders, decision-makers will have to give reasons for their decisions.

Gives communities and councils the tools to shape the future of their local areas

For the first time the Act recognises the critical role of councils in strategic planning. This is the process of working with the community to set out what is special about the local area, what its future should look like, and what actions are needed to get there. Under the new provisions:

- Council will prepare a local strategic planning statement. This will set out the 20-year vision for land-use in the local area, the special character and values that are to be preserved, and how change will be managed into the future. The statements will need to align with the regional and district plans, and council's own priorities identified in the

Integrated Planning and Report framework required to be prepared under the Local Government Act;

- The statements will shape how the development controls in the Local Environmental Plan (LEP) evolve over time. This means the LEP will be a tool to deliver the council and community's plan for the future; and
- To ensure local views are reflected in the statements, councillors will have a lead role in preparing and endorsing the statements.

Ensure development controls are simpler and up to date

The Bill will require development controls in the LEP and Development Control Plans (DCP) are kept up-to-date and as simple as possible, so people can understand what development is permitted on a site. Development Control Plans are development guidelines that Council determine in consultation with the local community. The Bill helps to ensure this by:

- Requiring councils to do a 'LEP check' at least every 5 years – they will consider whether the LEP is still fit for purpose given any changes in population, infrastructure, strategic plans and other key indicators. This check may prompt some updates to the LEP, or it may find that a comprehensive review of the LEP is needed; and
- Allowing the creation of a standard format for DCPS. The Bill allows the Government to establish a standard, online format for DCPS. The content will remain up to councils, but they will be able to draw on model provisions prepared by the Department.

Strengthens confidence that approvals and standards will be enforced

The complying development pathway is a key part of the planning system, saving applicants significant time and money. However, it is critical that the community can feel confident that the development standards are enforced. To improve confidence in complying development:

- Council will be able to impose a levy on complying development certificates to fund monitoring and enforcement of complying development standards in their area;
- Council will be able to stop work for up to seven days on a complying development site to investigate whether the construction is in line with the certificate. From there, council can take more formal action – such as a development control order – if warranted; and
- The courts will be able to declare a complying development certificate invalid if it does not meet the approved standards.

During the exhibition period concerns were raised about instances where developers have constructed works that go beyond the approval, then retrospectively applied for a modification to authorise the extra works. To address this, councils will be able to impose an additional fee (set in the EP&A Regulations) to determine retrospective modification applications.

Emphasises the probity and independence of decision-makers

The Government recently introduced changes to make independent hearing and assessment panels (IHAPS) compulsory in Greater Sydney and Wollongong. This means panels of qualified, independent experts will be determining the most sensitive and complex development applications, which will improve planning outcomes and the probity of the system. The changes in this Bill build on the recent reforms by:

- Strengthening the rules for Sydney and joint regional planning panels in line with the local IHAPS – this includes ensuring property developers and real estate agents cannot sit on the panels, and that meetings are held in public; and
- Emphasising the independence and decision-making role of the Planning Assessment Commission, which will now be known as the Independent Planning Commission. The Commission will continue to make decisions about the most complex State significant development applications. It will no longer perform duplicative review functions, and its

public hearing process will be improved to allow more scope for the community to expression their concerns at an early stage of the assessment, and for the Commission to more rigorously test the development proposal.

Delivers more efficient approvals from NSW agencies

NSW agencies often have a role in providing advice or approvals where development has the potential to affect the environment, infrastructure or public safety. There have been issues relating to delays in the assessment process from receiving referrals from government agencies.

To address this:

- The EP&A Amendment Bill gives the Planning Secretary the power to 'step-in' and give approvals, concurrence or advice on behalf of another NSW agency, where the agency has not met statutory timeframes or where two agencies hold conflicting views; and
- This will be supported by an online platform that provides better information to councils and applicants about the status of referrals to NSW agencies.

Key Issues and Risks

The main issues for Council resulting from the EP&A Amendment Bill are summarised below:

- The proposed changes relating to the structure and language of the Act will result in the renumbering of provisions, meaning common sections and clause numbers we are all used to for example "Section 79C" will change.
- The creation of new objects to ensure the Act supports a thriving built environment may make the development assessment process more rigours for assessment officers potentially resulting in longer processing times.
- The proposed enhancements to community participation in the planning system requires Council to prepare a community participation plan which may require additional resourcing. In addition Schedule 1 of the EP&A Amendment Bill stipulates a minimum notification period of 14 days for all Development Applications. This will impact development processing times for small minor Development Applications.
- Development Control Plan will be required to be standardise across the state which may limit Councils ability to address local issues.
- The new provisions requiring Council to inforce compliance on all Complying Development Certificates may result in an increase cost to the community.

