



BUSINESS PAPER

ORDINARY MEETING OF COUNCIL

To be held on

Wednesday, 25 October 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

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(General Manager's Note: The report considers commercial rates provided by consultants 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).

15.2 Kempsey Armidale Road Restoration Project - GeoLink

(General Manager's Note: The report considers tender information 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).

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/2023/26424
Title: Minutes of Previous Meeting held 27 September 2023 **Container:**
ARC16/0001-8
Responsible Officer: Acting General Manager
Author: Melissa Houtt, Executive Officer
Attachments: 1. Draft OCM Minutes - 27 September 2023

RECOMMENDATION:

That the Minutes of the Ordinary Council meeting held on 27 September 2023 be taken as read and accepted as a true record of the meeting.

Item:	6.1	Ref: AINT/2023/27327
Title:	Mayoral Minute: Water Restrictions	Container: ARC20/4403
Responsible Officer	Mayor	
Author:	Sam Coupland, Mayor	
Attachments:	1. ARC Drought Management Plan 2020 - Adopted by Council 24 Feb 2021	

1. Purpose

The purpose of this Mayoral Minute is to seek Council support to for the early introduction of water restrictions.

2. OFFICERS' RECOMMENDATION:

That Council;

- a. move to Level 1 Water Restrictions when total dam storage is 90%;
- b. move to Level 2 Water Restrictions when total dam storage is 80%;
- c. investigate a subsidised rainwater tank program.

Council's Drought Management Plan 2020 (**DMP**) was adopted on 24 February 2021. The DMP was a considerable improvement in Council's response in times of (and preceding) drought and drew heavily on our learnings from 2019. The DMP provides for permanent conservation measures and implements water restrictions well before water levels at our dams reduce to the point that seriously impact our ability to supply water to our community (Attachment 1).

The DMP moves to Level 1 (Low) Water Restrictions when total storage is 80% and Level 2 (Moderate) Water Restrictions when total storage is 70%. The DMP was subject to widespread industry and community consultation and, as Mayor, I am reticent to develop "policy on the run". However, I have thought deeply about this matter, spoken to community members on the land and consulted with Council Staff. The water levels at our dams remain healthy, as at Monday, 16 September total water storage is 96.4% (Figure 1). Nevertheless, I would rather be accused of going too early on water restrictions than too late.

I therefore move that Council amend the DMP by moving to Level 1 Water Restrictions when total storage is 90% and Level 2 Water Restrictions when total storage is 80%.

I would also welcome Council support for developing a new a subsidised rainwater tank program.

ARC Water Production	Capacity, ML	Current Storage, ML	% of Dam	% Total Storage
Malpas	12266	11773	96.0%	87.7%
Puddledock	720	705	99.0%	5.2%
Guyra	463	463	100.0%	3.4%
Total Storage	13429	12941		96.4%

Figure 1 ARC Water Storage as at 16 September 2023

Item:	7.1	Ref: AINT/2023/26426
Title:	Council Actions Report January 2022 - September 2023	Container: ARC16/0001-8
Responsible Officer	Acting General Manager	
Author:	Melissa Houtt, Executive Officer	
Attachments:	1. Action Items Report - 25 October 2023	

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/2023/26696
Title:	Cash and Investment Report 30 September 2023	Container: ARC23/6030
Author:	Ann Newsome, Chief Financial Officer	
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 30 September 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 September 2023.

3. Background

As at the date of the report, Council held \$105,994,638 in investments and \$17,394,101 in cash, giving a combined total of \$123,388,739.

Discussion

Cash & Investment Balances	Sep-23	Aug-23	Movement
<u>Cash at Bank</u>			
NAB General Accounts	-	15,867,423	(15,867,423)
NAB Cash At Call	15,005,994	12,396,043	2,609,951
AMP Saver Account	1,019,615.82	1,019,581	35
NAB Trust Fund	1,368,491	1,363,940	4,551
Total Cash	17,394,101	30,646,986	(13,252,885)
<u>Investments</u>			
NSW Treasury Corp (T-Corp) Investment Management (IM) Fund	10,464,638	10,430,357	34,280
Term Deposits	95,530,000	89,530,000	6,000,000
Total Investments	105,994,638	99,960,357	6,034,280
Total Cash & Investments	123,388,739	130,607,343	(7,218,604)

Summary of term deposit movements:

<u>Investments Redeemed</u>		<u>Investments Rolled</u>		<u>Investment New</u>	
Institution	Amount \$	Institution	Amount \$	Institution	Amount \$
CBA	5,000,000			NAB	11,000,000
Total	5,000,000	Total	Nil	Total	11,000,000

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 the month are detailed above.

Market expectations of future RBA rate rises appeared to have steadied.

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

	Sep-23	Aug-23	Movement \$
Interest Received			
NAB General Cash Account	2,562	1,421	1,141
NAB Cash at Call Account	52,178	27,830	24,348
AMP Saver Account	35	35	-
NAB Trust Account	4,551	4,848	(297)
Interest Received on Bank Accounts	59,326	34,133	25,193
NSW T-Corp IM Fund (Note 1)	31,174	31,081	93
Term Deposits	209,000	900,618	(691,618)
Interest Received on Investments	240,174	931,699	(691,525)
Total Interest Received	299,500	965,832	(666,332)
			-
Interest Accrued this month	364,720	309,876	54,844

Note 1: Council holds an investment in the NSW T-Corp IM Fund – Short Term Income Fund.

