



BUSINESS PAPER

ORDINARY MEETING OF COUNCIL

To be held on

Wednesday, 28 March 2018
1pm

at

Guyra Council Chambers

Members

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

AGENDA

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19.2	FOR DECISION: Armidale Rams Rugby League Club - Outstanding Water Charges <i>As this report deals with the personal hardship of any resident or ratepayer (Section 10A(2)(b) 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>	
19.3	FOR DECISION: Tender for the Design, Supply and Construction of 7 Bridges <i>As this report 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>	
20	Close of Ordinary Meeting	

Item:	9.1	Ref: AINT/2018/04585
Title:	FOR DECISION: Consideration of Submissions and Adoption of Media Policy	Container: ARC17/2331
Author:	Peter Wilson, Acting Program Leader Governance, Risk and Legal	
Attachments:	1. Table of Submissions 2. Media Policy	

RECOMMENDATION:

- a) That the views expressed in the submissions be noted; and
- b) That the Media Policy, as amended, be adopted.

Background:

To report on the submissions received and seek adoption of the Media Policy, as amended.

The policy provides a strong statement of Council's commitment to working with the media in order to communicate accurate and timely information to the community. It also defines the rights and responsibilities of the Mayor and Councillors in dealing with the media, in line with the statutory provisions of the Act and the standards of conduct required of council officials as outlined by the Model Code of Conduct.

For the purposes of this policy, media includes both traditional media outlets and social media platforms.

Key Issues and Risks

The Policy has been developed to ensure that comment made to the public through the media:

- Is consistent, well informed, timely and appropriate.
 - Provides a coordinated, professional and consistent approach to media liaison.
 - Clearly indicates Council's authorised spokespersons and defines the roles and responsibilities within the Council for working with the media.
- Policy Overview
- Provides a framework for effective media engagement
 - Promotes proactive engagement with the media
 - Establishes 'equal access' principle relating to media outlets
 - Nominates authorised media spokespersons for the Council
 - Allows for media engagement by councillors
 - Deals with administrative procedures
- Key provisions – official spokesperson roles
- Mayor has role as the official spokesperson on Council affairs [s226(c) LGA]
 - Mayor can delegate official spokesperson role to other Councillors, as there will be instances where a councillor is best placed to comment, either because the mayor is not available, or it is an issue of particular interest/expertise to the councillor.
 - CEO has role as the official spokesperson on operational matters
 - CEO can delegate official spokesperson role to other staff
- Key provisions – media statements by Councillors

- Councillors may make media statements in accordance with the Media Policy
- Councillors may not undertake an official spokesperson role for Council through media statements (unless authorised by Mayor)
- Councillors may express their personal views about Council matters to the media provided that should this conflict with a Council decision, they clarify it as their personal view only.
- Councillors must uphold and accurately represent the policies and decisions of the governing body [s232(1)(f)]
- Councillors must not make negative comments about each other, Council staff or the Council in the media
- Councillors must not release Council information to the media that is not generally available to the public

Lindsay Taylor Lawyers have reviewed the draft Media Policy, following the Councillors workshop in February, and the changes to the draft Policy are detailed in the table below.

Original Draft Policy Wording	Amendments to Draft Policy Wording
<p>Purpose The Media Policy aims to ensure communication by Council with the media is consistent, well informed, timely, appropriate and newsworthy. The Policy establishes a framework for an effective working relationship with the media, including the identification of council’s authorised spokespersons.</p>	<p>Purpose The Media Policy aims to ensure communication by Council with the media is consistent, well informed, timely and appropriate. The Policy establishes a framework for an effective working relationship with the media, including the identification of council’s authorised spokespersons and the responsibilities of Council officials, including the Councillors.</p>
<p>Scope This policy applies to communications between Council officials and the community either via the media or directly.</p>	<p>Scope This policy applies to communications between Council officials and the media, including social media.</p>
	<p>Legislative Context This policy is intended to be read and applied consistently with the roles and responsibilities of the Mayor, the Councillors and the Chief Executive Officer (CEO) under the NSW Local Government Act 1993, and their conduct obligations under the Council’s adopted Code of Conduct. This policy is intended to be read and applied consistently with the implied right of freedom of political expression under the Commonwealth of Australia Constitution, as interpreted by the High Court of Australia.</p>
<p>Policy Statement Council will actively engage with media to:</p> <ul style="list-style-type: none"> • protect and enhance Council’s reputation. • promote the projects and services of Council. • inform the community about projects, policies and activities. • engage the community on key decisions Council might be making. • promote the local government area to visitors. • provide essential updates to the community during a 	<p>Policy Statement Council will actively engage with media to:</p> <ul style="list-style-type: none"> • promote the projects and services of Council. • inform the community about projects, policies and activities. • engage the community on key decisions Council might be making. • provide essential updates to the community during a crisis or emergency. • promote the local government area to visitors.

<p>crisis or emergency.</p>	<ul style="list-style-type: none"> • protect and enhance Council’s reputation.
<p>Staff authority and delegation The Mayor is the official spokesperson for the Council on Council affairs. He has the discretion to delegate to other Councillors. The Chief Executive Officer (CEO) is the official spokesperson on operational and financial matters. The CEO may delegate other Council staff to speak on his/her behalf where appropriate</p> <p>Staff as private citizens are entitled to enter into public debate and make comment on civic affairs provided they do not give the impression they are speaking in their official position or on behalf of Council. Staff must also ensure that any comments to the media are not in breach of the Code of Conduct.</p>	<p>Staff authority and delegation The CEO is the official spokesperson on operational matters. The CEO may delegate other Council staff to speak on his/her behalf where appropriate.</p> <p>Staff as private citizens are entitled to enter into public debate and make comment on civic affairs provided they do not give the impression they are speaking in their official position or on behalf of Council. Staff must also ensure that any comments to the media are not in breach of the Code of Conduct.</p>
<p>Councillors The Councillors engage with the community through various forums including media. Councillors have the responsibility to ensure that their interaction with media (including on social media) is appropriate and compliant with this policy. This includes:</p> <ul style="list-style-type: none"> • making it clear they are expressing their personal opinion and not purporting to represent the position of Council or a committee of the council. • supporting Council’s official decisions • supporting Councils official release of information rather than releasing information independently. • not disclosing information classified as confidential to the public or media. • not disclosing information provided during briefings, workshops or meetings to the public or media. • refraining from using the media to make negative personal reflections on each other, or Council staff, or Council generally that could be interpreted as such and which are reasonably likely to undermine public confidence in the Council. 	<p>Mayor and Councillors The Mayor is the principal spokesperson of the governing body on the affairs of the council. The Mayor has the discretion to delegate this role to other Councillors, for example, when the Mayor isn’t available or where another Councillor is best placed to comment, because the issue is of particular interest to them or is within their particular area of expertise.</p> <p>The Mayor can also authorise a Committee Chairperson to speak on issues concerning the deliberations and decisions made by that Committee.</p> <p>The roles of Councillors include representing the collective interests of residents, ratepayers and the local community, and facilitating communication between the local community and the governing body. In so doing, they engage with the community through various forums including media.</p> <p>When engaging with the media, Councillors should:</p> <ul style="list-style-type: none"> • allow the Mayor and the CEO to perform their principal spokesperson roles on Council affairs; • make it clear they are expressing their personal, political or other opinions about Council affairs and are not purporting to be the official or principal spokesperson of the Council; • uphold and accurately represent the policies and decisions of Council; • not release to the public or the media, without lawful authority, any Council information that is not already in the public domain, including but not limited to any information obtained during briefings, workshops or meetings that are not open to the public; • not disclose to the public or the media, without lawful authority, any information that is in breach of copyright, or is classified by the Council as confidential, or is acquired by the Council on a confidential basis, or is inherently confidential in

	<p>nature;</p> <ul style="list-style-type: none">• not disclose to the public or the media any information in breach of any law;• refrain from using the media to make negative personal reflections on each other, or Council staff, or Council generally that could be interpreted as such and which are reasonably likely to bring individuals or the Council into disrepute and undermine public confidence in the Council.
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Integrated Planning and Reporting Framework

Community Strategic Plan – Leadership for the Region

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

A Councillor workshop was held on 10 November 2017 to provide an overview of the policy and outline its links with the Local Government Act and the Model Code of Conduct.

The draft policy was endorsed by Council on 22 November 2017 and was placed on public exhibition from 1 December 2017 to 22 January 2018. Twenty six (26) submissions were received, including one late submission and the **attachment** to the report includes all the submissions received.

The submissions received opposing the policy expressed the sentiment that the policy prevented free speech and restricted the role of the councillors. A lot of the comments were inconsistent with the statutory roles and responsibilities of the mayor and councillors and the conduct standards required of Council officials mandated in the Model Code of Conduct.

Extracts from the OLG Councillor Handbook October 2017 provide guidance on the standards of conduct expected of Councillors:

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While councillors are free, subject to their obligations under the council's Code of Conduct, to advocate a position on matters that are before the council for a decision, once a decision has been made they are required to 'uphold' the policies and decisions of the council.

