



BUSINESS PAPER

ORDINARY MEETING OF COUNCIL

To be held on

Wednesday, 24 May 2023
4pm

at

Armidale Council Chambers

Members

Councillor Sam Coupland (Mayor)
Councillor Todd Redwood (Deputy Mayor)
Councillor Paul Gaddes
Councillor Jon Galletly
Councillor Susan McMichael
Councillor Steven Mephram
Councillor Debra O'Brien
Councillor Margaret O'Connor
Councillor Paul Packham
Councillor Dorothy Robinson
Councillor Bradley Widders

AGENDA

INDEX

1	Civic Affirmation and Acknowledgement of Country	
2	Statement in relation to live streaming of Council Meeting	
3	Apologies and applications for leave of absence by Councillors	
4	Disclosures of Interests	
5	Confirmation of Minutes	
5.1	Minutes of Previous Meeting held 26 April 2023	6
6	Mayoral Minute	
7	Reports - General Manager's Office	
7.1	Council Actions Report January 2022 - April 2023	7
8	Reports - Finance	
8.1	Cash and Investment Report 28 February 2023	8
8.2	Cash and Investment Report 31 March 2023	14
9	Reports - Planning and Activation	
9.1	Swimming Pool Barrier Inspection Program	20
10	Reports - Corporate and Community	
10.1	Privacy Management Plan for review	23
10.2	Appointment of Code of Conduct Review Panel	25
10.3	2022-2023 Annual Report of the Audit, Risk and Improvement Committee	29
11	Reports - Assets and Services	
12	Notices of Motion	
12.1	Armidale Regional Council acknowledges that Armidale Regional Council sits on the lands of the Anaiwan, Banbai and Dunghutti People.....	32
13	Committee Reports	
13.1	Access Advisory Committee- Minutes of meeting held 20 April 2023	39
13.2	Traffic Advisory Committee - Minutes of the meeting held Tuesday 2 May 2023	41
14	Questions for Which Notice Has Been Given	
15	Confidential Matters (Closed Session)	
15.1	Engagement of Contractor - Construction of Taylor Street New Shared Path - Mann to Kentucky	
	<i>(General Manager's Note: Tender and is deemed confidential under Section 10A(2)(d) of the Local Government Act 1993, as it deals with commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the Council; or (iii) reveal a trade secret).</i>	

15.2 Airport Security Screening - Establishment of a Third Terminal Departure Gate for Operational Use

(General Manager's Note: The report considers Armidale Regional Airport and is deemed confidential under Section 10A(2)(d) of the Local Government Act 1993, as it deals with commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the Council; or (iii) reveal a trade secret).

16 Close of Ordinary Meeting

Ethical Decision Making and Conflicts of Interest

A guiding checklist for Councillors, officers and community committees

Oath or Affirmation of Office

Councillors are reminded of the Oath or Affirmation taken of office, made under section 233A of the *Local Government Act 1993* when elected.

Ethical decision making

- Is the decision or conduct legal?
- Is it consistent with Government policy, Council's objectives and Code of Conduct?
- What will the outcome be for you, your colleagues, the Council, anyone else?
- Does it raise a conflict of interest?
- Do you stand to gain personally at public expense?
- Can the decision be justified in terms of public interest?
- Would it withstand public scrutiny?

Conflict of interest

A conflict of interest is a clash between private interest and public duty. There are two types of conflict:

- ***Pecuniary*** – regulated by the *Local Government Act 1993* and Office of Local Government
- ***Non-pecuniary*** – regulated by Codes of Conduct and policy. ICAC, Ombudsman, Office of Local Government (advice only). If declaring a Non-Pecuniary Conflict of Interest, Councillors can choose to either disclose and vote, disclose and not vote or leave the Chamber.

The test for conflict of interest

- Is it likely I could be influenced by personal interest in carrying out my public duty?
- Would a fair and reasonable person believe I could be so influenced?
- Conflict of interest is closely tied to the layperson's definition of 'corruption' – using public office for private gain.
- Important to consider public perceptions of whether you have a conflict of interest.

Identifying problems

1st Do I have private interests affected by a matter I am officially involved in?

2nd Is my official role one of influence or perceived influence over the matter?

3rd Do my private interests conflict with my official role?

Local Government Act 1993 and Model Code of Conduct

For more detailed definitions refer to the *Local Government Act 1993*, Chapter 14 Honesty and Disclosure of Interest and Model Code of Conduct.

Disclosure of pecuniary interests / non-pecuniary interests

Under the provisions of Section 440AAA(3) of the *Local Government Act 1993* (pecuniary interests) and the Model Code of Conduct it is necessary for you to disclose the nature of the

interest when making a disclosure of a pecuniary interest or a non-pecuniary conflict of interest at a meeting.

A Declaration form should be completed and handed to the General Manager as soon as practicable once the interest is identified. Declarations are made at Item 3 of the Agenda: Declarations - Pecuniary, Non-Pecuniary and Political Donation Disclosures, and prior to each Item being discussed: The Declaration Form can be downloaded at [Disclosures and Declarations of Interest at Meetings](#).

Item: 5.1 **Ref:** AINT/2023/09087

Title: Minutes of Previous Meeting held 26 April 2023 **Container:**
ARC16/0001-8

Responsible Officer: Chief Officer Planning and Activation

Author: Melissa Hault, Executive Officer

Attachments: 1. Draft OCM Minutes - 26 April 2023

RECOMMENDATION:

That the Minutes of the Ordinary Council meeting held on 26 April 2023 be taken as read and accepted as a true record of the meeting.

Item:	7.1	Ref: AINT/2023/09089
Title:	Council Actions Report January 2022 - April 2023	Container:
	ARC16/0001-8	
Responsible Officer	Chief Officer Planning and Activation	
Author:	Melissa Hault, Executive Officer	
Attachments:	1. Actions Items Report - 24 May 2023 OCM	

1. Purpose

The purpose of this report is to inform Councillors on the work carried out by Council Officers to implement Council resolutions.

2. OFFICERS' RECOMMENDATION:

That Council notes the report summarising the actions taken on the resolutions of Council.

3. Background

This is a standard monthly report.

4. Discussion

The resolutions outlined in the attachment have been previously adopted by Council. This report is designed to track progress on implementation from January 2022. Actions marked complete will be reported to Council once and then removed from subsequent reports.

5. Implications

5.1. Strategic and Policy Implications

The strategic and policy impacts of each of the resolutions are varied and were outlined in the original reports to Council.

5.2. Risk

The risks of each of the resolutions are varied and were outlined in the original reports to Council.

5.3. Sustainability

The sustainability impacts of each of the resolutions are varied and were outlined in the original reports to Council.

5.4. Financial

The financial impacts of each of the resolutions are varied and were outlined in the original reports to Council.

6. Consultation and Communication

This report informs Councillors and the community and increases transparency.

7. Conclusion

The information is for noting only.

Item:	8.1	Ref: AINT/2023/04614
Title:	Cash and Investment Report 28 February 2023	Container:
	ARC20/4311	
Responsible Officer	Chief Financial Officer	
Author:	Brad Munns, Financial Accountant	
Attachments:	Nil	

1. Purpose

Regulation 212 of the NSW *Local Government (General) Regulations 2021* requires the responsible accounting officer of a council to provide the Council with a written report, setting out details of all money that the council has invested under section 625 of the Act, to be presented each month and must include in the report, a certificate as to whether or not the investment has been made in accordance with the Act, the Regulations and the Council's investment policies.

This Cash and Investment report provides details of cash and investments held by Council for the month to 28 February 2023, and certifies compliance with Council's Investment Policy and the *Local Government Act 1993* and Regulations.

2. OFFICERS' RECOMMENDATION:

That Council note the Cash and Investment Report for February 2023.

3. Background

As at 28 February 2023, Council held \$102,461,332 in investments (market value) and \$22,335,198 in cash, giving a combined total of \$124,796,530.

4. Discussion

Cash & Investment Balances	February 2023	January 2023	Movement
	\$	\$	\$
<u>Cash at Bank</u>			
NAB General Accounts	2,869,471	-	2,869,471
NAB Cash At Call	18,109,300	25,408,155	(7,298,855)
AMP Saver Account	19,452	19,430	22
NAB Trust Fund	1,336,975	1,333,519	3,456
Total Cash	22,335,198	26,761,104	(4,425,906)
<u>Investments</u>			
NSW Treasury Corp (T-Corp) Investment Management (IM) Fund	10,189,004	10,153,626	35,378
Term Deposits	92,272,328	75,115,654	17,156,674
Total Investments	102,461,332	85,269,280	17,192,052
Total Cash & Investments	124,796,530	112,030,384	12,766,146

Summary of investment movements for February 2023:

Investment Maturities/Movements		New Investments	
Institution	Amount \$	Institution	Amount \$
AMP	(3,000,000)	AMP	2,000,000
NAB	(8,000,000)	CBA	19,000,000
Movement in Interest Receivable on Term Deposits	156,674	NAB	7,000,000
Market Movement T-Corp Investment Fund	35,378		
Total	(10,807,948)	Total	28,000,000

Funds from term deposit maturities are held in the NAB Cash at Call account and pending cashflow requirements, are invested in further term deposit investments. New investments and maturities during February are detailed above. The next term deposit maturities are \$10m in March 2023 (ING), \$10m in April 2023 (ING) and \$10m in May 2023 (WBC).