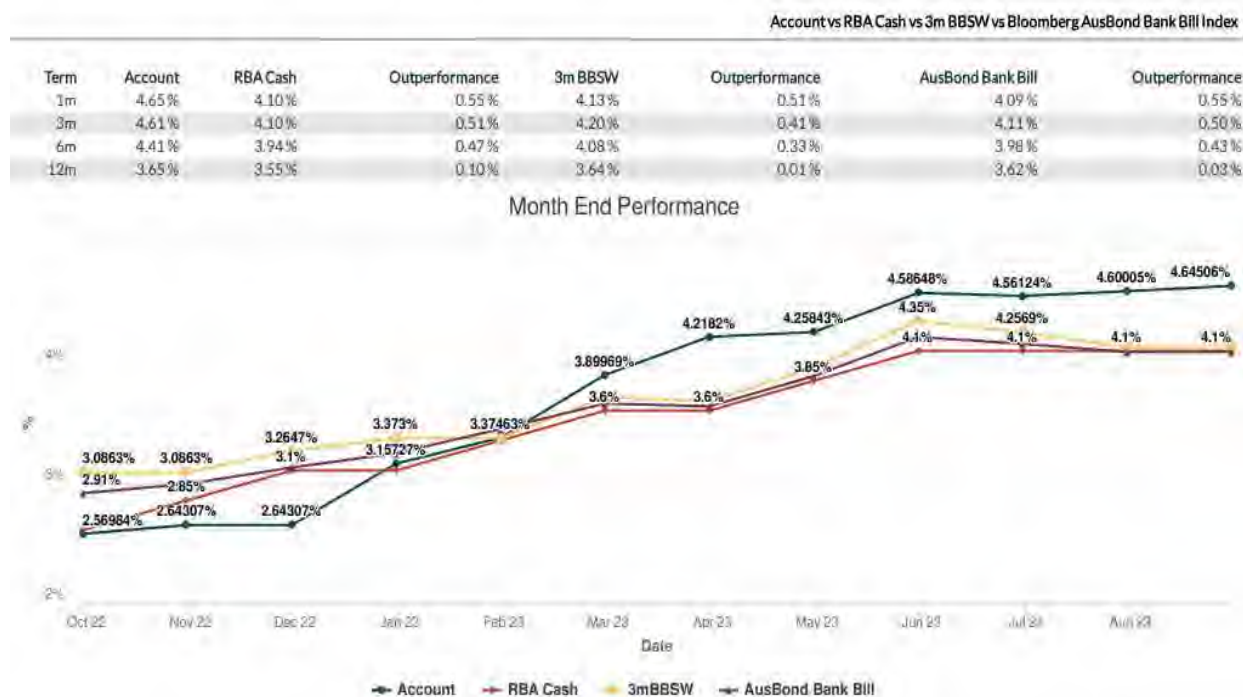
Investments are diversified across a range of institutions, with funds invested to ensure the portfolio is aligned with the Investment Policy.

Issuer	Short Term Rating	At Cost \$	% Total Value
AMP Bank	A2	6,000,000	5.7%
Bank of Queensland	A2	30,000,000	28.3%
Bendigo & Adelaide Bank	A2	5,000,000	4.7%
Commonwealth Bank of Australia	A1+	4,000,000	3.8%
ING Bank	A1	23,500,000	22.2%
National Australia Bank	A1+	27,030,000	25.5%
NSW T Corp – IM Fund (Short Term Income Fund)	AA+	10,464,638	9.9%
Total		105,994,638	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



4. Implications

4.1. 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.

4.2. 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, there will be lag between these rates if the BBSW moves quickly either up or down. Movement up may show as the BBSW being high as older council investments are held at lower historic rates. Conversely as the BBSW drops councils longer term investments maybe locked into higher rates of returns giving council a return advantage.

The recent history of increases in the official cash rate is detailed below:

Date	Rate Increase	From	To
May 2022	0.25%	0.10%	0.35%
June 2022	0.50%	0.35%	0.85%
July 2022	0.50%	0.85%	1.35%
August 2022	0.50%	1.35%	1.85%
September 2022	0.50%	1.85%	2.35%
October 2022	0.25%	2.35%	2.60%
November 2022	0.25%	2.60%	2.85%
December 2022	0.25%	2.85%	3.10%
February 2023	0.25%	3.10%	3.35%
March 2023	0.25%	3.35%	3.60%
April 2023	-	3.60%	3.60%

May 2023	0.25	3.60%	3.85%
June 2023	0.25	3.85%	4.10%
July 2023	-	4.10%	4.10%
August 2023	-	4.10%	4.10%
September 2023		4.10%	4.10%

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.

4.3. 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.

4.4. 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	\$2,720,000	\$1,048,586	Nil	Nil	\$2,720,000	\$1,045,866
210815.1.1760. 333.2430	Subscriptions	\$48,300	\$11,200	Nil	Nil	\$48,300	\$37,100

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.

The reserve position will be updated on completion of the draft 2023 Financial Statements.

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

5. Consultation and Communication

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

6. Conclusion

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

Item: 9.1 **Ref:** AINT/2023/25103
Title: Adoption of Renewable Energy Benefit Sharing Framework
Container: ARC23/5799
Responsible Officer: Acting General Manager
Author: Daniel Boyce, Acting General Manager
Attachments: 1. Tracked changes Renewable Energy Benefit Sharing Framework
 2. Renewable Energy Benefit Sharing Framework

1. Purpose

The purpose of this report is for Council to consider public submissions and determine whether to adopt the Renewable Energy Community Benefit Framework (Framework).

2. OFFICERS’ RECOMMENDATION:

That Council:

- a. Adopt the Renewable Energy Benefit Sharing Framework;
- b. Review the Renewable Energy Benefit Sharing Framework within one year of adoption.