The requirement to uphold the policies and decisions of the council should be read in the context of the implied freedom of political communication under the Australian Constitution. In practical terms, councillors remain free to speak about the policies and decisions of the council but they must accept and abide by them and must not misrepresent them.

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Under the Local Government Act 1993, the role of the mayor is to, inter alia, be the principal member and spokesperson of the governing body, including representing the views of the council as to its local priorities.

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Councillors are entitled to such information necessary for the performance of their functions. However, this is counterbalanced by the obligation to use this information appropriately and to maintain the integrity and security of confidential information.

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It is common for councillors to be asked by journalists to comment on council policy or decisions.

There are certain protocols that councillors must follow when responding to the media on council policy or decisions.

Many councils have a policy which permits only the mayor, the general manager or the public officer to speak on behalf of the council. In such cases individual councillors remain free to make personal comments to the media but not to speak on council's behalf.

When speaking publicly, councillors should ensure that they clarify whether or not they are acting on behalf of council and/or as an individual councillor.

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To help create a positive, safe and harmonious organisational culture, councillors should endeavour to work out any issues or differences of opinion privately, not publicly, and especially not through the media.

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Media regularly contact councils for comment on local issues, and councils rely on media to promote upcoming events and projects, and to voice their views on certain issues.

The media and councils need each other, but it is a sensitive relationship fraught with risk.

Most councils have media guidelines and the mayor is often the official spokesperson.

There are, however instances where a councillor is best placed to comment— either because the mayor isn't available, or it is an issue of particular interest/expertise to the councillor.

A Councillor workshop was held on 20 February 2018, facilitated by Lindsay Taylor, Lindsay Taylor Lawyers, to provide an overview of the key provisions of the policy and outline the legal and policy context in regard to the Local Government Act, Model Code of Conduct, Councillor Handbook 2017 and Constitutional Freedom of Political Expression.

The public exhibition of the policy also attracted widespread media coverage. Opposition political parties voiced their opposition to the policy and the Local Government Minister was quoted by the Sydney Morning Herald as saying that *"no council in NSW should seek to gag its councillors."*

Given the negative media coverage the Mayor wrote to the Minister and the Office of Local Government asking for a statement to be released on the intent of the 2016 legislative changes and their implications for council media policies.

The following response was received from the Office of the Hon Gabrielle Upton MP on 12 March 2018.

“Dear Cllr Murray

Thank you for your letter to the Minister for Local Government, the Hon. Gabrielle Upton [VP, about Council's draft media policy which was recently exhibited for public consultation. The Minister has asked me to respond on her behalf.

I note the media articles that you enclosed along with your letter to the Minister and recognise that the draft media policy attracted a degree of negative publicity.

While I note your request for the Minister to make a public statement supporting Armidale Regional Council in its implementation of the Phase 1 reforms to the Local Government Act 1993 (the Act), it is not the role of the Minister or the Office of Local Government (OLG) to endorse any particular policy of a council.

Ultimately it is a matter for the Council to review the submissions that it has received during the consultation process, as well as feedback from other sources, and make any amendments to the policy that it considers to be appropriate and in keeping with the requirements of the Act.

With respect to those requirements, I note that much of the negative media coverage surrounding Council's draft media policy relates to how it gives effect to the requirement, introduced by the Phase 1 reforms, that councillors uphold and represent accurately the policies and decisions of the governing body'(section 232(1)(f) of the Act).

In the 2017 edition of the Councillor Handbook, OLG has provided the following additional guidance to councillors on this particular aspect of their role:

“While councillors are free, subject to their obligations under the council's Code of Conduct, to advocate a position on matters that are before the council for a decision, once a decision has been made they are required to 'uphold' the policies and decisions of the council.

The requirement to uphold the policies and decisions of the council should be read in the context of the implied freedom of political communication under the Australian Constitution. In practical terms, councillors remain free to speak about the policies and decisions of the council but they must accept and abide by them and must not misrepresent them.”

I hope that this provides some clarity for the Council as it moves toward finalising and adopting its media policy.”

Financial Implications

There is no cost implications associated with the adoption of the policy.

Next Steps

The policy will confirm Council's commitment to providing timely and accurate information to the community through positive working relationships with the media.

The preparation and implementation of Council's Community Engagement Framework (Community Connect) will identify the methods that Council will use to engage with the relevant stakeholder groups in the community. Effective Councils need a combination of representative and participatory democracy and the methods of engagement will depend on the individual characteristics of our community, existing relationships with council and the time and resources available for the process.

Item:	11.1	Ref: AINT/2018/03812
Title:	FOR DECISION: Proposed Dedication of Land to Council - Lot 7 DP 1204137	Container: ARC16/0606
Author:	Renata Davis, Corporate Planning and Performance Officer	
Attachments:	<ol style="list-style-type: none">1. Letter from Department of Family and Community Services re: proposal to dedicate land to Council - Lot 7 DP 1204137 - Malpas Street Guyra - 22 December 20172. Map of Lot 7 DP1204137 - regarding proposed dedication to Council from Department of Family and Community Services - 20 November 20173. Map of services running through Lot 7 DP 1204137	

RECOMMENDATION:

- a) That the proposal from the Department of Family and Community Services (DFACS), to dedicate Lot 7 DP 120137 to Council, be accepted and that the land be classified as Operational Land;**
- b) That a response be provided to the DFACS confirming acceptance of the dedication and proceed with associated legal steps; and**
- c) That the Council seal be affixed to the documents associated with the dedication.**

Background:

The Department of Family and Community Services, Land and Housing Corporation, proposes to dedicate a Crown Road Reserve, known as Lot 7 DP 120137, to Council.

The Crown would still retain ownership of the land however Council would become the management authority over the land. Upon transfer, Council has the opportunity to apply to transfer ownership of the Crown Land to Council.

The narrow strip of land of 830m squared is located between Malpas Street Guyra and four privately owned lots (Lots 1, 2, 3 & 4 DP 237379 – 27-33 Malpas Street). The strip of land has Council services running through it to the adjoining private residences. See attached map.

The road reserve was originally retained for a proposed road widening of the New England Highway (Malpas Street) that has not eventuated.

Once Council is dedicated the land, the road reserve can then be retained as a public road nature strip to provide access to the services running through the land and to allow adjoining lots direct access to the highway. Alternatively, Council has the opportunity to apply to transfer ownership of the Crown Land to Council, formally close the road, and classify it as operational land with Right of Carriageway for adjoining lots.

The Department of Family and Community Services will be responsible for all costs associated with the dedication.

Key Issues and Risks

- Event of RMS requiring the land for future road widening – unlikely due to the excess of road reserve on the opposite side of the New England Highway, and the existence of infrastructure on properties in line with the road reserve to the north and south. The risk will be mitigated if the land ownership is transferred to Council.
- It could be considered to subdivide the land and sell individual lots to each adjacent land owner however there are a myriad of potential issues related to this, and any future subdivision of the land would be subject to the application and approval of road closure and investigation of the services underneath.
- Maintenance costs for Council – any future maintenance costs would be minor.

Integrated Planning and Reporting Framework

Community Strategic Plan – Environment and Infrastructure

E3 – 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

E3.5 – Regular review of open space related Asset Management Plans to ensure parks, sportsgrounds, water recreation facilities and other open space meets community needs and is provided to an acceptable level of service and accessibility standards

E3.5.1 – Review the Open Space Asset Management Plans and service levels

Stakeholder Engagement

No stakeholder engagement is required at this stage of the process.

Financial Implications

The Department of Family and Community Services has proposed to cover all costs associated with the dedication. Depending on Council's intention for the land, there could be minor maintenance costs, or potentially subdivision and sale costs.

Next Steps

Respond to the Department of Family and Community Services to confirm acceptance of the dedication and proceed with associated legal steps.

Item: 11.2 **Ref:** AINT/2018/04026
Title: FOR DECISION: Modification to DA-19-2009/A - Deletion of Conditions 7 and 47 **Container:** DA-19-2009/B
Author: Linda Graham, Town Planner
Attachments: 1. Appendix 1: Applicant's justification in support of DA-19-2009/B

RECOMMENDATION:

That Council delete Conditions 7 and 47 from DA-19-2009/A.