During February 2023, term deposit rates progressively increased with the market expectation of future Reserve Bank of Australia ("RBA") rate rises in an effort to restrain inflation. On 8 March 2023, the RBA increased the official cash rate by 0.25% from 3.35% to 3.60%.

Council continues to monitor investment markets and continues to take a conservative position holding cash reserves, along with reviewing longer term investment options to take advantage of higher returns.

Investment Revenue Earned

	February 2023	January 2023	Movement
	\$	\$	\$
NAB General Cash Account	1,546	3,480	(1,934)
Term Deposits	210,538	162,725	47,813
NSW T-Corp IM Fund (Note 1)	35,378	43,469	(8,091)
NAB Cash at Call Account	48,084	36,408	11,676
AMP Saver Account	22	25	(3)
NAB Trust Account	3,456	3,731	(275)
Total	299,024	249,838	49,186

Note 1: Council holds an investment in the NSW T-Corp IM Fund – Short Term Income Fund. The IM Fund is a unitised investment, so the investment revenue consists of interest distributions credited by way of additional units issued, plus the movement (either upwards or downwards) of the underlying unit value.

Investments are diversified across a range of institutions, with funds invested to ensure the portfolio is aligned with the Investment Policy.

Issuer	Short Term Rating	Market Value \$	% Total Value
AMP Bank	A2	5,046,773	4.93%
Bank of Queensland	A2	10,206,932	9.96%
Bendigo & Adelaide Bank	A2	5,080,342	4.96%
Commonwealth Bank of Australia	A1+	24,130,464	23.55%
ING Bank	A1	20,341,038	19.85%
National Australia Bank	A1+	7,036,215	6.87%
Westpac Banking Corporation	A1+	20,430,564	19.94%
NSW T Corp – IM Fund (Short Term Income Fund)	AA+	10,189,004	9.94%
Total		102,461,332	100%

Certification:

I, Ann Newsome, Chief Financial Officer, hereby certify that the above investments have been made in accordance with the Regulation (Section 212), the *Local Government Act 1993* (the Act) (Section 625), and Council’s Investment Policy (the Policy).

Investment Yield

Term of Investment	February 2023			January 2023		
	ARC*	Avg BBSW rate #	Out/(under) performance	ARC	BBSW rate	Out/(under) performance
6 months	2.86%	3.67%	(0.81%)	2.46%	3.64%	(1.18%)
12 months	1.86%	3.11%	(1.25%)	1.62%	3.61%	(1.99%)

* The ARC returns are backward looking and represent the average investment yield

The BBSW rate is forward looking and represents the current bank bill swap rate. From February 2023, the table above provides the BBSW average rate in an effort to compare the ARC return over time against a comparable benchmark rate over time (eg ARC return for 6 months compared with the average BBSW rate over the same 6 month period).

5. Implications

5.1. Strategic and Policy Implications

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

- Council Investment Policy
- *Local Government Act 1993* – Section 625
- *Local Government Act 1993* – Order of the Minister dated 12 January 2011
- *The Local Government (General) Regulation 2021* – Reg 212

The investment of surplus funds must remain in line with Council’s Investment Policy. This will ensure sufficient working capital is retained and restrictions are supported by cash and investments that are easily converted into cash. Cash management complies with the *NSW Local Government (General) Regulation 2021*.

The Investment Policy relates to:

- Council’s Community Plan 2022-2032 theme category of “Strong Region – Engagement and Responsibility” and related strategy of “Manage public resources responsibly and efficiently for the benefit of the community.”
- Council’s Delivery Program 2022-2026 includes initiatives S2.3.2 “Maintain financial sustainability by meeting Performance Ratios and Fit for the Future Benchmarks, while ensuring sustainable cash reserves to support service levels and assets” and S2.3.5 “Manage our assets responsibly to ensure greater lifespan and usability and to reduce financial burden”.
- Council’s Operational Plan 2022-23: Asset Management, Finance and Procurement, Governance, Strategy and Risk.

5.2. Risk

Council invests in Term Deposits, Cash and the NSW Treasury Corporation Short Term Investment Fund which is a managed fund product. Rates of return on these investments are generally higher than the Bank Bill Swap (BBSW) Index however the recent increase in fixed interest rates has resulted in the BBSW index moving ahead of Council’s returns. For the month of February 2023, the 1-year BBSW rate increased from 3.61% to 4.14%. Council’s 1-year return to February 2023 of 1.86% is less than the 1-year BBSW rate of 4.14%. Council’s one month return for February 2023 was 3.44%.

The BBSW has moved to 4.14% over calendar 2022 and 2023 (up from 0.59% in Jan22). The BBSW is influenced by forward looking returns in the market/where the market is pricing future interest rate movements in the short term, while Council’s returns are based on historical term deposit rates i.e. backward looking e.g. 0.35% return for a 12-month Term Deposit in October 2021.

Council’s investment return was above the RBA Official Cash rate of 0.35% prior to 7 June 2022, when the RBA increased the official cash rate from 0.35% to 0.85%. The recent history of increases in the official cash rate is detailed below:

Date	Rate Increase	From	To
4 May 2022	0.25%	0.10%	0.35%
8 June 2022	0.50%	0.35%	0.85%
5 July 2022	0.50%	0.85%	1.35%
2 August 2022	0.50%	1.35%	1.85%
6 September 2022	0.50%	1.85%	2.35%
5 October 2022	0.25%	2.35%	2.60%
2 November 2022	0.25%	2.60%	2.85%
7 December 2022	0.25%	2.85%	3.10%
7 February 2023	0.25%	3.10%	3.35%
8 March 2023	0.25%	3.35%	3.60%

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

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

5.3. Sustainability

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

5.4. Financial

Budget Area:	Financial Services						
Funding Source:	General Fund (untied revenue) Water Fund (externally restricted) Sewer Fund (externally restricted)						
Budget Ref: (PN)	Description	Approved Budget (Revised)	Actual	Committed	Proposed	Total Forecast (Income)/ Expenditure	Remaining Budget
210815.1.1760. 165.1670 260005.3.2590. 165.1660 280010.2.3310. 165.1650	Interest Income on Investments	(\$2,908,115) (\$1,431,000) original budget	(\$1,740,174)	Nil	Nil	(\$1,740,174)	(\$1,167,941)
210815.1.1760. 333.2430	Subscriptions	\$10,700	\$5,850	\$2,500	Nil	\$8,350	\$2,350

Comparison of Actual Interest Income Earned with Year To Date (YTD) Budget

Interest Income	YTD Actual \$	YTD Budget (Original "O" & Revised "R") \$	Difference \$
YTD February 2023	\$1,740,174	\$954,000 (O) \$1,938,743 (R)	\$786,174 (O) (\$198,569) (R)
YTD January 2023	\$1,441,150	\$834,750 (O) \$1,696,400 (R)	\$606,400 (O) (\$255,250) (R)
Movement	\$299,024	\$119,250 (O) \$242,342 (R)	\$179,774 (O) \$56,681 (R)

There is a YTD favourable budget variance of \$786,174 (original budget), unfavourable budget variance of \$198,569 (revised budget) to 28 February 2023 (including accrued interest). Term deposit rates continued to steadily increase during February 2023 with the market expectation of future RBA rate rises. Council continues to closely monitor investment markets and returns. The FY2022-23 budget which was adopted by Council on 29 June 2022, was based upon a forecast average investment return of 1.5% for investment income. With the increase in term deposit rates during the FY2022-23 year to date, the rate of return is above the 1.5% forecast average so a budget adjustment was adopted by Council as part of the Quarter 1 Budget Review, as presented to Council in November 2022.

Restricted & Unrestricted Funds

As at 30 June 2022, total restricted and unrestricted funds were fully funded by cash and investments. A reconciliation of unrestricted funds year to date is currently being undertaken.

Actual Position at 30 June 2022 (audited)

\$'000	General	Water	Sewer	Total
External Restrictions	26,935	29,010	23,150	79,095
Internal Restrictions	21,394			21,394
Total Restrictions	48,329	29,010	23,150	100,489
Unrestricted	5,781			5,781
Total Funds	54,110	29,010	23,150	106,270

6. Consultation and Communication

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

7. Conclusion

The Cash and Investment Report provides an overview of cash and investments as at and for the month ended 28 February 2023 and demonstrates compliance with Council policy.