3. Background

At the August 2023 Ordinary Council Meeting (**OCM**) Council endorsed the Draft Renewable Energy Community Benefit Framework (**Draft Framework**) for public exhibition.

The Draft Framework was exhibited for 28 days to 25 September 2023. The table below provides a summary of the submissions lodged and comments from Council staff.

4. Discussion

Submission	Council Comment
Renewable Energy, Education, Advocacy and Community Health (REEACH), Sustainable Living Armidale	
Review Renewable Energy Community Benefit Framework in one year from adoption.	Agreed. Added in recommendation and Draft Framework.
Add this additional dot point “ensure that the community benefit outcomes are determined by intentional REZ community engagement and appropriate governance processes” to the end of Section 1.	Additional point added to objectives: <i>Ensure that community benefit outcomes are determined through appropriate governance processes which include REZ community representation.</i>
That a development environment is encouraged where the manifestation of community benefit establishes authentic and ongoing relationship between a project and its host community so that the project can act as a good corporate citizen in a region and create a lasting positive impact.	Additional point added to Community Benefits: <i>Developers who demonstrate involvement with and for the community will be encouraged against those who show no such initiatives. Council requires developers to be responsible members of the community eg. The support of an ongoing workforce, disincentives for FIFO</i>

	<p><i>practices, landscape rehabilitation incorporated into projects.</i></p>
<p>That the governance structure for determining Community Benefits in Section 4. should be significantly independent from Council so that communities can develop ideas for resourcing that may be outside Council’s usual remit.</p>	<p>Noted. Council has endorsed (123/23) the concept of a “Future Fund” governed by a Board of Guardians and a Community Benefit Panel to be established to manage, invest and distribute contributions from renewable energy planning agreements.</p> <p>Council could delegate authority to a <i>Community Benefit Panel</i> (by resolution under s377, LG Act) to allocate the proceeds of investment for ‘public purposes’.</p> <p>The Community Benefit Panel could comprise:</p> <ul style="list-style-type: none"> • community representatives • a Councillor • a Council staff delegate • a representative from each community where a renewable project has been established.
<p>Include in this Section 5. options to improve energy efficiency, community batteries and collaboration with key stakeholders on demand management and low-cost electricity deals to allow local use of renewable energy when generation exceeds transmission capacity, also facilitation of such low-cost electricity deals for local manufacturers and supply chains.</p>	<p>Additional point added to public Purpose:</p> <p><i>options to improve energy efficiency, community batteries. low-cost electricity deals to allow local use of renewable energy, low-cost electricity deals for local manufacturers and supply chains</i></p>
<p>That for Section 5. the governance structure and decision-making body expanded beyond “Council” for the determination of the public purpose proposals</p>	<p>Noted. Council has endorsed (123/23) the concept of a “Future Fund” governed by a Board of Guardians and a Community Benefit Panel to be established to manage, invest and distribute contributions from renewable energy planning agreements.</p> <p>Council could delegate authority to a <i>Community Benefit Panel</i> (by resolution under s377, LG Act) to allocate the proceeds of investment for ‘public purposes’.</p> <p>The Community Benefit Panel could comprise:</p> <ul style="list-style-type: none"> • community representatives • a Councillor • a Council staff delegate • a representative from each community where a renewable project has been

	established.
That any Renewable Energy Community Fund should have a separate community advisory body. Minutes of meetings should be posted online and a Fund Budget needs to be posted annually separate to Council's budget.	<p>Noted. Council has endorsed (123/23) the concept of a "Future Fund" governed by a Board of Guardians and a Community Benefit Panel to be established to manage, invest and distribute contributions from renewable energy planning agreements.</p> <p>In terms of preserving the capital and investing for future generations, Council could appoint a <i>Board of Guardians</i> to whom authority is delegated (by resolution under s377, LG Act) to invest contributions collected via PAs in accordance with the Investment Order issued by The Minister for Local Government.</p>
New England Visions 2030 Institute	
Additional objective: secure off-site benefits for the community so that renewable energy development delivers a future sustainable net community benefit;	Additional words added to objectives.
<ol style="list-style-type: none"> 1. Invest at least half in a Future Fund for a period of five/ten/fifteen/twenty years. 2. Provide a \$2000 subsidy for a household water tank. 3. Provide a \$2000 subsidy for rooftop solar. 4. Construct a short term stay village for FIFOs and crisis accommodation. Could be built by Uniplan. All revenue should be put back into paying for a caretaker, cleaners, management, renovation, repairs, etc. Management should be outsourced but the complex owned by council. 5. Subsidise short courses in renewables training for school leavers and encourage companies to take on apprentices. 6. Subsidise conversion courses for local tradies wanting to upskill. 7. Convert the Monkton Pool into an Aquatic Centre that includes an indoor hydrotherapy pool, 50m pool, 25m pool, learn to swim pool, dressing rooms, toilets, creche, gym, fitness rooms, rooms for allied health, sauna, spa, retail shop and cafe. It should aim to be open year round and be revenue neutral or make a profit. 8. The Big One - be prepared to fund a dollar for dollar grant to build an international standard jet runway. Toowoomba benefited economically after their international airport was built. With our agricultural produce and 	<p>Council has endorsed (123/23) the concept of a "Future Fund" governed by a Board of Guardians and a Community Benefit Panel to be established to manage, invest and distribute contributions from renewable energy planning agreements.</p> <p>In terms of preserving the capital and investing for future generations, Council could appoint a <i>Board of Guardians</i> to whom authority is delegated (by resolution under s377, LG Act) to invest contributions collected via PAs in accordance with the Investment Order issued by The Minister for Local Government.</p> <p>The investment projects and community benefit projects should be determined within appropriate governance processes as opposed to being listed in the Framework.</p> <p>Council could delegate authority to a <i>Community Benefit Panel</i> (by resolution under s377, LG Act) to allocate the proceeds of investment for 'public purposes'.</p> <p>The Community Benefit Panel could comprise:</p> <ul style="list-style-type: none"> • community representatives • a Councillor • a Council staff delegate • a representative from each community