Background:

Council has received a modification under Section 96(1)(a) of the Environmental Planning and Assessment Act, 1979 in relation to DA-19-2009/A. DA-19-2009 was approved on the 22 March 2010 and allowed for the undertaking of a 72 lot subdivision on land predominantly located within the R2 – Low Density Residential Zone. Physical commencement of the consent has been achieved, meaning the consent is valid despite having being issued more than five years ago. A modification to DA-19-2009 (DA-19-2009/A) was approved on the 20 February 2017. The modification primarily approved an alternate intersection treatment between Grafton Road, Tombs Road and Castledoyle Road. DA-19-2009/A also sought to remove Condition 36B which required the creation of an easement for public access adjacent to Dumaresq Creek (to be a shared path allowing both pedestrian and bicycle access). Condition 36B read as follows:

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

A report was sent to Council in relation to DA-19-2009/A on the 7 December 2016 specifically seeking approval for the deletion of Condition 36B, with the remainder of the modification request to be dealt with under delegation. Council resolved to not support the removal of the easement but did support the remainder of the request being dealt with under delegation. Accordingly DA-19-2009/A was issued on the 20 February 2017 retaining the requirement to create the easement. The easement requirement is now contained in Condition 7 (which relates to Stage 1) and Condition 47 (which relates to Stage 3). The two conditions read as follows:

Condition 7

The development shall incorporate an easement 6 metres wide through the northern part of proposed reconfigured Lot 3 in DP 240862 for a future shared path for public access directly adjacent to the alignment of Dumaresq Creek to connect Tombs Road and Inces Road.

And;

Condition 47

The development shall incorporate an easement 6 metres wide through the northern part of proposed Lot 33 and Lot 32 for a future shared path for public access directly adjacent to the alignment of Dumaresq Creek. to connect Tombs Road and Inces Road. The alignment of the easement shall join the easement provided for the same purpose in Lot 3 DP240862.

Report:

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

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

This requirement became Condition 36B on DA-19-2009, with the following added emphasis:

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

Figure 1 shows the approximate location of the required easement. The required easement would pass through future Lots 32 and 33 and an existing allotment known as Lot 3 in DP240862. The easement would pass through three parcels of private land for the purpose of public access.

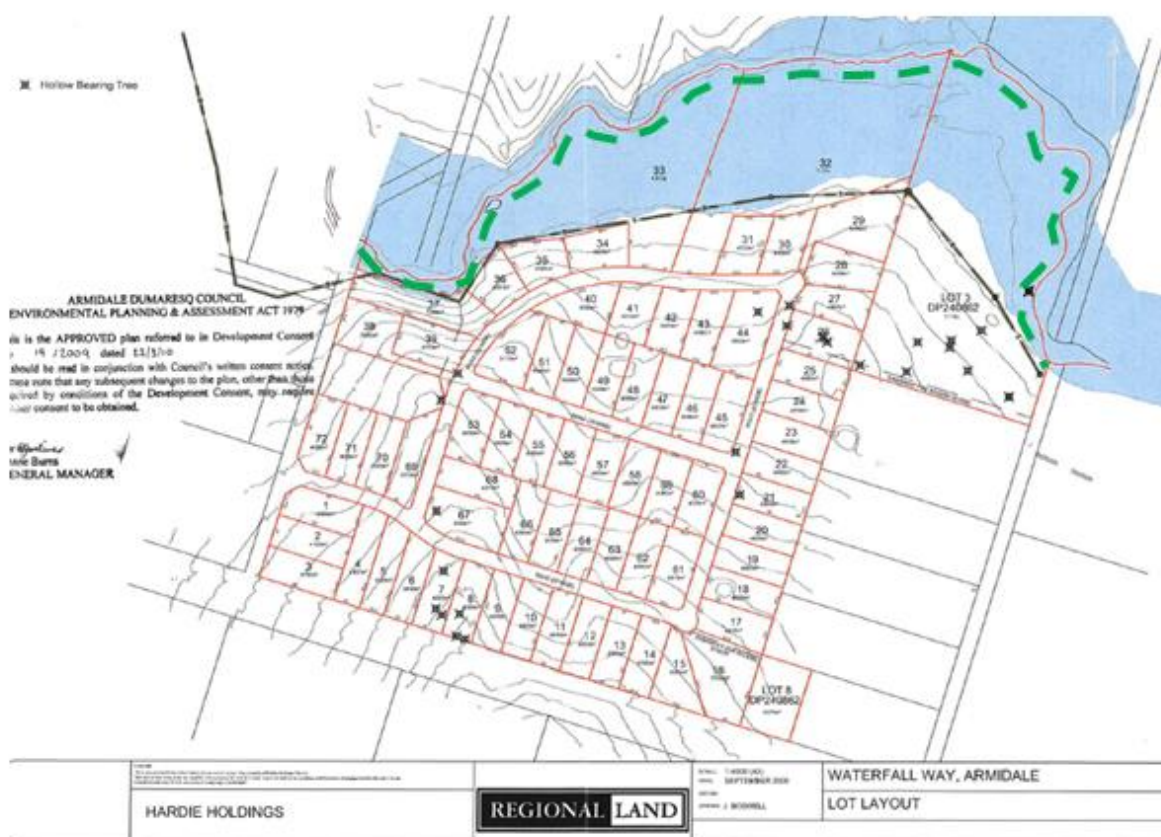


Figure 1: Approved plan of subdivision under DA-19-2009. The green dotted line indicates the approximate location of the proposed shared pathway easement giving effect to Conditions 7 and 47 on DA-19-2009/A.

The applicant is continuing to seek the deletion of this requirement under DA-19-2009/B (now

contained within Conditions 7 and 47), with a justification provided at Appendix 1 of this report. In particular, the applicant makes reference to cycleway objectives being generally achieved via use of the required emergency access to Inces Road and internal new roads connecting to Tombs Road. Inces Road and Tombs Road would be connected in this way as an alternative to connection along the creek frontage (refer to Figure 2). It is also important to note that the applicant is not proposing to construct a dedicated shared pathway or cycle lane through the development, rather to point out that residents within the development will be able to use the proposed footpaths and roads to access shared pathways to the west and any future shared pathway to the east of the development (should that be the case). The link between Tombs Road and Inces Road would therefore be created.

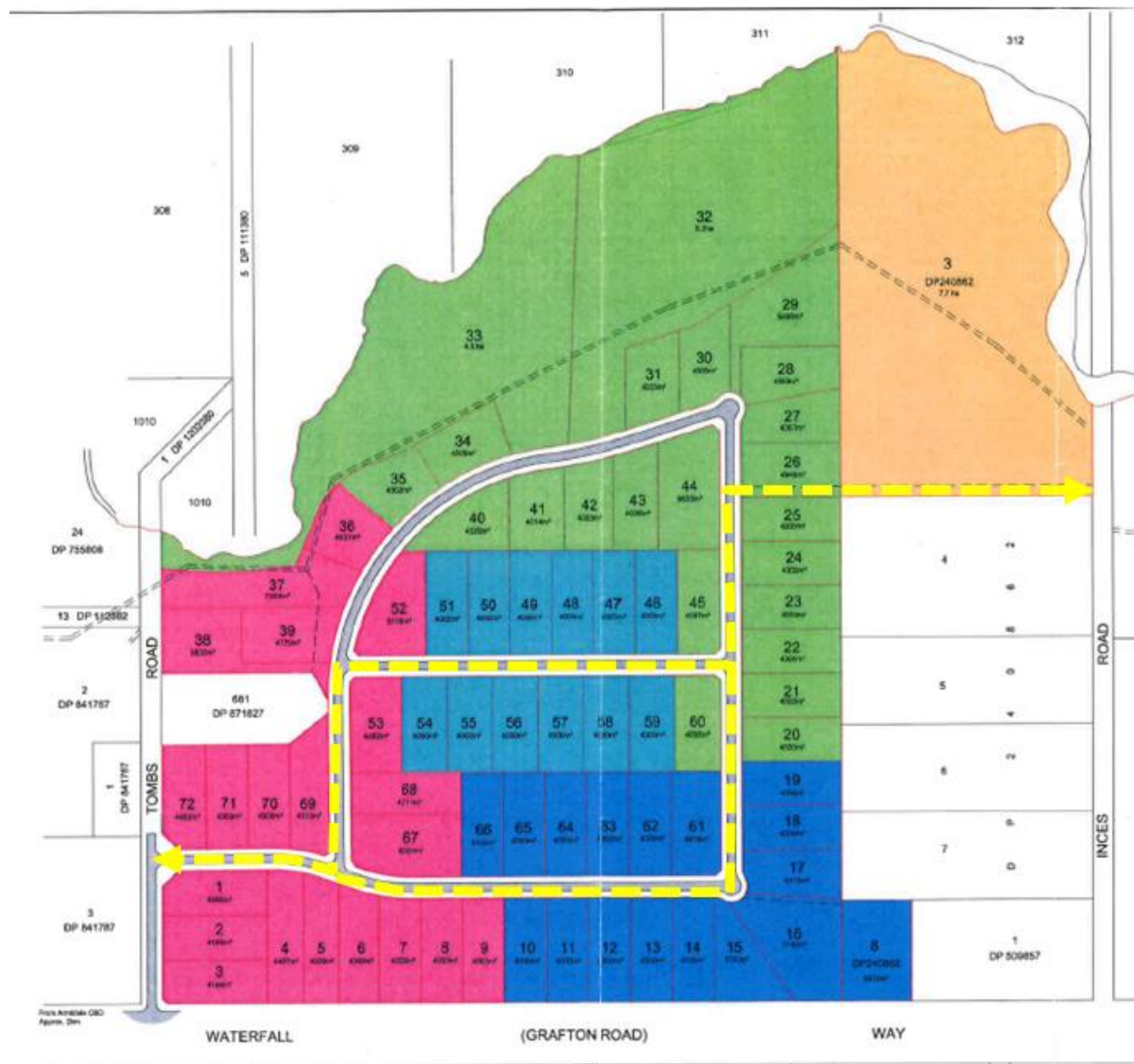


Figure 2: Approved subdivision plan under DA-19-2009/A. The yellow dashed line indicates the location of possible foot and cycle traffic through the development, linking Inces Road to Tombs Road.