Item:	8.2	Ref: AINT/2023/08552
Title:	Cash and Investment Report 31 March 2023 Container: ARC16/0001-8	
Responsible Officer	Chief Financial Officer	
Author:	Brad Munns, Financial Accountant	
Attachments:	Nil	

1. Purpose

Regulation 212 of the NSW *Local Government (General) Regulations 2021* requires the responsible accounting officer of a council to provide the Council with a written report, setting out details of all money that the council has invested under section 625 of the Act, to be presented each month and must include in the report, a certificate as to whether or not the investment has been made in accordance with the Act, the Regulations and the Council's investment policies.

This Cash and Investment report provides details of cash and investments held by Council for the month to 31 March 2023, and certifies compliance with Council's Investment Policy and the *Local Government Act 1993* and Regulations.

2. OFFICERS' RECOMMENDATION:

That Council note the Cash and Investment Report for March 2023.

3. Background

As at 31 March 2023, Council held \$120,100,873 in investments (market value) and \$6,615,609 in cash, giving a combined total of \$126,716,482.

4. Discussion

Cash & Investment Balances	March 2023 \$	February 2023 \$	Movement \$
<u>Cash at Bank</u>			
NAB General Accounts	-	2,869,471	(2,869,471)
NAB Cash At Call	5,255,029	18,109,300	(12,854,271)
AMP Saver Account	19,477	19,452	25
NAB Trust Fund	1,341,103	1,336,975	4,128
Total Cash	6,615,609	22,335,198	(15,719,589)
<u>Investments</u>			
NSW Treasury Corp (T-Corp) Investment Management (IM) Fund	10,221,900	10,189,004	32,896
Term Deposits	109,878,973	92,272,328	17,606,645
Total Investments	120,100,873	102,461,332	17,639,541
Total Cash & Investments	126,716,482	124,796,530	1,919,952

Summary of investment movements for March 2023:

Investment Maturities/Movements		New Investments	
Institution	Amount \$	Institution	Amount \$
ING	(10,000,000)	ING	13,500,000
NAB	(7,000,000)	CBA	30,000,000
CBA	(14,000,000)	NAB	7,000,000
AMP	(2,000,000)		
Movement in Interest Receivable on Term Deposits	106,645		
Market Movement T-Corp Investment Fund	32,896		
Total	(32,860,459)	Total	50,500,000

Funds from term deposit maturities are held in the NAB Cash at Call account and pending cashflow requirements, are invested in further term deposit investments. New investments and maturities during March are detailed above. The next term deposit maturities are \$30m in April 2023 (ING, NAB, and CBA), \$20m in May 2023 (WBC, CBA) and \$4m in June 2023 (CBA).

During March 2023, term deposit rates steadied as the Reserve Bank of Australia (“RBA”) held the official cash rate steady at its April 2023 meeting. Market expectations of future RBA rate rises in an effort to restrain inflation appear to have steadied. On 8 March 2023, the RBA increased the official cash rate by 0.25% from 3.35% to 3.60%, while at its meeting on 5 April 2023, the official cash rate was held steady at 3.60%.

Council continues to monitor investment markets and continues to take a conservative position holding cash reserves, along with reviewing longer term investment options to take advantage of higher returns.

Investment Revenue Earned

	March 2023	February 2023	Movement
	\$	\$	\$
NAB General Cash Account	259	1,546	(1,287)
Term Deposits	305,771	210,538	95,233
NSW T-Corp IM Fund (Note 1)	32,896	35,378	(2,482)
NAB Cash at Call Account	25,587	48,084	(22,497)
AMP Saver Account	25	22	3
NAB Trust Account	4,128	3,456	672
Total	368,666	299,024	69,642

Note 1: Council holds an investment in the NSW T-Corp IM Fund – Short Term Income Fund. The IM Fund is a unitised investment, so the investment revenue consists of interest distributions credited by way of additional units issued, plus the movement (either upwards or downwards) of the underlying unit value.

Investments are diversified across a range of institutions, with funds invested to ensure the portfolio is aligned with the Investment Policy.

Issuer	Short Term Rating	Market Value \$	% Total Value
AMP Bank	A2	3,050,953	2.54%
Bank of Queensland	A2	10,242,178	8.53%
Bendigo & Adelaide Bank	A2	5,098,391	4.25%
Commonwealth Bank of Australia	A1+	40,216,142	33.49%
ING Bank	A1	23,742,697	19.77%
National Australia Bank	A1+	7,037,407	5.86%
Westpac Banking Corporation	A1+	20,491,205	17.06%
NSW T Corp – IM Fund (Short Term Income Fund)	AA+	10,221,900	8.50%
Total		120,100,873	100%

Certification:

I, Ann Newsome, Chief Financial Officer, hereby certify that the above investments have been made in accordance with the Regulation (Section 212), the *Local Government Act 1993* (the Act) (Section 625), and Council’s Investment Policy (the Policy).

Investment Yield

Term of Investment	March 2023			February 2023		
	ARC*	Avg BBSW rate #	Out/(under) performance	ARC	Avg BBSW rate #	Out/(under) performance
6 months	3.14%	3.71%	(0.57%)	2.86%	3.67%	(0.81%)
12 months	2.17%	3.36%	(1.19%)	1.86%	3.11%	(1.25%)

* The ARC returns are backward looking and represent the average investment yield

The BBSW rate is forward looking and represents the current bank bill swap rate. From March 2023, the table above provides the BBSW average rate in an effort to compare the ARC return over time against a comparable benchmark rate over time (eg ARC return for 6 months compared with the average BBSW rate over the same 6 month period).

5. Implications

5.1. Strategic and Policy Implications

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

- Council Investment Policy
- *Local Government Act 1993* – Section 625
- *Local Government Act 1993* – Order of the Minister dated 12 January 2011
- *The Local Government (General) Regulation 2021* – Reg 212

The investment of surplus funds must remain in line with Council’s Investment Policy. This will ensure sufficient working capital is retained and restrictions are supported by cash and investments that are easily converted into cash. Cash management complies with the *NSW Local Government (General) Regulation 2021*.

The Investment Policy relates to:

- Council’s Community Plan 2022-2032 theme category of “Strong Region – Engagement and Responsibility” and related strategy of “Manage public resources responsibly and efficiently for the benefit of the community.”
- Council’s Delivery Program 2022-2026 includes initiatives S2.3.2 “Maintain financial sustainability by meeting Performance Ratios and Fit for the Future Benchmarks, while ensuring sustainable cash reserves to support service levels and assets” and S2.3.5 “Manage our assets responsibly to ensure greater lifespan and usability and to reduce financial burden”.
- Council’s Operational Plan 2022-23: Asset Management, Finance and Procurement, Governance, Strategy and Risk.

5.2. Risk

Council invests in Term Deposits, Cash and the NSW Treasury Corporation Short Term Investment Fund which is a managed fund product. Rates of return on these investments are generally higher than the Bank Bill Swap (BBSW) Index however the recent increase in fixed interest rates has resulted in the BBSW index moving ahead of Council’s returns. For the month of March 2023, the 1-year BBSW rate decreased from 4.14% to 3.60%. Council’s 1-year return to March 2023 of 2.17% is less than the 1-year BBSW rate of 3.60% and the average 1 year BBSW rate of 3.36%. Council’s one month return for March 2023 was 3.83%.

The BBSW has moved to 3.60% over calendar 2022 and 2023 (up from 0.59% in Jan22). The BBSW is influenced by forward looking returns in the market/where the market is pricing future interest rate movements in the short term, while Council’s returns are based on historical term deposit rates i.e. backward looking e.g. 0.35% return for a 12-month Term Deposit in October 2021.