<p>future horticultural industries it would be a great asset to be able to transport to Asian countries directly.</p>	<p>where a renewable project has been established.</p>
<p>1. Council should have a separate community advisory body to assist the Planning and Activation Business Unit. 2. Minutes of meetings should be posted online no later than a month after the meeting. 3. A separate Community Benefits Fund Budget needs to be posted annually separate to Council's budget.</p>	<p>In terms of preserving the capital and investing for future generations, Council could appoint a <i>Board of Guardians</i> to whom authority is delegated (by resolution under s377, LG Act) to invest contributions collected via PAs in accordance with the Investment Order issued by The Minister for Local Government.</p> <p>Council could delegate authority to a <i>Community Benefit Panel</i> (by resolution under s377, LG Act) to allocate the proceeds of investment for 'public purposes'.</p> <p>The Community Benefit Panel could comprise:</p> <ul style="list-style-type: none"> • community representatives • a Councillor • a Council staff delegate • a representative from each community where a renewable project has been established.
<p>Community Power Agency</p>	
<p>ARC to consider documenting any non-legislatively required benefit that has been negotiated with a host community (eg neighbour payments) even though it may sit outside the 1.5% of capital value negotiated with Council to protect the interests of the host communities.</p>	<p>Noted. Council could document these initiatives, however, it is not proposed to recognise any of these as part of the community benefit requirement for 1.5% of capital value of the development.</p>
<p>1.5% of capital value of the development, and congratulate Council for advocating for the quantum, but understand that this figure is likely to reflect a project's entire community benefit budget, in which case, governance and process should be established in order to enable community benefits to facilitate an ongoing relationship between developers and the community, in particular those living in the village or locality closest to the project site.</p>	<p>Council has endorsed (123/23) the concept of a "Future Fund" governed by a Board of Guardians and a Community Benefit Panel to be established to manage, invest and distribute contributions from renewable energy planning agreements. Council could delegate authority to a Community Benefit Panel (by resolution under s377, LG Act) to allocate the proceeds of investment for 'public purposes'.</p> <p>Council could delegate authority to a <i>Community Benefit Panel</i> (by resolution under s377, LG Act) to allocate the proceeds of investment for 'public purposes'.</p> <p>The Community Benefit Panel could comprise:</p> <ul style="list-style-type: none"> • community representatives

	<ul style="list-style-type: none"> • a Councillor • a Council staff delegate • a representative from each community where a renewable project has been established.
<p>‘in-kind benefits’ such as services, volunteerism or in-kind hours, learning positions, assistance with advice and expertise on community-scale renewable energy projects, reduced-fee power agreements, for example, can provide valuable community benefit, and should be considered for inclusion in VPAs,</p>	<p>It is not proposed to recognise any of these as part of the community benefit requirement for 1.5% of capital value of the development.</p>
<p>The final phrase: “or some other public purpose if the Council reasonably considers that the public interest would be better served by applying the funds towards that other purpose” could be more specific, and include a description which guides parameters such as: health, social, arts, resilience, research, training, environment, community development, active transport or home or community clean energy projects.</p>	<p>Additional point added to public Purpose: <i>options to improve energy efficiency, community batteries. low-cost electricity deals to allow local use of renewable energy, low-cost electricity deals for local manufacturers and supply chains</i></p> <p>The list of public purposes is intended to be instructive not exhaustive. The Framework provides flexibility in terms of the public purpose for which community benefit funds will be applied and could include those submitted by Community Power Agency.</p>
<p>rather than limiting the decision-making to “Council”, it would be a decision made by a committee consisting of community members, along with relevant stakeholders including the Industry partner/s which is either chaired by Council or chaired independently with Council representatives.</p>	<p>Council has endorsed (123/23) the concept of a “Future Fund” governed by a Board of Guardians and a Community Benefit Panel to be established to manage, invest and distribute contributions from renewable energy planning agreements. Council could delegate authority to a Community Benefit Panel (by resolution under s377, LG Act) to allocate the proceeds of investment for ‘public purposes’.</p> <p>Council could delegate authority to a Community Benefit Panel (by resolution under s377, LG Act) to allocate the proceeds of investment for ‘public purposes’.</p> <p>The Community Benefit Panel could comprise:</p> <ul style="list-style-type: none"> • community representatives • a Councillor • a Council staff delegate • a representative from each community where a renewable project has been

	established.
<p>governance structure which is a group or panel that:</p> <ul style="list-style-type: none"> - Has a majority and staged rotating membership - Has a majority of community members - Has membership from both Council staff and Councillors - Encourages members from community organisations (RFS, service organisations, social, small community organisations etc) - Encourages participation and a seat at the table for industry partners who are contributing to the fund <p>And that:</p> <ul style="list-style-type: none"> - Council plays an administrative role - Governance is administered under S355 or other structure - That Council's administration and support is resourced with a percentage of the funding received through the planning agreement 	See comment above.
footnotes perhaps ought to be referenced in the text	Removed.
New England Greens	
<p>5. PUBLIC PURPOSE</p> <p>The community benefit funds will be used for projects that help improve energy efficiency, reduce the region's contribution to global warming, embellish public spaces, provide spaces for public recreation and community facilities, contribute to the provision of affordable housing and works to rehabilitate or conserve biodiversity values, or some other public purpose if the Council reasonably considers that the public interest would be better served by applying the funds towards that other purpose.</p> <p>Other possibilities, if practicable and feasible, could include community batteries and collaboration with key stakeholders on demand management and low-cost electricity deals to allow local use of renewable energy when generation exceeds transmission capacity.</p> <p>The benefits of each potential use of the funds will be estimated in order to achieve maximum overall benefits for available funds.</p>	<p>Additional point added to public Purpose:</p> <p><i>options to improve energy efficiency, community batteries. low-cost electricity deals to allow local use of renewable energy, low-cost electricity deals for local manufacturers and supply chains</i></p>