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

- The landowner does not consent to the creation of an easement for public access purposes.

- Council's current bicycle strategy (Armidale Bicycle Strategy and Action Plan, 2012) does not explicitly refer to the creation of a shared pathway along the southern section of Dumaresq Creek as it passes through the subject site. Strategic justification for the creation of the easement is considered to be limited given future bicycle linkages along this section of Dumaresq Creek have not been accounted for within the strategy. The strategy does however refer to the creation of a shared path within Tombs Road, connecting into Grafton Road and references Condition 29 on DA-19-2009. Condition 29 reads as follows, and was in addition to former Condition 36B (now Conditions 7 and 47 on DA-19-2009/A):

Construction of a shared pedestrian and cycle path of minimum width 2.5m, constructed in gravel and bitumen seal and signposted in accordance with Austroads "Guide to Traffic Generating Principles – Part 14 Bicycles, and following the below route:

- *From the road entry to the subdivision and integrated with the bus stop facility, along the western side of Tombs Road, south to Grafton Road, and*
- *Along the northern side of Grafton Road, west to Cookes Road.*

Details to be provided for approval by the Certifying Authority before the issue of the relevant Construction Certificate for the development. Completed works are to be inspected and approved by the Certifying Authority or works secured for an amount approved by Council's Development Engineer or nominee, before the issue of the relevant Subdivision Certificate.

Condition 29 on DA-19-2009 is now Condition 34 on DA-19-2009/A with an altered reference to Lara Avenue rather than Cookes Road now that the subdivision approved under DA-95-2011/C, at 32 Tombs Road, Armidale, has been constructed. Condition 34 is not under contention and will continue to meet with the 2012 bicycle strategy in this regard.

- The creation of an easement for public access purposes across private land is considered to be a potential source of future land use conflict.
- Any easement would likely require fencing in order delineate between the private and public realm. Land along the creek frontage is considered to be flood liable meaning that the replacement or repair of fencing following a flood event is likely and would place additional costs upon Armidale Regional Council.
- DA-19-2009/A does not require the developer to construct a shared pathway within the easement. The purpose of the easement is to merely set aside land for the construction of a future shared path. It is understood that the construction of a shared pathway along the southern section of Dumaresq Creek does not form part of Council's capital works programme. As such, there is uncertainty as to when a shared pathway would be constructed, which is further complicated by the lack of justification for the pathway within Council's current bicycle strategy.
- It is noted that internal discussions held prior to the determination of DA-19-2009 focussed upon the possible creation of a public reserve along Dumaresq Creek. It was decided at officer level that Council could not legally impose such a requirement given the then landowner was not amenable (unless satisfactory compensation was made) and Council was not administering a contribution plan which sought to collect funds for the construction of a shared pathway. In some ways this situation remains unchanged. It is considered to be legally precarious to impose a requirement to create an easement for public access purposes over private land where there is not strong justification (e.g. a

bicycle plan which seeks to create future linkages along this section of the creek). Arguably some justification for the creation of the easement can be derived from the former Development Control Plan (DCP), 2007 (under which DA-19-2009 was determined). Section C1 of the former DCP, which refers to “urban residential subdivision”, contains a section in relation to public open space. The provision does not contain a threshold at which public open space must be provided instead deferring to any open space strategy administered by Council or within the DCP itself. Given the former DCP makes no specific reference to the location or size of future public open space, the assessing officer would have turned to possible open space strategies developed by Council’s Parks and Gardens Department. The assessing officer in respect of DA-19-2009 provided the following commentary in relation to public open space:

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

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

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

The provision of public open space and an extension of the existing shared path network through the subject site are possibly two different things. The purpose of public open space is to cater for the immediate recreational needs of a residential catchment. Ideally public open space should be in reasonable walking distance from residential properties contained within a set “catchment”. The size of the catchment would determine the amount of public open space required. As residential areas expand, so to would the provision of public open space in order to meet objectives relating to urban amenity, healthy communities etc. It appears that a view has emerged in regard to an “oversupply” of public open space, meaning that the subdivision approved under DA-19-2009 was not provided with public open space, instead directing future residents to existing public open space (not necessarily within walking distance) and the use of individual backyards. In doing so, the maintenance cost to Council was minimised. The extension of the existing shared path network is considered to satisfy different objectives which include populating public spaces, contributing to logistical networks and provision of recreational opportunities beyond that of the local park.

The applicant argues that should Conditions 7 and 47 be deleted, this does not prevent the development from generally achieving objectives relating to cycleways. It would mean that although a shared path would not be located adjacent to the Dumaresq Creek, there would be a degree of fluidity through the development allowing residents to connect into shared path facilities to either side of the development. As mentioned earlier, the applicant is not proposing to construct a dedicated shared path or cycleway through the development.

Taking the applicant’s argument into consideration, it is considered unwise to open the emergency access over future Lot 26 and Lot 3 in DP240862 to general public access (foot and bicycle traffic) for the following reasons:

- This access link will exist within an easement over private land which may prove problematic for the same reasons articulated above. It is also noted that the maintenance of the

emergency access is to be the responsibility of landowners. This has been predicated on the idea that the access will be rarely used (i.e. for emergency vehicle access only as opposed to general public use at any time).

- Previous negotiations have resulted in an agreement that the easement may be surfaced with gravel to achieve an all-weather standard. The engineering code requires bicycle paths to be hard sealed which would increase the maintenance burden. It is not Council's intention to maintain the emergency access way.
- Emergency access should be clearly set aside for that purpose and not confused with another purpose (i.e. with general public access through to Inces Road).

Restricting public access along the emergency accessway, will mean that the link from Tombs Road to Inces Road is not created (as far as foot and bicycle traffic is concerned). This is considered to be an acceptable outcome given that a bicycle strategy to the east of Tombs Road has not been devised and may not be appropriate in any case given that land to the east of Inces Road is contained within the RU4 – Primary Production Small Lots Zone with minimal development potential. Furthermore, the likelihood of potential rezoning is considered to be diminished due to the relative proximity of the Armidale sewer treatment plant.

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

For the reasons provided above, it is recommended that Conditions 7 and 47 be deleted. Despite the applicant's suggestion that a link between Tombs Road and Inces Road could be established (with reliance upon the emergency accessway), it is not considered to be a good outcome. The solution offered by the applicant does not include the construction of a dedicated shared path through the development and may result in conflict should the emergency accessway be open to public use. The development as it stands however will not prevent residents from easily accessing shared path facilities to the west (once constructed).

Key Issues and Risks

Risk attached to this application is that associated with potential challenge within the Land and Environment Court (around conditions of consent rather than the permissibility of the development). That said, every development application is technically subject to a similar degree of risk. The basis for the inclusion of Conditions 7 and 47 is not considered to be strong for the reasons provided above. This is not to say that the public benefit of a shared path along the creek is not understood. Rather it is an acknowledgement that the strategic groundwork to support such a condition is not there, which is further compounded by an averse landowner.

Integrated Planning and Reporting Framework

All relevant procedures have been followed.

Stakeholder Engagement

DA-19-2009/B was subjected to public notification through the posting of a notice in the Armidale Express. No submissions to the application were received.

Financial Implications

There is considered to be possible financial implications for Armidale Regional Council as a public authority. Possible future costs have not been costed but would include those expenses

associated with the construction of a shared pathway (to bitumen standard in accordance with the engineering code), fencing and replacement/repair of fencing following flood events.

Next Steps

That the applicant be advised of Council's resolution in regard to DA-19-2009/B.

Item: 11.3 **Ref:** AINT/2018/04248
Title: FOR DECISION: Placename Application - Houses Gully
Container: ARC16/0043
Author: Ambrose Hallman, Service Leader Sustainability and Development
Attachments: Nil

RECOMMENDATION:

- a) That Council advertise its intention to name the gully running through 154 Mount Pleasant Road Enmore as "Houses Gully";
- b) That Council also notify the following agencies of its preferred road naming in accordance with Part 2 of the NSW Roads Regulation 2008:
- NSW Department of Lands;
 - Australia Post;
 - NSW Land and Property Information (Registrar-General and Surveyor-General);
 - NSW Police Service;
 - NSW Ambulance Service;
 - NSW Fire Brigades;
 - NSW Rural Fire Service;
 - NSW State Emergency Service;
 - NSW Volunteer Rescue Association Incorporated.
- c) That in the absence of any objections, the gully be so named in accordance with Council's Policy 071 and related procedure; and
- d) That Council notify all affected property owners of the proposed place naming.