Integrated Planning and Reporting Framework

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

L2.3 – Council's strategic planning documents are integrated in a way which delivers community outcomes while effectively managing budgets, asset management and workforce planning

L2.3.1 – Develop and review Integrated Planning and Reporting Framework in line with statutory requirements

Stakeholder Engagement

The Bill is at the end of the consultation phase with the Government not considering any further consultation. During the development of the Community Participation Plans council will be required to undertake extensive community consultation.

Financial Implications

The new Bill will have financial implications for Council. New fees can be charged to assist in the cost of enforcement however other aspects of the new bill will need to be implemented within the existing budgets of the Council.

Next Steps

The Development and Building team consider and implement all the necessary operational changes required of the new Bill.

Item:	12.3	Ref: AINT/2017/20007
Title:	FOR INFORMATION: Future Transport - A draft strategy for the next 40 years	Container: ARC16/0875
Author:	Greg Lawrence, Service Leader Economic Development and Marketing	
Attachments:	1. Future Transport Strategy 2056	

RECOMMENDATION:

That a submission is prepared for the draft Future Transport 2056 Strategy to capture the strategic transport needs of our region.

Background:

On Friday 24 November 2017 senior planners from Transport for NSW (TfNSW) held an information session to discuss the draft Future Transport 2056 Strategy. The intent was to talk through the strategy and supporting services and infrastructure plans. TfNSW was looking for local insight when looking at projects and priorities for the Region and assist the TfNSW planners to finalise the strategy in early 2018. The NSW Government is seeking feedback to ensure it has in place all the mechanisms to deliver on the future needs for transport including Tourism, Disability Maritime Safety plan, Freight and Ports.

During the information session TfNSW explained the draft Future Transport 2056 Strategy is the State's vision for how transport can support growth and the economy of New South Wales over the next 40 years. This strategy is underpinned by the Draft Regional Services and Infrastructure Plan and the Draft Greater Sydney Services and Infrastructure Plan as well as a number of supporting plans including Road Safety and Tourism. At the conclusion the session attendees were informed that the consultation period was to formally end on 3 December. To ensure that ARC's feedback is considered staff approached TfNSW and requested an extension to Friday 15 December to allow a report to be tabled at the December 2017 Council meeting for discussion with Councillors.

Whilst the attached document is heavily Sydney centric there are a number of elements of interest to Armidale Regional Council and the New England more broadly. The draft strategy is a lengthy document which broadly is supported and will benefit the Region. Here are a couple of key areas that have opportunity for ARC and the region-

1. What is Future Transport 2056?

Long term planning for an uncertain future needs both vision and agility. The draft Future Transport Strategy focuses on the quality and character of places and communities we want for the future – on the fundamental way transport supports both movement and place outcomes.

2. A Growing Economy.

Today's substantial freight task will continue to grow. Our primary industries, which today contribute around \$14 billion to State Gross Value Product⁴, will continue to grow strongly, strengthening links to global export markets. NSW's freight networks will need rapid innovation and development to support import and export markets and meet growing consumer demands.

3. What does Future Transport mean for Regional NSW?

A marketplace for services in regional areas are to be driven by significant investment in Regional Cities, smarter procurement and the deployment of technology-enabled and innovative service models.

4. Future directions to investigate.

Freight will be technology-enabled, offering dynamic, tailored services with high volume freight pathways, new service models, and more last-mile deliveries.

5. A world-class travel experience for visitors.

A visitor-friendly network connecting our most beautiful places NSW is Australia's top performing state for tourism. The sector is worth \$38 billion a year and employs 260,000 people, or one in every 14 jobs, in the state. Tourism is especially important to Regional NSW, which accommodated 45 per cent of overnight stays in NSW in 2016, generating \$14.5 billion in visitor expenditure. Promote accessible tourism opportunities, including rural rail journeys, and provide accessible roadside facilities.

6. Growing the network in Regional NSW.

Regional NSW has 19 Regional Cities and 27 Regional Centres. The 19 Regional Cities include two Global Gateway Cities (Greater Newcastle and Canberra), which serve extended catchments around Canberra-Queanbeyan and the Hunter, New England, North-West, Central West, Orana and mid-North Coast areas. Regional Cities also include two Satellite Cities (Gosford and Wollongong, which will become Satellite Cities in Greater Sydney as the outer metropolitan area continues to grow. Investment priorities in Regional NSW are guided by a vision for the growth and vibrancy of the regional cities and centres, with a focus on road upgrades and bypasses to improve liveability and road safety, and expand the regional public transport network.