5. Implications

5.1. Strategic and Policy Implications

T1.1 Attract new job creating investment to the region

Leverage our status as a Renewable Energy Zone to attract new engine room industries and negotiate community benefit sharing arrangements that deliver a long-term dividend for the region (T1.1.4)

If adopted the Draft Framework will provide Council with a basis for negotiating and managing community benefit funds associated with renewable energy projects.

5.2. Risk

The absence of an adopted policy position for community benefit sharing arrangements may reduce Councils ability to negotiate community benefit sharing arrangements.

The Framework also provides clear guidance for the community and developer around how community benefit arrangements will be negotiated and managed.

5.3. Sustainability

Entering into Planning Agreements for community benefit funds will provide funding for community projects.

5.4. Financial

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

6. Consultation and Communication

The Draft Framework was exhibited for 28 days to 25 September 2023. This report provides a summary of the submissions lodged and comments from Council staff.

7. Conclusion

This report recommends that Council adopt the Renewable Energy Community Benefit Framework.

Item:	9.2	Ref: AINT/2023/17992
Title:	Keeping of Animals Policy (Urban Areas)	Container: ARC17/1865
Responsible Officer	Acting General Manager	
Author:	Rick Mickerts, Acting Chief Officer Planning and Activation	
Attachments:	1. Draft Keeping of Animals Policy (Urban Areas) 2023	

1. Purpose

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

2. OFFICERS' RECOMMENDATION:

That Council:

- a. Endorse the draft Keeping of Animals Policy (Urban Areas) for public exhibition for no less than 28 days.
- b. Receive a further report should any submissions be received as a result of the exhibition period, however should no submissions be received, endorse the policy be adopted.

3. Background

The current Keeping of Animals policy (Urban Areas) was adopted by Council on 28 April 2021 and has existed in various forms since 2013. Council's Regulatory Services team proposes minor changes to the existing Policy (Attachment 1).

4. Discussion

The inclusion of "Tom" turkeys into the Prohibited area is based on complaints received regarding the noise created by these animals. Tom or male turkeys are notorious for being noisy (Gobbling) at all hours of the day and whenever anything outside of the norm is occurring in their general vicinity. Tom turkeys can be placed in a similar context as Roosters which generally create noise complaints within residential areas.

Including Tom turkeys into the Prohibited category would assist Council with not only providing solid advice to the community around the keeping of animals within residential areas but also provide a framework around the enforcement of the Policy to avoid or minimise complaints regarding noise associated with animals in a Residential area.

5. Implications

5.1. Strategic and Policy Implications

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

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

E1.3 – Foster safety and security within our community and support the provisions of basic needs.

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

5.2. Risk

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

5.3. Sustainability

NIL

5.4. Financial

NIL

6. Consultation and Communication

Consultation on the Policy will be undertaken over the 28 day period and submissions received during that time will be considered as part of a review of the Policy.

7. Conclusion

After the required two year review of the existing Policy only two (2) minor changes are recommended. Both of these changes are within the Poultry section of the Policy. The inclusion of “Tom” turkeys to be prohibited and the word “or” into the maximum numbers allowable.

Item:	9.3	Ref: AINT/2023/25390
Title:	Finalisation of Planning Proposal for Schedule 5 Environmental Heritage Housekeeping Amendments	Container: ARC23/5894
Responsible Officer	Acting General Manager	
Author:	Jesse Dick, Senior Strategic Planner	
Attachments:	1. Gateway determination - PP-2023-1507 2. Gateway determination report - PP-2023-1507 3. Planning Proposal No. 22 – Housekeeping Amendment to Schedule 5 Environmental Heritage & Associated Heritage Maps 4. PP-2023-1507 - Item table Amended to Reflect Gateway Determination Requirements	

1. Purpose

The purpose of this report is to seek Council approval to finalise the Planning Proposal for Schedule 5 Environmental Heritage Housekeeping Amendments with the Council to exercise the functions of the local plan-making authority under section 3.36(2) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

2. OFFICERS' RECOMMENDATION:

That Council:

- a. Endorse the Planning Proposal to undertake housekeeping amendments to Schedule 5 – Environmental Heritage and the associated Heritage Maps of the *Armidale Regional Local Environmental Plan 2012* to correct minor errors and mis-descriptions.
- b. Exercise the functions of the local plan-making authority under section 3.36(2) of the EP&A Act to make the Local Environmental Plan.
- c. Authorise the General Manager to sign all relevant documentation on behalf of Council in exercising the functions of the local plan-making authority.

3. Background

Planning Proposal (PP) No. 22 intends to correct numerous errors within Schedule 5 – Environmental Heritage of ARLEP 2012 and the associated Heritage PDF Maps. The issues are considered to be minor in nature and largely relate to;

1. minor clerical and mapping issues that have arisen as a result of the merging of the Armidale Dumaresq and Guyra Shire Local Environmental Plans into the ARLEP 2012, which involved re-ordering and re-numbering the items in Schedule 5 of the LEP, and;
2. incorrect information on Heritage Items, mainly as a result of addressing changes and/or changes to cadastral information which have occurred since the items were added to Schedule 5.