Council’s investment return was above the RBA Official Cash rate of 0.35% prior to 7 June 2022, when the RBA increased the official cash rate from 0.35% to 0.85%. The recent history of increases in the official cash rate is detailed below:

Date	Rate Increase	From	To
4 May 2022	0.25%	0.10%	0.35%
8 June 2022	0.50%	0.35%	0.85%
5 July 2022	0.50%	0.85%	1.35%
2 August 2022	0.50%	1.35%	1.85%
6 September 2022	0.50%	1.85%	2.35%
5 October 2022	0.25%	2.35%	2.60%
2 November 2022	0.25%	2.60%	2.85%
7 December 2022	0.25%	2.85%	3.10%
7 February 2023	0.25%	3.10%	3.35%
8 March 2023	0.25%	3.35%	3.60%

5 April 2023	-	3.60%	3.60%
--------------	---	-------	-------

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

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

5.3. Sustainability

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

5.4. Financial

Budget Area:	Financial Services						
Funding Source:	General Fund (untied revenue) Water Fund (externally restricted) Sewer Fund (externally restricted)						
Budget Ref: (PN)	Description	Approved Budget (Revised)	Actual	Committed	Proposed	Total Forecast (Income)/ Expenditure	Remaining Budget
210815.1.1760. 165.1670 260005.3.2590. 165.1660 280010.2.3310. 165.1650	Interest Income on Investments	(\$2,908,115) (\$1,431,000) original budget	(\$2,108,840)	Nil	Nil	(\$2,108,840)	(\$799,275)
210815.1.1760. 333.2430	Subscriptions	\$10,700	\$7,100	\$1,500	Nil	\$8,600	\$2,100

Comparison of Actual Interest Income Earned with Year To Date (YTD) Budget

Interest Income	YTD Actual \$	YTD Budget (Original "O" & Revised "R") \$	Difference \$
YTD March 2023	\$2,108,840	\$1,073,250 (O) \$2,181,085 (R)	\$1,035,590 (O) (\$72,244) (R)
YTD February 2023	\$1,740,174	\$954,000 (O) \$1,938,743 (R)	\$786,174 (O) (\$198,569) (R)
Movement	\$368,666	\$119,250 (O)	\$249,416 (O)

\$242,342 (R)

\$126,324 (R)

There is a YTD favourable budget variance of \$1,035,590 (original budget), unfavourable budget variance of \$72,244 (revised budget) to 31 March 2023 (including accrued interest). Term deposit rates steadied during March 2023 with the market expectation of future RBA rate rises softening. Council continues to closely monitor investment markets and returns. The FY2022-23 budget which was adopted by Council on 29 June 2022, was based upon a forecast average investment return of 1.5% for investment income. With the increase in term deposit rates during the FY2022-23 year to date, the rate of return is above the 1.5% forecast average so a budget adjustment was adopted by Council as part of the Quarter 1 Budget Review, as presented to Council in November 2022.

Restricted & Unrestricted Funds

As at 30 June 2022, total restricted and unrestricted funds were fully funded by cash and investments. A reconciliation of unrestricted funds year to date is currently being undertaken.

Actual Position at 30 June 2022 (audited)

\$'000	General	Water	Sewer	Total
External Restrictions	26,935	29,010	23,150	79,095
Internal Restrictions	21,394			21,394
Total Restrictions	48,329	29,010	23,150	100,489
Unrestricted	5,781			5,781
Total Funds	54,110	29,010	23,150	106,270

6. Consultation and Communication

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

7. Conclusion

The Cash and Investment Report provides an overview of cash and investments as at and for the month ended 31 March 2023 and demonstrates compliance with Council policy.

Item:	9.1	Ref: AINT/2023/08649
Title:	Swimming Pool Barrier Inspection Program	Container: ARC23/5623
Responsible Officer	Chief Officer Planning and Activation	
Author:	Rick Mickerts, Manager Regulatory Services	
Attachments:	1. Draft Swimming Pool Barrier Inspection Program	

1. Purpose

The purpose of this report is to seek Council endorsement to adopt a Swimming Pool Barrier Inspection Program policy detailing how Council will proactively inspect swimming pools in Armidale Region Local Government Area.

2. OFFICERS' RECOMMENDATION:

That Council adopt the Swimming Pool Barrier Inspection Program policy.

3. Background

The *Swimming Pools Act 1992 (the Act)* requires every council to develop a Swimming Pool Barrier Inspection Program policy detailing how they intend to proactively inspect swimming pools in their local government area.

At the March 2023 Ordinary Council Meeting, Council resolved (19/23) to endorse the draft Swimming Pool Barrier Inspection Program policy (Attachment 1) for public exhibition for a period of 28 days.

Swimming Pool Barrier Inspection Program

Council will aim to undertake inspections of swimming pools (both outdoor and indoor) that are situated on premises on which a residential building, a moveable dwelling or tourist and visitor accommodation is located in accordance with the following guidelines to ensure compliance with the Act;

- (a) In response to complaints – All complaints received by Council concerning inadequately fenced or unauthorised swimming pools are recorded in Council's Customer Request Management system and will be inspected as a matter of priority within 72 hours as prescribed by the Act. Generally, the investigation of complaints will be undertaken in accordance with the requirements of Section 29A of the Act.
- (b) Assessment of building certificate applications – All building certificate applications for properties on which there is a swimming pool will include an inspection of the swimming pool safety barrier.
- (c) Proactive observations – Where a swimming pool is observed by Council's Regulatory Services Staff and the swimming pool safety barrier appears deficient and/or there is no current Certificate of Compliance or relevant Occupation Certificate the matter will be recorded in Council's Customer Request Management system and inspections will be undertaken as per item (a) above.
- (d) Notifications from accredited certifiers – Any accredited certifier who is unable to issue a Certificate of Compliance and issues a notice under Section 22E of the Act is required to provide Council with a copy of the notice. On receipt of the notice Council will undertake an inspection of the swimming pool under this program.

- (e) Inspection requests by owner – All inspections requested under Section 22C of the Act by the owner of a premises on which a swimming pool is situated will be carried out in accordance with any timeframes prescribed by the Act and Regulation.
- (f) Premises with more than two (2) dwellings – All premises with more than two (2) dwellings including residential flat buildings and townhouse developments that do not have a current Certificate of Compliance or relevant Occupation Certificate will be inspected by Council at least once every three (3) years.
- (g) Sale of land inspection requests – The *Conveyancing (Sale of Land) Regulation 2010* requires any contract for the sale of land on which there is a swimming pool to include a copy of either a valid Certificate of Compliance or a relevant Occupation Certificate. Inspections requested by the owner of the land to enable the sale of a premises or part of a premises, will be carried out by Council within ten (10) days, as prescribed by the Regulation.
- (h) Lease of land inspection requests – The *Residential Tenancies Regulation 2010* will require landlords of premises on which there is a swimming pool to provide a copy of a valid Certificate of Compliance or a relevant Occupation Certificate at the time a residential tenancy is entered into. Inspections requested by the owner of the land to enable the lease of a premises or part of a premises, will be carried out within ten (10) days, as prescribed by the Regulation.
- (i) Random checks from state-wide Swimming Pool register – As resources permit Council may randomly select properties from the state-wide Swimming Pool register that do not have a current Certificate of Compliance (or relevant Occupation Certificate). Priority will be given to inspecting older swimming pools that have never had a Certificate of Compliance (or relevant Occupation Certificate). Once a property has been selected, Council will write to the owner and request that they make arrangements for an inspection either by a Council Officer or an accredited certifier.

Where a Council inspection identifies the existence of a life-threatening circumstance, Council will determine an immediate course of action to eliminate or reduce the level of risk. If a matter is not considered life threatening, the matter will be prioritised accordingly.

4. Discussion

The draft Swimming Pool Barrier Inspection Program was placed on 28 days public exhibition through to 20 April 2023. No submissions were received.

Council can now adopt the Swimming Pool Barrier Inspection Program to comply with its obligations under the Act.

5. Implications

5.1. Strategic and Policy Implications

Advancing our Region Community Plan

Enriched Region, Community & Culture

Goal 1 E1. Access to the services and support that facilitate quality of life

Strategy E1.3 Foster safety and security within our community and support the provision of basic needs

Undertake regulatory controls that maintain community order and safety including Companion Animals Regulation, parking management, building compliance, and Development Applications (E1.3.3)

5.2. Risk

The *Swimming Pools Act 1992* requires every council to develop a Swimming Pool Barrier Inspection Program detailing how they intend to proactively inspect swimming pools in their local government area.

5.3. Sustainability

No sustainability considerations have been identified.

5.4. Financial

The Swimming Pool Barrier Inspection Program is to be implemented using qualified Council Staff. As such, there are no financial implications identified.

6. Consultation and Communication

The draft Swimming Pool Barrier Inspection Program was placed on 28 days public exhibition through to 20 April 2023. No submissions were received.

7. Conclusion

It is recommended that Council endorse for the Swimming Pool Barrier Inspection Program (Attachment 1) detailing how Council will proactively inspect swimming pools in Armidale Region Local Government Area.

Item:	10.1	Ref: AINT/2023/08584
Title:	Privacy Management Plan for review	Container: ARC21/4470
Responsible Officer	Chief Officer Corporate and Community	
Author:	Stacey Drew, Senior Governance Officer	
Attachments:	1. Privacy Management Plan (reviewed) for public exhibition	

1. Purpose

To seek endorsement to place the Privacy Management Plan on public exhibition for a period of 28 days as part of council review of the current policy.