Given the time constraints in providing a response it is suggested that Council might consider a submission that takes a strong advocacy position that has a focus on bringing key high level, strategic matters to the State's attention as critical for our future connectivity, future growth and economic prosperity rather than providing a lengthy critique of the draft document itself. It is expected that further work will be forthcoming with TfNSW in defining and refining the key strategic matters and ensure that these are incorporated into the State's long term planning. Having Council's strategic matters represented in State documents like this is particularly useful in supporting future applications for funding.

Armidale Regional Council as a major influencer in the New England region must use all its resources to provide advocacy that we need these strategic NSW documents (and others) to reference our initiatives, so that they are supported in future applications for funding.

The following are the suggested strategic matters that offer opportunities for advocacy from an ARC perspective and will be part of our submission:

- Kempsey and Rockvale Roads – from a road safety and regional hub/spoke goods/people movement perspective.
- New airport runway – enables greater inter-regional connectivity and increased air services and provides for economic growth.
- Timber Bridges - from a road safety and regional hub/spoke perspective.
- Waterfall Way – from a visitor economy and safety aspect.
- Water Security for Guyra Malpas Dam Pipeline – in terms of the expected increase in horticultural production and impacts to freight/logistics movements in Guyra.
- Mobile Network – on national highways and key regional corridors to enable improved telecommunications and data coverage.

Key Issues and Risks

To ensure we provide recommendations to this strategy for the benefit of our region. Armidale Regional Council needs to ensure that our key priorities are referenced in both NSW and Federal Government documents.

Next Steps

Council to prepare the submission for the Future Transport Strategy 2056 incorporating any feedback from Councillors.

Item: 15.1 **Ref:** AINT/2017/19504
Title: FOR DECISION: Minutes - Traffic Advisory Committee Meeting held 14 November 2017 **Container:** ARC16/0168
Author: Belinda Ackling, Personal Assistant
Attachments: 1. Minutes - Local Traffic Committee - 14 November 2017

RECOMMENDATION:

- (a) That the Minutes of the Traffic Advisory Committee meeting held on 14 November 2017 be noted.

Homes North Parking

- (b) That line marking for the car spaces be installed in Barney Street between Butler and O'Dell Street, in order to prevent overcrowding of vehicles and improve site distance for exiting the complex.

Special Event Transport Management Plan Tour de Rocks' Charity Bike Ride 2018

- (c) That approval be provided for the Special Event Transport Management Plan for the staging of the 'Tour de Rocks' Thursday 26 April to Saturday 28 April 2018, for the occupation and usage of Armidale Dumaresq Council Local Government Area (LGA) local roads only, pending approval for the use of local roads within the LGA of Kempsey by Kempsey Council, and of any regional classified roads from the Roads and Maritime Services, and any further recommendations from NSW Police.
- (d) That Council provides suitable road closure signage to the event organisers for the closure of Dangar Street between Dumaresq and Kirkwood Streets, from 6am to 9am on Thursday the 26 April 2018.

Special Event Transport Management Plan Kids Day in the Mall

- (e) That approval be granted for the Special Event Transport Management "Kids Day in the Mall" and the Armidale Markets in the Mall on Saturday 16th December 2017.

Special Event Transport Management Plan Guyra Christmas Party

- (f) That approval be granted for the Special Event Transport Management Plan Guyra Christmas Party 2018 and associated road closures of Bradley Street between Mackenzie Street and Moore Street between 12pm and 10pm on Saturday 2nd December 2017.

Special Event Transport Management Plan Tingha Tin Festival 2017

- (g) That approval be granted for the Tingha Tin Festival: Street Parade Tingha, Saturday 18th November 2017.

Special Event Traffic Management Plans 2018 Weekly Races and Autumn Festival Criterium

- (h) That the Special Event Transport Management Plan for the Armidale Cycling Club's 2018 Weekly Races and Autumn Festival Criterium be endorsed.
- (i) That Event organisers notify residents along the proposed event routes, advising of the upcoming activities and the dates cyclists are expected to be on route.

Special Event Transport Management Plan for Christmas in the Mall 2017

- (j) That approval be provided for road closures and traffic changes to facilitate Special Event – ‘Christmas in the Mall’, Thursday, 23 November from 3pm until 10pm, as detailed in attached plan, Option 1. Road closures will include:
- Beardy Street, from Marsh to Jessie Street,
 - Dangar and Faulkner Street, between the intersections of Cinders Lane and Moore Street,

Special Event Transport Management Plan -Australia Day 2018

- (k) That approval be granted for the requested road closures of Faulkner Street between Dumaresq Street and Kirkwood Street, as per the Special Event Transport Management Plan for Australia Day 26 January 2018.