The minor changes will ensure that all listing details in Schedule 5 are up to date and the associated Heritage Maps reflect the information in Schedule 5 of the ARLEP 2012.

Council Staff prepared a PP to correct the Schedule 5 errors and at the June 2023 Ordinary Council Meeting, the Council resolved to endorse the PP and request a Gateway Determination from DPE.

Council received the Gateway Determination (**Attachment 1**) on 17 August 2023 (Stage 3, Figure 1), subject to the following conditions below, which required under 1(a) for the PP to be publicly exhibited for a minimum of 10 working days.

Gateway Conditions

1. Prior to agency and community consultation, the planning proposal is to be updated to:
 - (a) revise the table in 'Part 2 – Explanation of Provisions' to include the property details, address and description for each item and the following changes:
 - i. update I053 to 'Correct Map labelling to show I053';
 - ii. update I208 to 'Amend Schedule 5 to show Lot 1 DP 1255297';
 - iii. update I237 to 'Amend Schedule 5 to show Lot 2 DP1184364, Lot 11 DP 751436 and Lot 1 DP 1184364';
 - iv. include I274 in the table to update Schedule 5 street address to '118-120 Bradley Street';
 - v. update I275 street address to '118-120 Bradley Street';
 - vi. include separate Schedule 5 change entry for I323 to correct Schedule 5 street address to '34 Robinsons Lane';
 - vii. include separate Schedule 5 change entry for I341 to correct Schedule 5 street address to '1539 Kunderang Road';
 - viii. update I362 to correctly identify Lot 5 Section 3 DP 759044 on the Heritage Map'; and
 - ix. update A066 to remove the map reference and include Schedule 5 under 'Document/map to be corrected'.
 - (b) update the project timeline to reflect requirements of Gateway determination and timeframes nominated by the Local Environmental Plan Making Guidelines (Department of Planning and Environment, 2023).
2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
 - a. the planning proposal is categorised as basic as described in the *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2023) and must be made publicly available for a minimum of 10 working days; and
 - b. the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2023).
3. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the EP&A Act:

- NSW Rural Fire Service
- Heritage NSW

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 30 working days to comment on the proposal.

4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

Note: the changes requested under condition 1(a) were identified by DPE after the PP was submitted. The matters identified by DPE are minor corrections to Council's dataset, which Council staff reviewed and agreed to during the PP assessment by DPE. The additional minor corrections will be reflected in the final Schedule 5 LEP amendments and the associated Heritage Maps. Further details can be found in the Planning Proposal report by DPE (**Attachment 2**).



Figure 1 – Planning Proposal Process

In accordance with condition 2(a), the PP (**Attachment 3 & Attachment 4**) was placed on public exhibition from Wednesday 6 August 2023 until Wednesday 20 September 2023. (15 working days). Additionally, in accordance with condition (3) consultation with public authorities was undertaken (Stage 4 and 5, Figure 1). No public submissions or responses were received after consultation.

Accordingly, the Gateway conditions have been satisfied and the PP is now ready to proceed to finalisation and Making the LEP (Stage 6, Figure 1).

4. Discussion

The PP was prepared by Council in accordance with the *NSW Government guideline: "A guide to preparing planning proposals"*, dated August 2021, in consultation with relevant Council staff and in consultation with representatives from NSW Department of Planning & Environment.

The PP proposes to amend the following components of ARLEP 2012:

Amending Schedule 5 – Environmental Heritage

Schedule 5 of ARLEP 2012 is to be amended to correct minor clerical errors and mis-descriptions to some Heritage Items that have arisen as a result of the merged LEP, which involved re-ordering and re-numbering the Schedule 5 Heritage Items list.

Schedule 5 of ARLEP 2012 is also to be amended to correct minor clerical errors and mis-descriptions to Heritage Items that have arisen due to changes in the information relating to the heritage Item since it was added to the list. This primarily relates to updating address and cadastral (Lot & DP information). The opportunity has been taken to update this information to ensure that all Heritage Item details in Schedule 5 are up to date.

Amending the Heritage Maps

The Heritage Maps that are associated with Schedule 5 are to be amended to ensure that they relate to the information in Schedule 5 and to ensure they are legible and provide clear information.

Council supported the PP at the June 2023 ordinary Council meeting and forwarded it to DPE for Gateway Determination. The PP was supported by DPE and a gateway determination was issued to permit the amendment to Schedule 5 of ARLEP 2012 and the associated Heritage Maps to correct errors and mis-descriptions.

The PP is considered to be consistent with goals of the *New England North West Regional Plan 2041*.

The PP is ready to proceed to finalisation if supported by Council.

5. Implications

5.1. Strategic and Policy Implications

This item will result in an amendment to ARLEP 2012. The planning proposal aims to update an Environmental Planning Instrument, which is a statutory legal document affecting land use within the Armidale Regional Local Government Area.

5.2. Risk

There are no risk implications directly arising from the matters addressed in this report, including:

- Social risk.
- Operational risk.
- Reputational risk.
- Corporate risk.
- Legislative and Regulatory Risk.

However there is an indirect Legislative and Regulatory Risk if the proposed changes to Schedule 5 and the associated Heritage Maps are not adopted, as the current information contained

within ARLEP 2012 is incorrect, thus impacting on planning advice and the provision of Section 10.7 Planning Certificates.

5.3. Sustainability

There are no known sustainability implications arising from the matters addressed in this report.

5.4. Financial

There are no financial implications arising from the matters addressed in this report.