Background:

Council received a request from Mr Noel House of 154 Mount Pleasant Road Enmore to have the gully running through his property named after the House family. This property had been held by the House family for 130 years beginning with Ted House in 1887.

The property has run cattle and sheep continually since then with the original woolshed being constructed in 1906. It is still in use today and is one of the oldest in the district.

Key Issues and Risks

This decision poses minimal risk to Council or the public as the naming of the gully should have minimal impact on neighbours or the public. The process for naming is governed by the Geographical Names Board

Integrated Planning and Reporting Framework

Community Strategic Plan – Leadership for the Region

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

The proposed name will be advertised in the Armidale Express seeking submissions.

Financial Implications

Advertising costs are provided for in the operational budget.

Next Steps

- 1) Advise the Geographical Names Board of Councils resolution
- 2) Seek comments from the Government agencies required under the Roads Act
- 3) Advertise the proposed name in the local paper and seek submissions
- 4) Should submissions be received then a further report will be presented to Council, or should no submissions be received, the name will be then be gazetted in the Government Gazette to formally complete the naming.

Item:	11.4	Ref: AINT/2018/04364
Title:	FOR DECISION: Acquisition of Purple Air Monitors for Monitoring of Wood Smoke Emissions	Container: ARC17/2442
Author:	Ambrose Hallman, Service Leader Sustainability and Development	
Attachments:	Nil	

RECOMMENDATION:

That Council undertake an expression of interest within the community to gauge property owners' willingness to install a purple air monitor on their property, prior to the purple air monitors being acquired.

Background:

On 28 February 2018 the Environmental Sustainability Advisory Committee resolved:

"That Council improves and extends monitoring of wood smoke emissions by purchasing 26 'Purple Air Monitors' and calibrate the 'Purple Air Monitors' in conjunction with the NSW EPA air monitor and current 'Dust Track' Monitor."

Council's Dust Track Monitor, located on the roof of the Civic Administration Building, is used to monitor the air quality in Armidale. The Dust Track does not however provide real time monitoring as the air readings need to be manually downloaded and the average calculated. The results are then published each week in the newspaper and on Council's website.

The purple air monitors provide real time monitoring of air quality which can be viewed via the "purple air" website. Each individual purple air monitor costs \$242.77 and the total cost for 26 monitors is \$6,312.03 plus freight.

Key Issues and Risks

Each individual purple air monitor needs to be connected to a WiFi network and electricity to be able to provide real time monitoring of air quality. Council WiFi network only extends to Council's buildings, the Beardy Street Mall and the airport. Therefore prior to the installation of a monitor, Council would need to gain agreement from a member of the public to connect the monitor to their private WiFi network and power supply.

This monitoring solution for air quality would likely be time limited as Councils Information Technology section is investigating options for air quality monitoring as part of the Smart City initiative.

Council's procurement threshold table requires at least two written quotes from suppliers for purchases between \$5,501 and \$11,000. Ordering the monitors online will therefore not satisfy the requirement of Councils procurement policy.

Integrated Planning and Reporting Framework

Community Strategic Plan – Environment and Infrastructure

E2 – The community can participate in initiatives which contribute to a sustainable lifestyle

E2.1 – Provide educational programs to increase community awareness of climate change risks and enable the community to implement climate change adaptation and mitigation actions in daily life

E2.1.1 – Develop partnerships and opportunities to deliver environmental sustainability educational programs to the community

Stakeholder Engagement

Engagement with stakeholders could include calling for expressions of interest from the community and or schools to have a monitor installed at their school or houses/business. This initiative was raised and discussed at the recent Environmental Sustainability Advisory Community meeting.

Council would be able to provide links to the purple air website to raise the awareness of the air quality in Armidale.

Financial Implications

The purchase of the purple air monitors is estimated to cost \$6,800, which is not specifically identified in the Sustainability and Development budget. The budget does include an amount of \$7,800 for materials and consumables which could be utilised, however that would leave only \$1,000 for the remainder of the year which is a small risk.

Next Steps

- Commence an expression of interest for community members, who would be willing to have Council install the monitors on their buildings, and have these connect to their power supply and WiFi network.
- Develop a property owners consent agreement.
- Place the purchase order for the purple air monitors.
- Create a link on Councils web site to the purple air monitoring site.

Item: 12.1 **Ref:** AINT/2018/05252
Title: FOR DECISION: RSL request for financial assistance
Container: ARC16/0090
Author: Mark Piorkowski, Group Leader Service Delivery
Attachments:
1. RSL Request for financial support 2018 Anzac Day
2. CC quote for Anzac Day item hire 2018

RECOMMENDATION:

That Council approve a Section 356 donation of \$1,826.00 for the hire of chairs, tables and carpet, for the 2018 Anzac Day Ceremony held 25 April 2018.

Background:

Anzac Day is a community event organised and funded by the Armidale RSL Sub Branch.

This year the Armidale RSL Sub Branch have been unable to raise the necessary funding required and have requested that Armidale Regional Council provide financial support to hire 500 chairs, 2 trestle tables and the red carpet for the stage.

Key Issues and Risks

If the funding is not provided ex-servicemen and women, dignitaries, elderly and the community will not be able to be seated though the Anzac Day Service.

Integrated Planning and Reporting Framework

P4.4.3 – Support community events and celebrations

Stakeholder Engagement

This has been a direct request made by the President of the RSL Armidale Sub Branch.

Financial Implications

That \$1,826.00 is donated under a Section 356 - Community Services.

Next Steps

That if approval is granted the order is placed for the hire of the requested items.

Item: 13.1 **Ref:** AINT/2018/03914
Title: FOR INFORMATION: Cash & Investments Report for February 2018
Container: ARC17/2209
Author: Deborah Walls, Accountant
Attachments: Nil

RECOMMENDATION:

That Council note the Cash & Investments Report, as at 28 February 2018, reporting Investments held of \$62,292,415.83 and a consolidated Bank Account balance of \$4,971,163.63, excluding the Trust Fund.

Background:

Cash and Investments for the month of February 2018.

The following is the cash and investments particulars for the period 1 February 2018 to 28 February 2018. At the end of the February period, Council held \$62,292,415.83 in investments and a consolidated bank account balance of \$4,971,163.63 excluding the Trust Fund.

During the month of February, total payments and receipts were \$7.3 million and \$9.1 million respectively. Council's bank account balance as per bank statements at the end of the period 28 February 2018 are as follows:

Bank Accounts	
General Fund	4,971,163.63
Trust Fund	1,267,342.50
Total Bank Balances	6,238,506.13

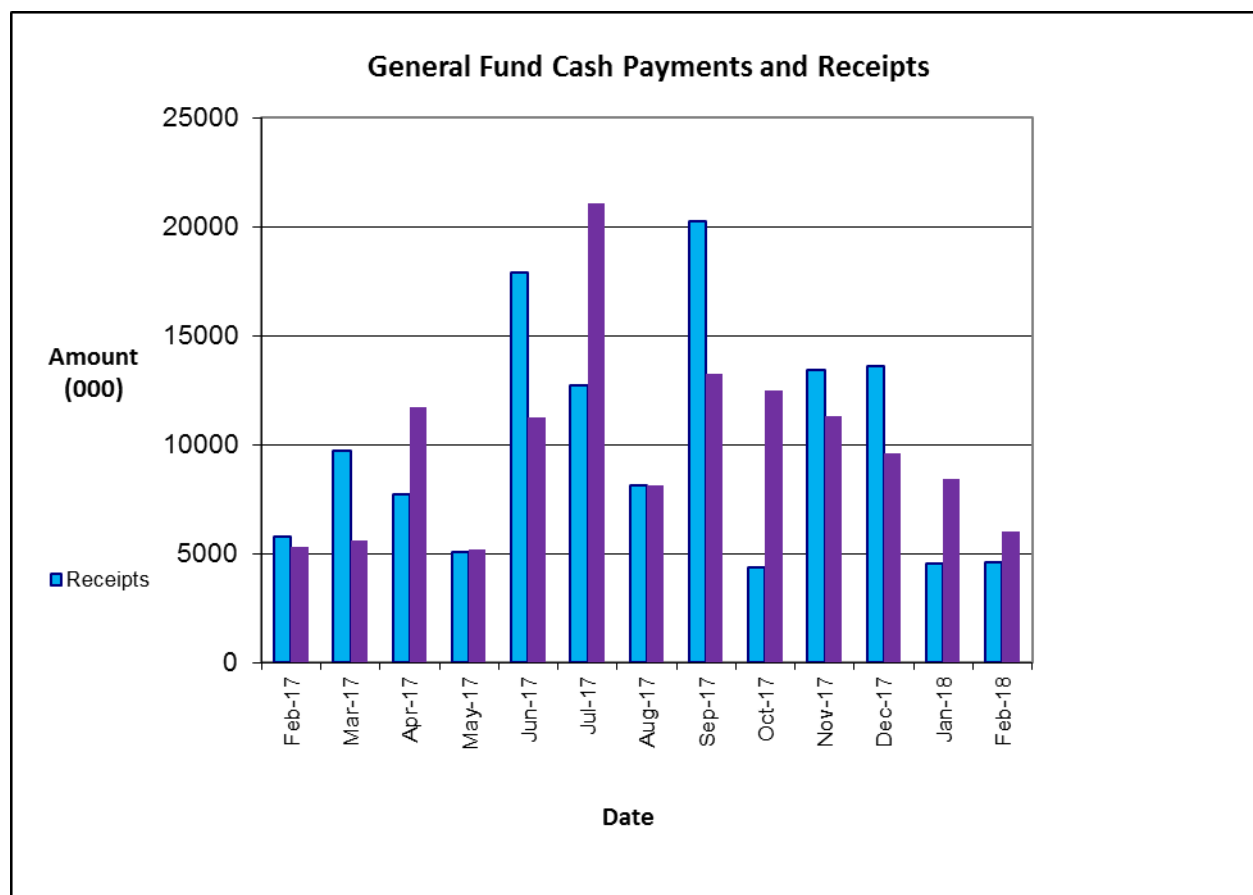
	%
30 day BBSW Index	1.60
Average Interest Rate on Term Deposit Investments	2.57