2. OFFICERS' RECOMMENDATION:

- a. That council endorse the Privacy Management Plan (attached) to be placed on public exhibition for a period of 28 days commencing Monday 29 May 2023 and concluding 26 June 2023.
- b. Receive a further report should any submissions be received as a result of the exhibition period, however should no submissions be received the policy be adopted.

3. Background

Council's existing Privacy Management Plan (The Plan) was adopted by Council on 27 January 2021. The Plan is being reviewed as part of Council's regular policy review cycle.

The Plan outlines the framework under which Armidale Regional Council collects, stores and uses a broad range of information for the purpose of facilitating its business. A significant part of that information is personal and health information. It is important that the community and Council officials, including Councillors, employees, contractors and volunteers, understand how we manage personal information.

Council is required to have a Privacy Management Plan under s33 of the *Privacy and Personal Information Protection Act 1998* (NSW) (PPIPA). The Plan outlines how Council complies with the legislative requirements of the PPIPA, the *Health Records and Information Privacy Act 2002* (HRIPA) and the Privacy Code of Practice for Local Government (Code).

The Plan should be read in conjunction with the Code of Practice for Local Government.

Nothing in the Plan is to:

- Affect any matter of interpretation of the Codes or the Information Protection Principles and the Health Privacy Principles as they apply to the Council.
- Affect any obligation at law cast upon the Council by way of representation or holding out in any manner whatsoever.
- Create, extend or lessen any obligation at law which the Council may have.

4. Discussion

The Plan forms part of the suite of policies which are required to be reviewed within the council term. Review of The Plan found its content to still be current and only minor administrative amendments have been made that do not affect the policy intent.

The main objectives of The Plan are to:

- Inform the community about how their personal information will be collected, used, stored and accessed by Council.
- Provide Council officials with their obligations in relation to handling personal information and when they can and cannot disclose, use or collect it.
- Introduce Council policies and procedures to maximise compliance with the PPIPA and the HRIPA.

5. Implications

5.1. Strategic and Policy Implications

In order to properly manage the personal information it holds, it is essential for the provisions of this policy to be observed by Councillors, employees, contractors and volunteers.

5.2. Risk

Armidale Regional Council Privacy Management Plan was previously adopted 27 January 2021. It is important that the Privacy Management Plan is regularly reviewed to ensure the community is informed about how their personal information will be used and accessed after it is collected by Council and also inform council staff of their obligations in relation to handling information and when they can and cannot disclose, use or collect it.

5.3. Sustainability

No identified sustainability implications have been identified with the adoption of The Plan.

5.4. Financial

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

There are no identified financial implications of the recommendations or actions in this report.

6. Consultation and Communication

The Privacy Management Plan will be placed on public exhibition for a period of 28 days, Commencing 29 May 2023.

7. Conclusion

The content of this Privacy Management Plan is based on the Model Privacy Management Plan for Local Government.

Item:	10.2	Ref: AINT/2023/08744
Title:	Appointment of Code of Conduct Review Panel ARC23/5728	Container:
Responsible Officer	Chief Officer Corporate and Community	
Author:	Simone Mooketsi, Manager Governance and Strategy	
Attachments:	Nil	

1. Purpose

To seek Council's endorsement of the appointment of panel members to the Armidale Regional Council panel of Code of Conduct reviewers for the next four years.

2. OFFICERS' RECOMMENDATION:

That Council appoint a Code of Conduct Review Panel for a period of four years consisting of:

- Centium Pty Limited
- Mediate Today Pty Limited
- Moray & Agnew
- Nemesis Consultancy Group
- Noble Shore Pty Ltd
- O'Connor Marsden & Associates
- Pendlebury Workplace Law
- Pinnacle People Solutions Pty Ltd
- Redenbach Legal
- Redshift Consulting Pty Ltd
- SINC Solutions Pty Ltd
- WEIR Consulting Pty Ltd
- Winton Consulting Pty Ltd.

3. Background

Section 440 of the *Local Government Act 1993* (NSW) and the *Local Government (General) Regulation 2021* requires that all councils and joint organisations adopt a Code of Conduct which incorporates the provisions of the Model Code of Conduct (the Model Code).

The Model Code and the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW (Model Code Procedures) provide the guidelines for the conduct of council officials in carrying out their functions and the administrative framework for dealing with complaints made against council officials.

Armidale Regional Council has adopted its own Code of Conduct and Procedures for the Administration of the Code of Conduct which are based on the Model Code and the Model Code Procedures.

4. Discussion

As the term of Council's existing Code of Conduct Review Panel has expired, Council undertook an expression of interest process closing on 23 February 2023 to seek to appoint suitability qualified persons to the Armidale Regional Council Code of Conduct Review Panel for a period of four years. 13 expressions of interest were received.

The review panel assessed the responses on a "meets / does not meet requirements" basis against the following criteria:

- Price
- Experience and references
- Documentation
- Capability/ Company Expertise
- Management Systems
- Local Supply & Community Benefit.

All 13 responses have been assessed as meeting the required criteria as being capable of assisting in Code of Conduct matters.

After evaluating the responses received, it is proposed that Council establish a panel of conduct reviewers comprising:

- Centium Pty Limited
- Mediate Today Pty Limited
- Moray & Agnew
- Nemesis Consultancy Group
- Noble Shore Pty Ltd
- O'Connor Marsden & Associates
- Pendlebury Workplace Law
- Pinnacle People Solutions Pty Ltd
- Redenbach Legal
- Redshift Consulting Pty Ltd
- SINC Solutions Pty Ltd
- WEIR Consulting Pty Ltd
- Winton Consulting Pty Ltd.

5. Implications

5.1. Strategic and Policy Implications

Appointing a Code of Conduct Review Panel supports achievement of Goal 2 in the Strengthening our Region Community Plan 2022-2032 "Strong governance and leadership that supports our region to grow and prosper".

Strategies (S2.1 – S2.4):

- Provide a strong, transparent, sustainable, and responsive governance for our region
- Ensure that strategic directions are informed by, and with, the community and are delivered in consideration of available resources
- Manage public resources responsibly and efficiently for the benefit of the community
- Make open and transparent decisions that are informed by stakeholders, leading practices, systems, and technologies.

Appointing a Code of Conduct Review Panel also supports implementation of the Code of Conduct and the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW (Model Code Procedures).

5.2. Risk

The key risk to Council is compliance risk. Failure to appoint a Code of Conduct review Panel would be a risk to Council as all NSW councils must appoint a panel of Code of Conduct Reviewers to meet their obligations under the Model Code Procedures. The process used by Council to select entities to Reviewers followed the selection process outlined in Part 3 of the Model Code Procedures.

Secondary risks include reputational and workplace health and safety risks. By establishing a panel of conduct reviewers available to address issues which relate to conduct of senior Council staff, the mayor and councillors as these issues frequently raise reputational and propriety risks the governance and culture of Council is strengthened.

As a proactive preventative measure, it is also good governance to provide a confidential advisory service where Councillors can discuss Code of Conduct matters without prejudice. The appointment of a panel of conduct reviewers provides a mechanism for review of Code of Conduct complaints and is part of the broader framework for meeting WHS workplace health and safety, particularly in relation to bullying, harassment and psychological safety.

5.3. Sustainability

N/A

5.4. Financial

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

6. Consultation and Communication

Nil.

7. Conclusion

It is recommended Council appoint the 13 firms to the Code of Conduct Review Panel for a period of four years commencing from 1 June 2023 – 31 May 2027.

Item:	10.3	Ref: AINT/2023/08977
Title:	2022-2023 Annual Report of the Audit, Risk and Improvement Committee	Container: ARC23/5778
Responsible Officer	Chief Officer Corporate and Community	
Author:	Simone Mooketsi, Manager Governance and Strategy	
Attachments:	1. ARIC Annual Report 2022-23	

1. Purpose

To provide the independent annual report (ARIC Annual Report) for the period of March 2022 – March 2023 of Council’s Audit, Risk and Improvement Committee (ARIC) to Council for noting.

2. OFFICERS’ RECOMMENDATION:

That Council note the content of the ARIC Annual Report.

3. Background

This is the second ARIC Annual Report of Council’s current ARIC. The ARIC was established in accordance with section 428A of the *Local Government Act 1993*. The ARIC commenced with its current independent committee membership in January 2021, with its first meeting in March 2021. The ARIC consists of three voting members; Phil Thomas (Chair) and independent members Jason Masters and Michael O’Connor. The Annual Report is an independent report, prepared by the ARIC secretariat on behalf of the ARIC and has been endorsed by ARIC.

The objective of the ARIC is to provide independent assurance and assistance to the Council on risk management, internal control, governance, internal audits, organisational performance and external accountability responsibilities.