6. Consultation and Communication

The Planning Proposal was publicly exhibited from Wednesday 6 August 2023 until Wednesday 20 September 2023 (15 working days). Additionally, select government agencies were contacted to seek their feedback on the PP. No submissions were received.

7. Conclusion

This report recommends finalisation of the PP for housekeeping amendments to Schedule 5 of the ARLEP 2012 and the Associated Heritage Maps. DPE authorised Council as planning proposal authority to exercise the functions of the local plan-making authority under section 3.36(2) of the EP&A Act. Once all the statutory procedures have been carried out, the amended LEP will be published on the NSW Legislation website.

Item:	10.1	Ref: AINT/2023/24923
Title:	Tabling of Disclosure of Pecuniary Interest	Container: ARC23/5602
Responsible Officer	Chief Officer Corporate and Community	
Author:	Stacey Drew, Executive Policy Advisor	
Attachments:	1. Disclosure of Pecuniary interests 2022 - 2023 - Designated Persons Redacted	
	2. Disclosure of Pecuniary Interest 2022 - 2023 - Councillors - Redacted	

1. Purpose

The purpose of this report is to table the Disclosures of Pecuniary Interests and Other Matters returns for the period 1 July 2022 – 30 June 2023.

2. OFFICERS' RECOMMENDATION:

That Council note the tabling of Disclosures of Pecuniary Interest and Other Matters by designated persons lodged for the 12 months ending 30 June 2023.

3. Background

Clause 4.21 of the *Model Code of Conduct* states designate officers are required to disclose their personal interests in publicly available returns of interest. These operate as a key transparency mechanism for promoting community confidence in Council decision making, whether by Councillors or by staff or others under delegation.

4. Discussion

All designated officers are required to lodge their return with the General Manager by 30 September each year. Council has identified 46 designated persons including Councillors, as at the 30 September 2023. Returns must be tabled at the first Council meeting after the last day that the return was required to be lodged and are thereby being tabled at the 25 October 2023 Ordinary Council Meeting.

5. Implications

Designated officers must not lodge a return that they know or ought to know is false or misleading. Complaints about breaches of these requirements are to be referred to the Office of Local Government.

5.1. Strategic and Policy Implications

This report contributes to the delivery of the:

Community Plan 2022-2032: Strong Region – Provide a strong, transparent, sustainable, and responsive governance for our region.

Council must make all returns of interests publicly available in accordance with the requirements of the *Government Information (Public Access) Act 2009*, the *Government Information (Public Access) Regulation 2009* and any guidelines issued by the NSW Information Commissioner.

5.2. Risk

In accordance with *the Model Code of Conduct*, if a designated officer becomes aware of any new interests that need to be disclosed, the designated officer must submit a new return within three months of becoming aware of the interests.

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	N/A	N/A	N/A	N/A	N/A	N/A

6. Consultation and Communication

Completed returns of Councillors and designated officers have been included in Council's register of returns. All are available for public viewing via the administration building customer service desk. Redacted senior management and Councillors returns will also be available on council website.

7. Conclusion

The tabling of returns at the first Council meeting following the 30 September 2023 deadline satisfies Council's obligations under the *Model Code of Conduct*.

Item:	10.2	Ref: AINT/2023/24926
Title:	Government Information Public Access Act (GIPA) Annual Report 22-23	Container: ARC23/5596
Responsible Officer	Chief Officer Corporate and Community	
Author:	Stacey Drew, Senior Governance Officer	
Attachments:	1. 22-23 Formal GIPA Report	

1. Purpose

This report is provided to Council for endorsement of the Annual GIPA Report for 2022/2023 financial year.

2. OFFICERS' RECOMMENDATION:

That Council:

- a. Endorse the attached GIPA Annual Report for 2022/2023 financial year.
- b. Submit Armidale Regional Council's 2022/2023 Annual GIPA Report to the Information and Privacy Commissioner as required by legislation.

3. Background

On the 1 July 2010 the *Government Information (Public Access) Act 2009 (GIPA Act)* came into effect. All agencies subject to the GIPA Act must report annually information and data on their obligations under the Act.

4. Discussion

In accordance with Section 125 (1) of the GIPA Act Armidale Regional Council is required to report annually on its obligations under the GIPA Act and submit this report to the Minister of Local Government by 31 October each year. A copy of the Annual Report is to be provided to the Information and Privacy Commissioner.

Clause 8 of the GIPA Regulation requires Council to report on four categories of information concerning their GIPA obligations (the GIPA data). That information is:

- a. Details of how the agency carried out the review required by section 7(3) of the GIPA Act of its program for the proactive release of the information it holds. An agency must also report on any information the agency made public during the reporting year as a result of the review.
- b. The total number of formal access applications an agency received during the reporting year, including withdrawn applications (but not invalid applications).
- c. The total number of formal access applications an agency received during the reporting year that the agency refused, either wholly or partly, because the application was for information for which there is conclusive presumption of an overriding public interest against disclosure (information listed in Schedule 1 to the GIPA Act).

Statistical information about formal access applications received by an agency during the reporting year required to be included in the eight tables in Schedule 2 to the GIPA Regulation.

In summary:

In 2022-23, 11 formal access requests were received and processed during the reporting period, all valid applications were actioned under internal review and all were decided within the statutory timeframe (20 days). Of the 11 requests, 10 were granted in full and one was granted in part.

In addition to the formal request, each year Council handles between 300-400 informal requests. The informal requests are not included in the report to the Information and Privacy Commissioner.

As part of Council's program to strengthen governance, in the 2022-23 financial year Council commissioned an independent review of the review of information access arrangements which was undertaken by LG NSW. The Review Report made recommendations to improve the information access request assessment workflow and process which are being implemented by Council. A program of training was also undertaken with staff from across key areas. These actions demonstrate Council's commitment to open access to information and quality improvement.