Investments Register

At the end of the February period Council held \$62,292,415.83 in investments, this is a net decrease of \$1,488,956.78 from the end of the January period. It should be noted that this included a redemption of a Term Deposit for \$1,500,000. General fund bank account balances have increased by approximately \$1,792,950.

Investment Summary

Opening Balance at the beginning of the Period	63,781,372.61
Redemption CUA term Deposit to NAB General Fund	(1,500,000.00)
Increased principal from roll over of funds	11,043.22
Closing Balance at the end of the Period	63,780,986.08



Row Labels	Sum of Investment at Market Value	Average of Interest Rate %
AMP	3,000,000.00	2.60%
AMP Bank	1,000,000.00	2.75%
Bank of Queensland	5,000,000.00	2.55%
Bendigo Bank	1,000,000.00	2.45%
Beyond Bank	4,000,000.00	2.65%
Beyond Bank Australia	2,000,000.00	2.55%
Credit Union Australia	2,000,000.00	2.63%
ING	7,000,000.00	2.55%
ME Bank	5,000,000.00	2.56%
NAB	12,565,824.00	2.56%
Rural Bank	6,000,000.00	2.58%
Westpac	6,000,000.00	2.52%
Grand Total	54,565.824.00	2.57%

At Variable Market Rate

Key Issues and Risks

As per the attached dashboard, Council has a deficient of approx. \$4.3 million in unrestricted funds as at 28 February 2018.

Integrated Planning and Reporting Framework

Cash and investments management is part of “Council demonstrates strong financial performance” in our CSP.

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

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

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

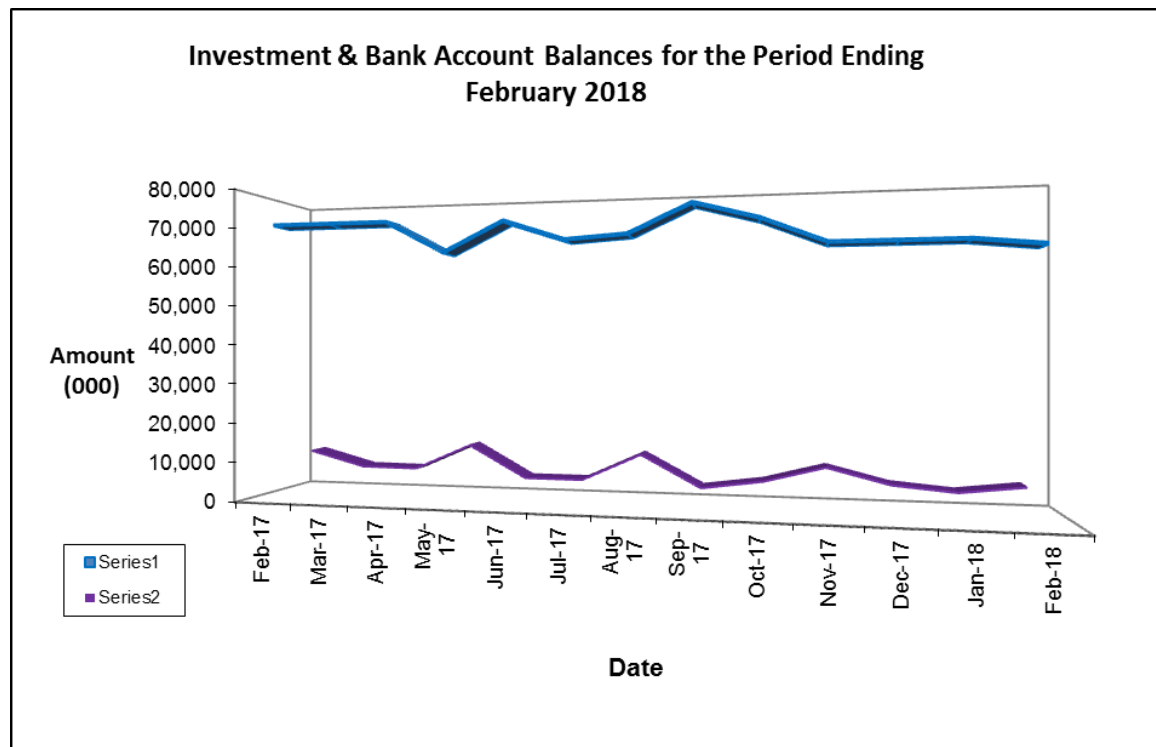
The investment policy covers aspects of risk associated with interest rates and bank security.

Stakeholder Engagement

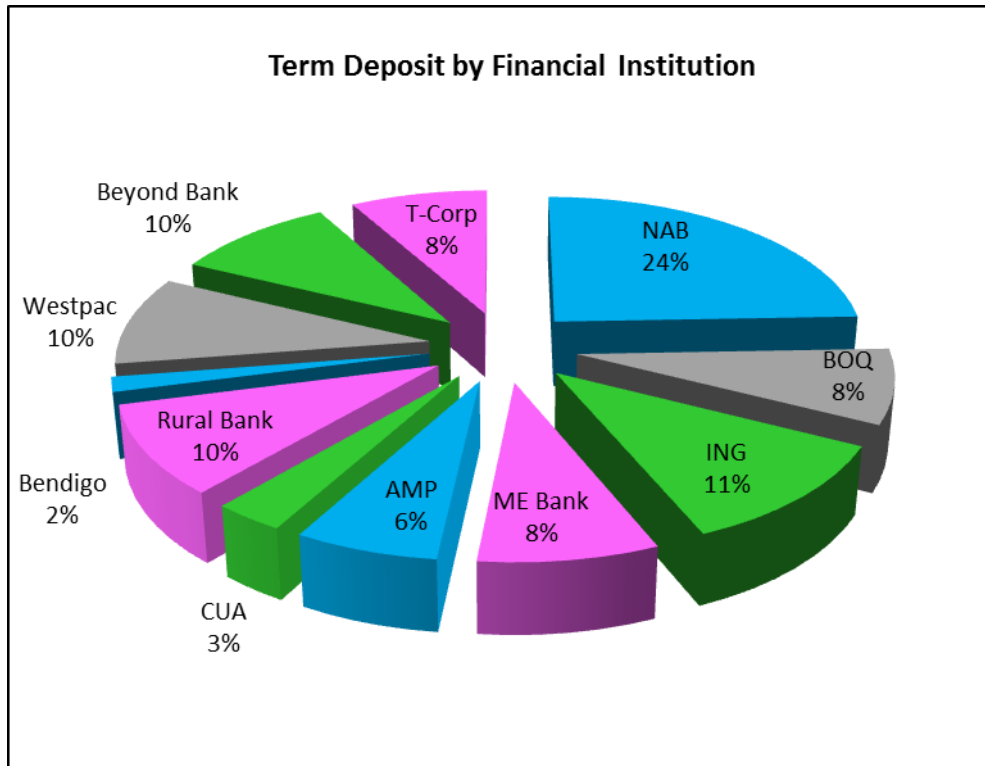
Cash and investments management is part of “Council demonstrates strong financial performance” in our CSP.

Financial Implications

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



It should be noted that at this point in time we have the following:



Next Steps

Continue to monitor the financial position of Armidale Regional Council, including the cash flow and unrestricted funds.

Item: 13.2 **Ref:** AINT/2018/05201
Title: FOR INFORMATION: Mall Development Progress Report
Container: ARC16/0001-3
Author: Lindsay Woodland, Group Leader Organisational Services
Attachments: Nil

RECOMMENDATION:

That Council note the progress report on the Mall Development Project.