Specifically, the ARIC assists Council to:

- Promote a culture of corporate governance and compliance with Council’s statutory, regulatory and policy framework;
- Examine the effectiveness of Council’s internal control framework to include business processes and systems;
- Review the effectiveness of the Council’s enterprise risk management processes;
- Examine the effectiveness of audit processes;
- Review external financial statements reporting processes; and
- Provide information to the Council for the purpose of improving the performance of Council’s functions.

The ARIC Annual Report has been prepared in to demonstrate how the ARIC has upheld the requirements of its Charter and the *Guidelines for risk management and internal audit for local councils in NSW* which came into effect to from 4 June 2022.

Commencing in the 2024-2025 financial year, general managers will be required under the Local Government Regulation to publish an attestation statement each year in the Annual Report indicating whether, during the preceding financial year, the ARIC’s functions, risk management framework and internal audit function complied with the requirements of the *Guidelines for risk management and internal audit for local councils in NSW*. Please note these Guidelines are currently being codified into regulation. The reporting of the ARIC Annual Report to Council

establishes a mechanism for the General Manager to be able to complete the annual attestation when the requirement comes into effect in 2024-25.

Delegated Authority:

The Committee is advisory in its function and has no authority to direct the General Manager or Council officers. The Committee has no executive powers, except those expressly provided by the Council. In carrying out its responsibilities, the Committee must at all times recognise that primary responsibility for management of Council rests with the Council and the General Manager as defined by the Act.

The Committee operates under the auspices of the Audit, Risk and Improvement Committee Charter (the Charter) which was adopted by Council in July 2020 and revised on 9 December 2020.

4. Discussion

Nil.

4.1. Implications Strategic and Policy Implications

The ARIC Annual Report demonstrates Council's compliance with the requirements of the *Local Government Act 1993, Guidelines for risk management and internal audit for local councils in NSW* and the ARIC Charter.

4.2. Risk

The *Local Government Act 1993* was amended in 2016 to require the independent assurance of Council's activities through the establishment of an Audit, Risk and Improvement Committee. Section 428A of the Act requires each council to establish an Audit, Risk and Improvement Committee by 4 June 2022 to continuously review and provide independent advice to the General Manager and the governing body of Council about:

- compliance
- risk management
- fraud control
- financial management
- governance
- implementation of the strategic plan, delivery program and strategies
- service reviews
- collection of performance measurement data by the council
- any other matters prescribed by the regulations
- improving the Council's performance of its functions.

4.3. Sustainability

ARIC's assurance activities include consideration of matters related to financial and environmental sustainability of Council's operations.

4.4. Financial

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

5. Consultation and Communication

Nil.

6. Conclusion

Council note the content of the Independent ARIC Annual Report.

Item:	12.1	Ref: AINT/2023/09120
Title:	Armidale Regional Council acknowledges that Armidale Regional Council sits on the lands of the Anaiwan, Banbai and Dunghutti People.	Container: ARC16/0025-7
Responsible Officer	Chief Officer Planning and Activation	
Author:	Bradley Widders, Councillor	
Attachments:	Nil	

I hereby give notice of my intention to move the following motion at the Ordinary Council to be held on 24 May 2023.

That Armidale Regional Council erect signs at the council boundaries acknowledging that Armidale Regional Council sits on the lands of the Anaiwan, Banbai and Dunghutti people, based on all credible available evidence, noting that if a Native Title determination is made, for example with the current Gomeroi land claim still under determination, that the signs be changed to reflect any and all determinations.

.....

Cr Bradley Widders

16 May 2023

Background Supporting Information

<https://transcripts.sl.nsw.gov.au/page/aboriginal-words-and-names-upper-clarence-river-dialect-collected-thomas-george-hewitt-ca-33>

Based on the Above article which describes the Guy Fawkes river area as Jer ri wan, which is the same word as posted on Mutton Bird Island at Coffs Harbour, describing the Gumbaingirr word for Anaiwan, the language itself describes where Anaiwan starts compared to Gumbaingirr land.



Welcome to Gumbaynggirr Country

'The Firepit' - designed by Janelle Marshall

The inscription around the centre of the artwork 'Darruyay Yilaaming Gumbaynggida Jagunda' (Welcome to Gumbaynggirr Country) is written in the Gumbaynggirr language, as are the directional markers which radiate from the circle to indicate the other nations that can be seen from Muttonbird Island. 'Gilagung(ga)' points out to sea to as a symbolic reference to the Gumbaynggirr ancestors.

<i>Gumbaynggirr</i>	<i>Country language</i>
Banyjalang	Bundjalung
Yaygirr	Yaegl
Dhanggati	Dunghutti
Jarriwan	Anaiwan
Gilagung(ga) (Ancestors)	

Buchanan indicated there were several periods and the moon's cycle.

Ecology: The preservation of the land over thousands of years depended on the (uncontrolled) tides, but section restrictions, initiation restrictions, and other restrictions ensured the survival of the land.

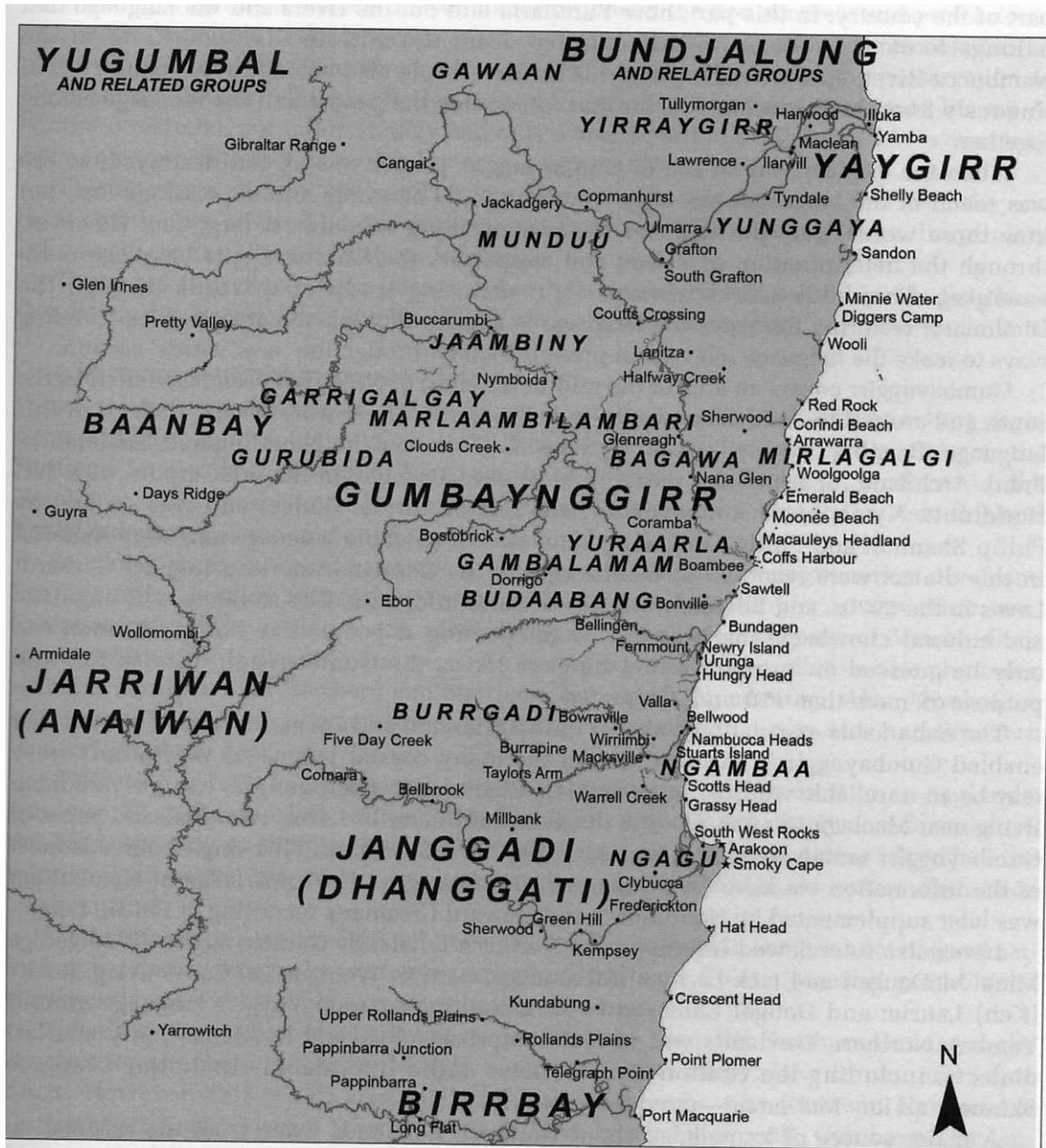
Fun: The moon is a figure of many stories. The Gumbaynggirr do not believe the Fat Moon Man spears himself, but he runs and wastes away.