Special Events Management Plan for the 2018 Armidale Autumn Festival

- (l) That approval be granted for the temporary road closures as requested in the Special Events Management Plan for the 2018 Armidale Autumn Festival.

Special Event Transport Management Plan Armidale Annual Campdraft 26-28 January 2018.

- (m) That the road closures of Canambe Street between Dumaresq and Kirkwood Street be approved in accordance with the Traffic Management Plan for the Armidale Annual Campdraft 26-28 January 2018.

Request a Stop sign be installed at the corner of Erskine Street and Oak Tree Drive.

- (n) That the existing signage on the Erskine Street leg of the intersection with Oak Tree Drive be replaced with a “Stop” sign and the required changes to the holding line be installed.

Traffic and Pedestrian Safety Initiatives for UNE

- (o) That zigzag line be installed on the approaches to the pedestrian crossing on Elm avenue be endorsed upon inspection from the RMS.
- (p) That the Committee give approval to the concept of the installation of a mini roundabout at Elm Ave, Trevenna Road and Booliminbah Drive intersection at the cost of the UNE and subject to complying with Council’s designs and regulation.

Special Event Transport Management Plan Guyra Lamb and Potato Festival to be held between 17 – 28 January (approved by Traffic Advisory Committee via email)

- (q) That the Guyra Lamb and Potato Festival to be held between 17 – 28 January, 2018 be approved subject to the application for a speed zone restriction and a Road Occupancy License (ROL) being submitted and approved by RMS.
- (r) That the proposed temporary road closure of Bradley St on Saturday 27 January between 6.30am and 3.30pm be approved (noting the extension of the closure from MacKenzie Street to Moredun Street).

Item: 15.2 **Ref:** AINT/2017/19536
Title: FOR DECISION: Minutes - Armidale Sports Council Sub Meeting held 14 November 2017 **Container:** ARC16/0330
Author: Dee Dell, Acting Sports Coordinator
Attachments: 1. Armidale Sub Committee Minutes - Sports Council - 14 November 2017

RECOMMENDATION:

- (a) That the Minutes of the Armidale Sports Council Sub Committee AGM and the Armidale Sports Council Sub Committee General meeting held on 14 November 2017 be noted.
- (b) That the following nominations for the Sports Council be accepted:
- i. that Steve McMillan be elected to the position of president
 - ii. that Michael Porter be elected to the position of vice president
 - iii. that David Harris be elected to the position of vice president
 - iv. that Scott Geddes be elected to the executive committee
 - v. that Michael Fittler be elected to the executive committee
 - vi. that Stuart Cleghorn be elected to the executive committee
 - vii. that Rhys Porter be elected to the executive committee
 - viii. that Paul Billings be elected to the executive committee
 - ix. that Sophie Sincock be elected to a youth position on the executive committee
 - x. that the vacant youth position be advertised Elected unopposed
- (c) That the President's report be read and accepted.
- (d) That the Sports Council Sub Committee meeting dates for 2018 be held February 13, May 8, August 7, November 13.
- (e) That the Executive Committee endorse the Sports Council small funding applications to Stuart Geddes, Chloe Belle Lincoln, Sarah Williams, Deborah McMahan, William Brunston, Maxwell Wayte, Nathan Czinner.
- (f) That the 2017 Sports Council Financial report be read and accepted.
- (g) That the Executive Committee endorse the reinstatement of funds as follows:
- i. \$250.00 per Individual selected at State Level
 - ii. \$500.00 per Individual selected at Australian Level
 - iii. Applications will not be accepted from Individuals under the age of 10 (as of the date of application)
 - iv. Applications will not be accepted from Masters athletes
- (h) That approval be given for the allocation of up to \$600 for the purchase of Sports trophies for the Sports Awards Night to be held Tuesday 28th November 2017 at 6.30pm.

Item: 15.3 **Ref:** AINT/2017/19550
Title: FOR INFORMATION: Audit and Risk Committee - Minutes of the meeting held 22 November 2017 **Container:** ARC16/0522
Author: Peter Wilson, Acting Program Leader Governance, Risk and Legal
Attachments: 1. Minutes - Audit and Risk Committee - 22 November 2017

RECOMMENDATION:

That the Minutes of the Audit and Risk Committee meeting held on 22 November 2017, which do not include any recommendations for Council's adoption, be noted.