Background:

Advisory Committee with responsibility to:

- i. undertake a review of the community's feedback on the Mall design;
- ii. establish a Reference Group to work with Council Officers to prepare a new design for the mall; and
- iii. report back to council at regular intervals.

The Business Advisory Committee held an Extraordinary Committee Meeting on 13 March 2018 to discuss the next steps for the preparation of the new design for the development of the Mall.

A key requirement for the Business Advisory Committee is to establish the Armidale Mall Reference Group (AMRG) and the discussion at this meeting largely focused on this aspect and covered the role of the Reference Group and the process and criteria for selecting members of the AMRG.

Role of AMRG:

The Business Advisory Committee determined that the role of the AMRG is to:

- Review feedback from Mall engagement process
- Develop a clear brief (aligned to community feedback) and brief the urban designer
- Oversee the preparation of a new design/s and attend a series of workshops with the urban designer
- Liaise with the urban designer and review the Mall design/s as developed and provide appropriate feedback and direction
- Provide specialist expertise and local area knowledge where required
- Report to the Business Advisory Committee as required
- The AMRG's role will cease once the Mall design and community consultation is completed, and the final design is approved by Council

Criteria for Selection of AMRG Candidates:

The Business Advisory Committee determined that the criteria for the selection of candidates to participate as members of the AMRG are:

- Must be a suitable representative of the identified stakeholder groups: CBD and Mall

Traders and Property Owners; Aboriginal; Disability and Access; Emergency Service; Youth; and Markets and/or:

- Must have relevant expertise in the following areas: architectural design and heritage; landscape & garden design; planning and engineering; marketing and events.
- Membership will also include a selected number of Councillors, Members, and Council Officers from the Business Advisory Committee.
- All members will be required to demonstrate a willingness to work effectively as a team member for the benefit of the broader community.

Candidate Selection Process:

The process determined by the Business Advisory Committee for the selection of candidates to the AMRG is through direct invitation to a selection of candidates who meet one or more of the abovementioned criteria. As outlined above, the AMRG will include a broad cross section of community stakeholders in addition to local business traders and owners and the AMRG will also include the necessary expertise and local knowledge to ensure that the new design reflects the community's desires and aspirations.

Selection of the Urban Designer:

The Business Advisory Committee determined that the current urban designer David Toobey from the firm King and Campbell will be retained for the next phase of the Mall design, however additional local and heritage architectural design expertise and input will be provided through the AMRG.

Key Issues and Risks

The Business Advisory Committee will make every endeavour to ensure that the feedback received from the community through the recent consultation process on the initial Mall design will be addressed by the AMRG in briefing the urban designer and through the design review process. The new design will reflect the community's aspirations and desires.

To ensure that adequate time is given to the new design process and to allow for adequate community consultation, it is not proposed to link this project to any immediate grant fund opportunities and deadlines. Once a design has been completed and supported by the Community and Council, funding opportunities will then be pursued as they arise.

Integrated Planning and Reporting Framework

Community Strategic Plan – Growth, Prosperity and Economic Development

G3.4 – Implement the Armidale Mall Vibrancy Plan

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

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

Stakeholder Engagement

The AMRG will be made up of a broad cross section of stakeholders including representation from Aboriginal, Disability, Youth, Markets, Emergency Services, in addition to the CBD/Mall

Traders and Business Owners. Experts in Architectural design and heritage, landscape & garden design, planning and engineering, and marketing and events will also be sought.

Financial Implications

It is expected that future Government funding opportunities will cover the cost of the Mall design.

Next Steps

Invitations to proposed candidates have been sent and once acceptance has been received, membership of the AMRG will be published.

Item: 13.3 **Ref:** AINT/2018/05250
Title: FOR INFORMATION: Progress Report on Grants and Funding Opportunities **Container:** ARC16/0874
Author: Lindsay Woodland, Group Leader Organisational Services
Attachments: Nil

RECOMMENDATION:

That Council notes the progress on Government grants and funding opportunities.

Background:

The NSW Government and Federal Government have since 2017 announced a range of Grants and Funding opportunities including:

- Federal Government:
 - Building Better Regions Fund
 - Regional Growth Fund

- State Government:
 - Growing Local Economies Fund
 - Stronger Country Communities Fund
 - Regional Sports Infrastructure Fund
 - Regional Cultural Fund
 - Regional Environment and Tourism Fund

This report provides an update on the progress of each of these grants.

Building Better Regions Fund:

The \$481.6 million Building Better Regions Fund (BBRF) supports the Australian Government's commitment to create jobs, drive economic growth and build stronger regional communities into the future. Council has submitted an application in December 2017 for funding of \$1.5M toward the Dumaresq Dam Regional Ecotourism Precinct total project cost of \$3M.

Regional Growth Fund:

The Federal Government recently announced the Regional Growth Fund targeting transformational projects that unlock opportunity and potential in regional communities to deliver long term jobs and drive economic growth. The minimum funding available under RGF is \$10 million with a requirement for matching funding. The fund is open to state and territory governments, local governments, not-for-profit and for profit organisations for projects that are located in, or significantly benefit regional Australia. Armidale Regional Council is considering submitting an initial application for the funding of the proposed new runway at Armidale Airport.

Growing Local Economies Fund:

The GLEF has been created to develop the enabling infrastructure to grow regional centres. This

fund will invest in the crucial projects needed to support job creation and economic growth in regional NSW. The GLEF targets funding for infrastructure projects that deliver economic growth and productivity in regional NSW which draw on the strengths or potential strengths of each area. Armidale Regional Council, Uralla Shire Council and Walcha Council are required to collaborate to develop a Regional Economic Development Strategy and determine regional opportunities suited to this fund. Armidale Regional Council has submitted an initial expression of interest for \$5M toward the funding of the Armidale Airport Business Park. Council is now waiting for the formal application process to submit a full business case.

Stronger Country Communities Fund:

The NSW Government has increased the funding for Round 2 of the SCCF by an additional \$100 million for local sports infrastructure. A total of \$200 million will be available for local sports and amenity projects across Regional NSW. The adjusted Round 2 funding allocation for Armidale Regional Council is \$4,575,278 which includes the unspent allocation from Round 1 (~\$1.275M) and double the allocation for Round 2 (~\$3.3M). Council supported a successful application in Round 1 for the funding of the upgrade to the Armidale Golf Club facilities for ~\$400K announced earlier this year.

Applications for Round 2 close Friday 4 May 2018. Councils are required to submit sport-related projects that total at least 50 per cent of their total Round 2 allocation.

Candidate Projects include:

- Dumaresq Dam Regional Ecotourism Precinct - \$1.5M (to potentially have this project fully funded by State and Federal Government funding).
- Monkton Aquatic Centre Upgrade – to provide an all year round aquatic facility with potential to incorporate a hydrotherapy facility. Estimate in excess of \$6M.
- Super Playground – a playground facility similar to Tamworth’s super playground – estimated to be \$2M. Location is yet to be determined.
- RV Free Camping Sites – new sites or upgrades to existing sites in Ebor, Wollomombi and Guyra. Early estimates are ~\$1M in total.
- Guyra Community Hub: Major upgrade of the community hub in Guyra – estimated cost of \$400K.
- Armidale War Memorial Library Digital Makers Centre – early estimates of \$200K.
- Armidale Gymnastics Centre Extension - estimated to be \$1M.

Armidale Regional Council welcomes candidate projects and ideas from the community that meet the SCCF criteria. Government requires demonstrated community support for project applications.

Regional Sports Infrastructure Fund:

The \$100 million Regional Sports Infrastructure Fund (RSIF) 2018 is now open for Expressions of Interest (EOI) from eligible regional applicants for project grants between \$1 million and \$10 million. Expressions of Interest are due on 4 May 2018. The fund aims to create spaces and places that enable communities to enjoy quality sport and participate in physical activities at all levels. It will invest in new and existing venues to improve the quality and quantity of sports infrastructure across regional NSW. The RSIF is specifically aimed at funding regional sport hubs and regionally significant sport facilities.

Candidates for the RSIF 2018 include the Armidale Gymnastics Centre Extension - estimated to be \$1M.

The RSIF for 2017 in which Council worked with UNE to submit an initial application for the funding of the expansion of the Bellevue Sports Precinct (total estimate of \$10M). The application is still in progress with second round detailed business case due for submission on 5 May 2018.

Regional Cultural Fund:

The Regional Cultural Fund has been established by the NSW Government to ensure regional NSW receives its fair share of arts and cultural infrastructure and the associated recreational and educational benefits. The Fund will invest \$100 million over four years to drive growth in arts, screen, cultural and heritage infrastructure for the social, cultural and economic benefit of communities in regional NSW. Up to \$25 million is available in the first round of funding. Council has supported the preparation of applications from NERAM, Armidale and Region Aboriginal Cultural Centre and Keeping Place, and Guyra Museum. All applications have progressed to the second stage of the process and applications close 3 April 2018.

Regional Environment and Tourism Fund:

Established under the NSW Government's Rebuilding NSW Program, the Regional Growth – Environment and Tourism Fund (RGETF) aims to increase tourist visitation by investing in regional environment and tourism infrastructure, particularly focusing on assets that will grow and further diversify NSW regional economies.