Life, death and regeneration: the moon is a symbol of death and rebirth. He gives regenerative powers in the moon story.

<https://transcripts.sl.nsw.gov.au/page/volume-01-production-and-resources-northern-and-western-districts-new-south-wales-1854-ca-164>

In this link you will notice that the “New England” tribal group is noted as Eenawan /Anaiwan.

A map from Gumbaynggir Bijaarr Jandaygam, Ngaawa Gugaarrigam (Gumbaynggir Dictionary and Learners’ Grammar) (Steve Morelli 2008, p.vii) shows both Gumbaynggir and Anaiwan (also called Jarriwan):



Banbai/Banbaay Language, <https://en.wikipedia.org/wiki/Baanbay> describes where it was, including the Boyd Valley, which would match the known western boundaries of Gumbaingirr being the Guy Fawkes area up into the Mann/Clarence river as mention in the following transcripts of George Thomas Hewitt.

According to W. G. Hoddinott, Banbai seems to have been a dialect of Gumbaingar, if not indeed, almost identical to the language spoken by that tribe. Which could be possible if they neighbor each other in the Boyd Valley but that view is countered in this link by Muurrbay, in the neighbouring languages section.

<https://muurrbay.org.au/languages/gumbaynggirr/>

Looking at D24, E6, E7 and E8 in the following link gives a representation of Anaiwan, Banbai, Gumbaingirr and Dunghutti land.

<https://collection.aiatsis.gov.au/austlang/search>

There will be opposition for this motion from the local Armidale based Gumbaingerri Elders Group. I have considered them in this motion and have given them and those with likeminded beliefs ample time to provide me with factual evidence. Their main claim is through “King Bobby” and a mentioning of a song sung about a train. I have found their beliefs not to be a community issue but more so a family issue. Below is a link to a thesis from another descendant of “King Bobby” who has a contradictory belief in his origins.

From Ray Kelly who is also a relative of Bob King and Frank Archibald. Also gives a more comprehensively articulate version of the train song and photos.

<https://nova.newcastle.edu.au/vital/access/services/Download/uon:21902/ATTACHMENT02>

Particular interest is to be taken from page 46 and 47 and his notes at the bottom (numbered 86,87).

Also following an extensive study by ORALRA;

<https://www.oralra.nsw.gov.au/>

Descendants of “King Bobby” can claim to be a traditional Anaiwan Owner of Bullcorronda (link to the study below).

<https://www.imags.com.au/Bullcorronda/files/assets/basic-html/page-17.html#>

There is no current native title claim from them that I can find.

With no forthcoming evidence and the three contradictions noted, I have considered at this time their beliefs to be non-factual and that as stated before, is a family issue that needs to be sorted out between themselves.

The often sighted AIATIS map seems to provide some issue for those who don’t understand Aboriginal languages.

Nganaywanya is actually supposed to be Nganaywan (Ny-anay-wan) which is the Dhunghutti pronunciation of Anaiwan. The last sound of “ya” was placed there by linguist Terry Crowley in the 70s. When you look up the name Banbai as it is not on the map it comes up in the alternate names for Gumbaingerri.

<https://aiatsis.gov.au/sites/default/files/2020-08/aamapalternatespellings.pdf>

Following is another map for you to look at.



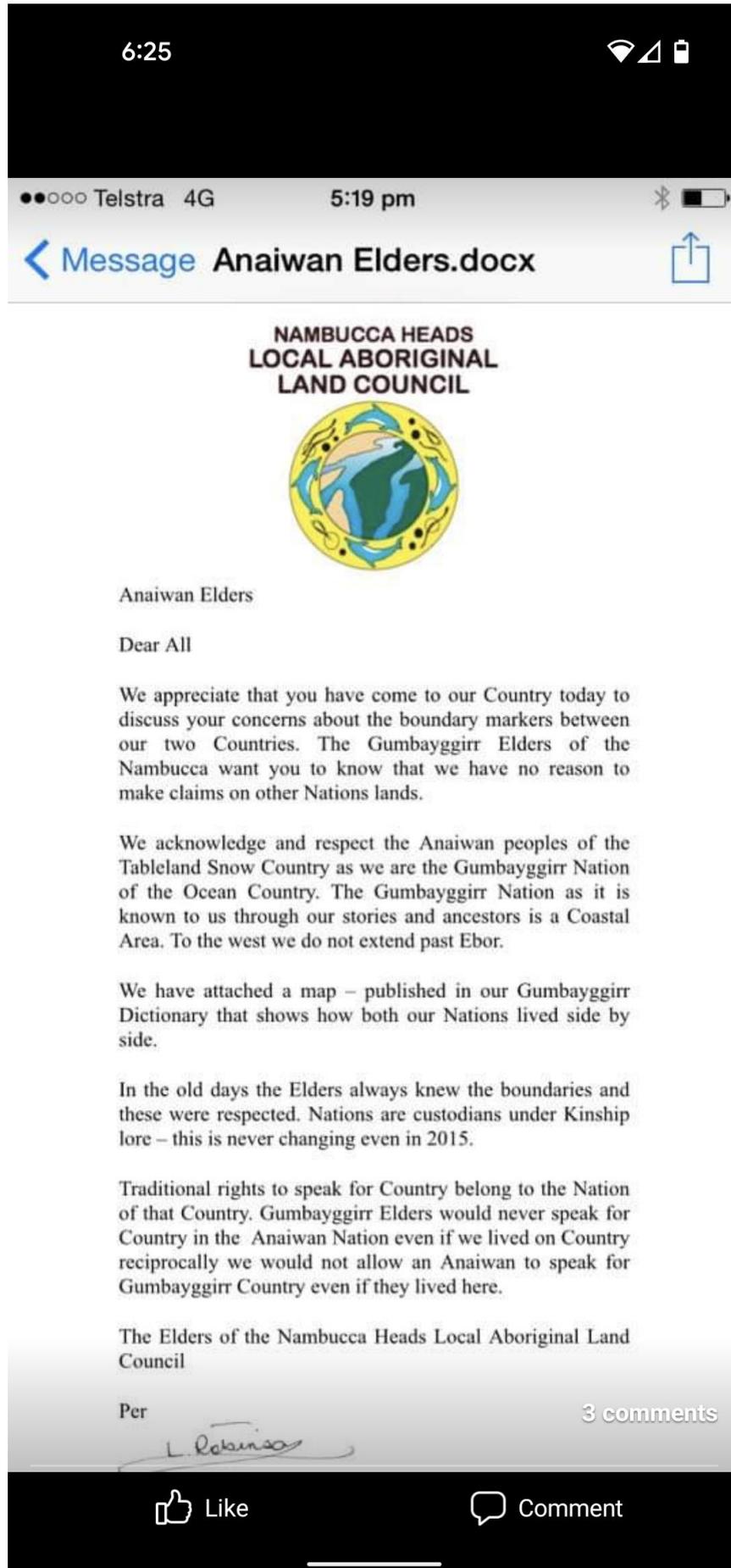
This link shows ARC boundary.

<https://profile.id.com.au/australia>

This link indicates where the Gomeri Native title claim goes to.

<https://protect-au.mimecast.com/s/t3T-CvI3QZt72MFQMSuA?domain=nntt.gov.au>

As you will see there is an overlap in our western boundary which when a determination is made may mean a change in the signs. Which will be noted in my motion.



Known Legal Implications:

N/A

Budget Implications:

N/A

Strategic Implications:

N/A

Policy Implications:

Nil.

General Manager's Comment:

Nil.

Item:	13.1	Ref: AINT/2023/08806
Title:	Access Advisory Committee- Minutes of meeting held 20 April 2023	Container: ARC16/0524-3
Responsible Officer	Chief Officer Corporate and Community	
Author:	Kylie Giles, Manager Community Services	
Attachments:	1. Access Advisory Minutes 20 April 2023	

RECOMMENDATION:

That the Minutes of the Access Advisory Committee meeting held on 20 April 2023 be noted.

1. Purpose:

This report is to provide Council with the minutes of the Access Advisory Committee meeting held on the 20 April 2023.

2. Background

The primary responsibilities of the Access Advisory Committee are to:

- Track the progress of the actions outlined in Council's Disability Inclusion Action Plan.
- Provide advice and recommendations on Council policy as required.
- Provide a forum for people living with disability and their supports, services providers and Council officers to make the local government area a more accessible, inclusive and safer place.
- Make recommendations to Council on matters relating to access issues as defined by the *Disability Discrimination Act 1992* (Comm.) and *Disability Inclusion Act 2014* (NSW)

3. Report:

At the meeting on the 20 April 2023, the committee discussed the following items:

- The tactile paths and ways of ensuring these are maintained, meet requirements and are repaired promptly.
- The creation of a sub-committee to focus on the Access Awards- including researching past events and location of physical awards and trophies
- The need to educate and remind business operators of their compliance obligations within the Street Trading Policy (A-frame placement).
- Continued planning and thought to the 'Adopt a Disability Day' - December 2023.
- Armidale CAB lift and ongoing lack of accessibility when it is out of action.
- The ways to involve and include Guyra residents in the Access Advisory Committee.

4. Strategic Directions:

Key Direction		Enriched Region
Objective	E1	Access to the services and support that facilitate quality of life
Strategy	E1.2	Recognise and support the diverse and changing needs of our community, including those who are disadvantaged.

5. Relevant Legislation

Not Applicable

6. Financial Implication

Not Applicable

7. Conclusion

That Council note the minutes of the Access Advisory Committee meeting held on 20 April 2023.

Item:	13.2	Ref: AINT/2023/08545
Title:	Traffic Advisory Committee - Minutes of the meeting held Tuesday 2 May 2023	Container: ARC16/0168-8
Responsible Officer	Chief Officer Assets and Services	
Author:	Belinda Ackling, Divisional Assistant Operations	
Attachments:	1. Minutes- Traffic Advisory Committee - 2 May 2023 2. Agenda - Traffic Advisory Committee - 2 May 2023	

RECOMMENDATION:

That in relation to the report "Armidale Regional Council Traffic Advisory Committee Minutes – 2 May 2023", that Council:

- a) Endorse the use of Armidale Regional Council local roads only for the Austin Page College Coast Run 2023, in accordance with the submitted Traffic Management Plan, and subject to any special conditions required by NSW Police in the Section 40 approval.

That copies of the required approvals from Transport for NSW, Bellingen, Coffs Harbour and Clarence Valley Councils' for the use of respective roads under their management be provided to Council;

- b) That Council endorse the traffic management plan and the reduction of speed to 40km/h for Kentucky St between Faulkner St Armidale and Dangar St Armidale for the NSW Country Gymnastic Competition from Tuesday 4 July to Sunday 9 July 2023;
- c) Endorse the 10km/h and 25t Gross Load Limit on the bridge over Boundary Creek on Lyndhurst Road;
- d) Endorse the 10km/h and 14.5t max. Load Limit on the bridge over Boorolong Creek on Boorolong Road;
- e) Endorse the removal to 11t Load Limit and retain the 10km/h on the bridge over Laura Creek on Baldersleigh Road; and
- f) Endorse the 10km/h and 7.5t max Load Limit in the bridge over Two Mile Waters on Boorolong Rd.

1. Purpose:

This report is to provide Council with the agenda, minutes and action list of the Traffic Advisory Committee (TAC) meeting held on Tuesday, 2 May 2023 which details recommendations to Council for consideration and adoption.

2. Discussion

To consider the recommendation advice provided by the TAC, a Transport for NSW (TfNSW) committee comprising of experts from TfNSW, Police, State Member representative, ARC Councillor and ARC technical officers.

Council is not bound by the advice given by the TAC. However if Council does wish to act contrary to the unanimous advice of the TAC or when the advice is not unanimous, it must notify TfNSW & the NSW Police and wait 14 days before proceeding.

The TAC has no decision-making powers and is primarily a technical review committee. It only advises the Council on matters for which the Council has delegated authority, being certain prescribed traffic control devices and traffic control facilities.

The Council must refer all traffic related matters to the TAC prior to exercising its delegated functions. Matters related to State Roads or functions that have not been delegated to the elected Council and must be referred directly to TfNSW or relevant organisation. Such matters must not be referred to the TAC.

3. Report:

At its meeting on 2 May 2023 the TAC considered three items:

- a) Special Event Traffic Management Plan - Austin Page College Coast Run 2023
- b) Special Event Transport Management Plan - NSW Country Gymnastics Competition 2023
- c) Timber Bridge Load Limits and Speed Restrictions

Special Event Traffic Management Plan - Austin Page College Coast Run 2023

The Austin Page College Coast Run (previously known as Earl Page) is an event organised by Austin Page College in order to raise money for the Children's Medical Research Institute.

It is in its 44th year, and involves around 40 students from Austin Page College, running in relay from Armidale to Coffs Harbour over two days.

The 44th Annual Austin Page College Coast Run is being held over two consecutive days commencing at Austin Page College, Armidale, Friday 25 August 2023, and concluding at the Coffs Harbour Jetty, Saturday 26 August 2023.

Special Event Transport Management Plan - NSW Country Gymnastics Competition 2023

The Armidale Gymnastics Club will be hosting the annual NSW Country Gymnastics Competition. This is second year this event has been held in Armidale.

The competition will run from Tuesday 4 July to Sunday 9 July and attracts approx. 1,200 people per day during the week of competition.

This event will attract a high number of visitors to the area and it is forecast to generate 200 to 250 cars per session of the competition. There will be 3 sessions per day running from approx. 7:30am to 7pm.

Due to the high volumes of traffic, both vehicular and pedestrian, expected and the organisers have requested that a 40km/h speed restriction be implemented and that the parking be limited to drop off and pick up only. Variable Message Signs will be used to advertise of the activity and are to be in place 2 weeks prior to the start of the competition.

This arrangement is similar to last year's competition and operated very effectively. The 40km/h speed restriction would only operate during the competition times and the signs will be covered outside of these hours.

Timber Bridge Load Limits and Speed Restrictions

Armidale Regional Council has a rolling program to replace the remaining timber bridge stock in its care across the LGA. A total of 16 timber bridges remained at the commencement of the Fixing Country Bridges Round 1 (FCB1) program.

The bridges continue to deteriorate and it is becoming ever increasingly important to remain vigilant on the condition of the bridges to ensure safety for the travelling public. Accordingly we have been undertaking regular inspections of the bridges.

Armidale Regional Council engaged contractors to undertake Level 3 Bridge Inspections on timber bridges within the LGA.

Three bridges have been identified as requiring urgent action to implement load limits and speed restrictions to prevent further deterioration and the risk of collapse under load. Laura Creek on Baldersleigh Road was reconsidered and while the speed limit will remain the weight limit will be removed.

Advisory Note for Council regarding Level Crossing Speed Limits.

TfNSW in the aim of reducing the risk to motorists and pedestrians “*Toward Zero*” have implemented new speed restrictions at level crossings across NSW. New signage will be erected at level crossings limiting speeds to 80km/hr. The cost for installation of the signage will be borne by TfNSW.

4. Strategic Directions:

The function of the TAC aims to maintain safe and effective traffic facilities on the road network to industry and legislative standards.

The activities and recommendations align with Advancing Our Region - Your Community Plan 2022-2032 and with Council Delivery Program 2022-2026 as part of:

The function of the TAC aims to maintain safe and effective traffic facilities on the road network to industry and legislative standards.

The activities and recommendations align with Advancing Our Region - Your Community Plan 2022-2032 and with Council Delivery Program 2022-2026 as part of:

Connected Region – Transport and Technology

- C1. Quality infrastructure makes it safe and easy to travel around our region
 - C1.1 Build and maintain quality, safe, and accessible road transport infrastructure including roads, footpaths, kerbs, bus stops and parking facilities.
- C2. Transport and technology that enable connectivity both locally and outside the region
 - C2.1 Provide access to public and private transport services that link our community to our local towns and villages, other regions, our local attractions, and lifestyle infrastructure.

5. Relevant Legislation

- *Roads Act (1993)*
- *Road Transport (Safety and Traffic Management) Regulations (1999)*

- *Road Rules (2008)*, and
- A guide to the delegation to Council for the Traffic (Guidelines)

6. Financial Implications

TfNSW Block Grant.

TfNSW provides block grants to Council as a contribution towards the cost of works on Regional Roads, under the terms of the Block Grant Agreement. Block Grants may be spent on preservation, restoration and enhancement works to the extent provided for in the Block Grant Agreement.

Every council has entitlement to an annual block grant. The grant comprises a roads component and a supplementary component (both available for works on Regional Roads) and a traffic facilities component (which may be spent on works on Regional Roads as well as traffic facilities on Local Roads).

Budget Area:	Transport						
Funding Source:	TfNSW Block Grant						
Budget Ref: (PN)	Description	Approved Budget	Actual	Committed	Proposed	Total Forecast Expenditure	Remaining Budget
210510	Install signs	\$91,152	\$7,247	\$1,500	\$2,500	\$11,247	\$79,905

Special Event Traffic Management costs to be borne by organisers for implementation of the traffic management by Council staff.

7. Conclusion

That Council note the minutes of the Traffic Advisory Committee (TAC) meeting held on Tuesday, 2 May 2023 and the recommendations to Council be considered for adoption.