Armidale Regional Council has submitted expressions of interest for five projects with only one (Saumarez Homestead upgrade) progressing to the second stage of full business case. We are yet to hear the final outcome on this application.

Key Issues and Risks

The key challenge for Council is the number of applications to be prepared and submitted in very tight timeframes. Projects are generally required to be "shovel ready" and some grants require applications to meet economic thresholds or community support requirements (such as a benefits cost ratio meeting or exceeding 1; and/or demonstrated community support).

There are risks in not securing funding and not being able to fulfil the outcomes of Council's infrastructure, economic development and cultural strategic aspirations, however the current grant environment suggests 2017 to 2019 is a once in a generation opportunity to bring our vision to reality. It is not often that this level of funding is available for projects such as these.

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

Armidale Regional Council will work with the relevant community stakeholders to prepare applications.

In regard to the Stronger Country Communities Fund, Council welcomes ideas for candidate projects from the community. Council will be promoting this message through our website and social media.

Financial Implications

Where co-funding may be required, Council approval will be sought prior to applications being submitted. Council considers carefully the affordability of projects and the ongoing maintenance and renewal issues. Maximising external funding and developing user pays modelling (where appropriate) on such projects is essential.

Next Steps

Council will be updated and engaged at regular intervals on the progress of grant applications. The Economic Development Team will work with key community stakeholders to progress the preparation of applications as required.

Item: 16.1 **Ref:** AINT/2018/03954
Title: FOR DECISION: Minutes - Environmental Sustainability Advisory
Committee - 28 February 2018
Container: ARC16/0864
Author: Ambrose Hallman, Service Leader Sustainability and Development
Attachments: 1. Minutes - Environmental Sustainability Advisory Committee - 28
February 2018
2. Environmental Sustainability Advisory Committee - Terms of
Reference (OCM 28 March 2018)

RECOMMENDATION:

That the following recommendations from the Environmental Sustainability Committee meeting held on 28 February 2018 be adopted:

- a) That the minor changes to the Terms of Reference be amended as discussed;
- b) That Council acknowledge there is no safe level of PM2.5 pollution and notes the health and community benefits of an effective wood smoke reduction program;
- c) That Council continues and intensifies education and publicity efforts regarding the health effects of wood smoke;
- d) That Council should prioritise investigation of all possible sources of continued funding for demonstration projects;
- e) That Council does not permit the installation of wood heaters in the urban area of Armidale in:
 - (i) any new home;
 - (ii) in any renovation or extension where a wood heater did not previously exist;
- f) That Council streamline and enforce compliance for excessively polluting households.

That the following recommendations from the the Environmental Sustainability Committee meeting held on 28 February 2018 not be adopted:

- a) That Council improves and extends monitoring of wood smoke emissions, by purchasing 26 'Purple Air Monitors' and calibrate the 'Purple Air Monitors' in conjunction with the NSW EPA air monitor and current 'Dust Track' Monitor.
- b) That Council reinstates and promotes the wood heater replacement program offering at least \$1,500 to replace wood heaters with approved alternatives.

Management Report

If the recommendations a) to f) are adopted then they will need to be considered in the review of Council's Wood Smoke Policy, which will also include community engagement.

The purchase of the Purple Air Monitors is subject to a separate report.

The current Sustainability and Development operational budget does not include an allocation for a wood heater replacement program. This program can therefore be addressed when formulating the 2018-19 operational plan.

Item: 16.2 **Ref:** AINT/2018/03965
Title: FOR DECISION: Minutes - Regional Growth Advisory Committee - 1
March 2018 **Container:** ARC16/0169
Author: Greg Lawrence, Service Leader Economic Development and Marketing
Attachments: 1. Minutes - Regional Growth Advisory Committee - 01 March 2018

RECOMMENDATION:

That the following recommendations from the Regional Growth Advisory Committee meeting held on 1 March 2018 be adopted:

Acacia Park

a) **That a directional sign for Acacia Industry Park be placed on the Grafton Road near Bunnings.**

Rail Trail

b) **That Service Leader Economic Development make enquiries necessary to get to the stage where parliament passes legislation.**

c) **That Council set precise timelines for the business case to be prepared.**

d) **That the consultants be given no more than two months to complete the brief.**

Pilot Academy

e) **That the Committee supports Council in setting up a Qantas Pilot Academy/Flight Training School.**

Item: 16.3 **Ref:** AINT/2018/04178
Title: FOR DECISION: Minutes - Arts & Cultural Advisory Committee - 22 February 2018 **Container:** ARC16/0217
Author: Hayley Ward, Executive Officer - CEO & Mayor
Attachments: 1. Minutes - Arts & Cultural Advisory Committee - 22 February 2018
2. Arts, Cultural & Heritage Advisory Committee Terms of Reference (TOR) FINAL

RECOMMENDATION:

That the following resolutions from the Arts and Cultural Advisory Committee meeting held on 22 February 2018 be adopted:

- a) **That Council note the change of committee name to Arts, Cultural and Heritage Advisory Committee.**
- b) **That Council note the minor changes to the amended Arts, Cultural and Heritage Advisory Committee Terms of Reference.**

Item: 16.4 **Ref:** AINT/2018/04181
Title: FOR DECISION: Minutes - Armidale Regional Youth Advisory Committee
- 19 February 2018 **Container:** ARC16/0591
Author: Cara Barnes, Youth Services Coordinator
Attachments: 1. Minutes - Youth Advisory Committee Meeting - 19 February 2018

RECOMMENDATION:

That Council note the Minutes of the Armidale Regional Youth Advisory Committee Meeting held on 19 February 2018 which contains no recommendations for adoption.

Item: 16.5 **Ref:** AINT/2018/04414
Title: FOR DECISION: Minutes - Audit and Risk Committee - 27 February 2018
Container: ARC16/0522
Author: Peter Wilson, Acting Program Leader Governance, Risk and Legal
Attachments: 1. Minutes - Audit and Risk Committee - 27 February 2018

RECOMMENDATION:

That the following resolutions from the Audit and Risk Committee meeting held on 27 February 2018 be noted:

- a) **That the Committee be provided with a copy of the New England Weeds Authority's Audit Report for 2016/17.**
- b) **That the Committee note the resignation of Thomas Noble & Russell Financial Services P/L as council's Internal Auditor, effective January 2018.**
- c) **That the Committee express its appreciation to Kevin Franey and his staff for their professionalism and expertise in performing the internal audit services for the period 2012 to 2017.**
- d) **That a Committee meeting be held on Tuesday 18 September 2018, commencing at 5.30pm, for the approval of the draft 2017-2018 financial reports to be signed off and submitted for audit, which is in line with the audit timeframe.**
- e) **That a Committee meeting be held on Tuesday 23 October 2018, commencing at 5.30pm, for the signing off of the final 2017-2018 financial reports following audit, which is in line with the audit timeframe.**
- f) **That the Committee note the External Audit Management Letter for Council for the period 13 May 2016 to 30 June 2017.**
- g) **That the Committee note the findings and recommendations of the AO Performance Audit – Council Reporting on Service Delivery 2017.**
- h) **That the Committee note the 2017 Code of Conduct Complaint Statistics Report for the period 1 September 2016 to 31 August 2017.**
- i) **That the Committee note the Annual Leave Balance Report, as at 31 December 2017, showing that 37 employees or 12.46% of total employees have a leave balance greater than 8 weeks.**
- j) **That the Committee accept the resignation of Independent Member Ben Harris.**

That the following recommendations from the Audit and Risk Committee meeting held on 27 February 2018 be adopted:

- a) **That the Committee recommend to Council that the request, to be appointed the Audit and Risk Committee for the New England Weeds Authority, be adopted.**

- b) That the Committee recommend to Council to call a Request For Tender – Internal Audit Function.**
- c) That the Committee recommend to Council that the independent member vacancy not be filled, as the remaining four (4) independent members exceeds the suggested number of 2 or 3 under the OLG Internal Audit Guidelines.**
- d) That the Committee recommend to Council that the Professional Development Program be extended to committee members.**

That the following recommendations from the Audit and Risk Committee meeting held on 27 February 2018 not be adopted:

- a) That the Committee recommend to Council that a Standing Committee – Finance be established.**
- b) That the Committee recommend to Council that monthly financial reports be submitted to the Standing Committee – Finance.**

Report by Management

The new Council's committee structure was adopted in October 2017, following an extensive review and the rationalised structure reflects the council's size and structure. The establishment of a committee of council, which would consist of the mayor and such other councillors as appointed, is not practicable as monthly financial reports can be submitted to the Ordinary Council meeting. The Councillor workshops also provide a forum for complex or strategic financial matters to be discussed at length.

The submission of monthly financial reports to Council can therefore be implemented from April. Arrangements will also be made for Councillors to attend an appropriate training course in order to gain an understanding of NSW local government financial planning and reporting.