Please note the Attached 22-23 Formal GIPA Report is auto-generated using the mandatory GIPA Online Tool and is showing an error in the data at Section (A) 8%. Please disregard this error. Council has advised the Information & Privacy Commission of the error, but the error was remained unresolved at the time of preparing of this report.

5. Implications

The annual GIPA report is required to be submitted to the Information and Privacy Commissioner as soon as practical if endorsed by Council.

5.1. Strategic and Policy Implications

Annual report obligations are in accordance with the *GIPA Act 2009, section s125*.

5.2. Risk

Not fulfilling Council's obligations under the *GIPA Act 2009* would result in a breach of the act.

5.3. Sustainability

Nil

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	N/A	N/A	N/A	N/A	N/A	N/A

6. Consultation and Communication

The data contained in the report will also be published in the Annual Report.

7. Conclusion

Following Council's endorsement of the Annual GIPA Report, it will be submitted to the Information and Privacy Commissioner via the online tool by 31 October 2023.

Item:	10.3	Ref: AINT/2023/26255
Title:	Council's Success in the Statewide Risk Management Awards	Container: ARC23/5778
Responsible Officer	Chief Officer Corporate and Community	
Author:	Simone Mooketsi, Manager Governance and Strategy	
Attachments:	Nil	

1. Purpose

To inform the Council's governing body of Council's recent success in the NSW Risk Management Excellence Awards.

2. OFFICERS' RECOMMENDATION:

That Council note Armidale Regional Council won the Category Winner: Strategic and Enterprise Risk - Rural, Regional and County Councils and Overall Winner: Rural, Regional and County Councils at the Risk Management Excellence Awards for NSW.

3. Background

Council has directed significant organisational effort to strengthening enterprise risk management as part of the "Restore & Thrive Journey" and implementation of the recommendations of the Performance Improvement Order.

Integral to this journey has been a program of cultural change and partnership which has helped to promote a positive risk management culture.

Emerging from administration in 2020 and subject to a Performance Improvement Order, Council committed itself to rebuilding risk management culture, a significant task composed of three main elements:

1. Rebuilding the culture of Council via the Culture Strategy Map
2. Development and implementation of a Risk Management Road Map
3. A strong partnership with Statewide Mutual (Council's insurance partner).

Council's success in the Risk Management Award recognised the complexity of this task and the goal of improving Council's risk management therefore could not be separated from the broader governance and financial reforms and cultural change journey undertaken at Council.

Throughout this journey there has been as much focus on demonstrable changes in workplace behaviours as there has been focus on the traditional artefacts of risk management such as policy, systems, registers and records.

Some of the activities undertaken by Council to improve enterprise risk management in 2021-2022 included:

- Implementation of the Risk Management Roadmap including policy review, and development of risk appetite statements
- A refreshed Business Continuity Plan
- Preparation for a cyber-attack
- Review and improvement of Council's insurance claims handling process

- Review of Council's insurance portfolio
- Use of best practice guides in the review of Council's work procedures
- Training for staff in public liability claims handling
- Independent review of Council's signs as remote supervision program
- Improvements into the risk management of large events
- Input into the management of project contracts and the negotiation of limitation of liability clauses.

Council recognises that developing systems that help people do their job and support them in the effective management of risk has been key, and that this process is iterative and ongoing.

Council will continue to direct resources to this effort and future strengthen enterprise risk management at Council through:

- A strong an independent audit risk and improvement committee and program of internal audit
- Having a risk informed approach to corporate planning.

4. Discussion

The Statewide Mutual Risk Management Excellence Awards (RMEA) acknowledge excellence by NSW councils in implementing risk management initiatives. The awards are open to all member councils and exist to:

- Promote recognition of proactive risk management practices.
- Raise awareness of risk management challenges across NSW local government.
- Identify opportunities through innovation in risk management.

In recognition of the different resources and staff effort available between councils two (2) **overall** winner categories have been established. These are as follows:

1. Large Regional Councils (population over 30,000) / Metropolitan Councils
2. Rural/Regional Councils (population less than 30,000) / County Councils

Categories for submissions were:

1. **Strategic/Enterprise Risk Initiative** – excellence for a risk initiative which promotes improvement at a higher/organisational level, addresses risks impacting the organisation as a whole, or relates to organisational decision-making or management planning.
2. **Operational Risk Initiative** – excellence for a risk initiative relating to the continuous improvement of operational risk exposures experienced by Council.
3. **Technological Innovation** – excellence for a risk initiative utilising technological innovation to foster risk improvement.

Representatives from Statewide Mutal's Board of Directors and Management Team will visit Armidale Regional Council on 31 October 2023 to formally present the Awards to Council.

5. Implications

Nil

5.1. Strategic and Policy Implications

Nil

5.2. Risk

Nil

5.3. Sustainability

Nil

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	N/A	N/A	N/A	N/A	N/A	N/A	N/A

6. Consultation and Communication

Nil

7. Conclusion

Risk Management at Council is continuing to develop and will remain an area of focus. The Awards recognise the achievements of Council and the success of the turnaround strategy, culture strategy and risk management roadmap.

Item:	10.4	Ref: AINT/2023/26262
Title:	Public Interest Disclosure Policy	Container: ARC23/5778
Responsible Officer	Chief Officer Corporate and Community	
Author:	Simone Mooketsi, Manager Governance and Strategy	
Attachments:	1. Draft Revised Public Interest Policy	

1. Purpose

To inform Councillors of the requirements of the *Public Interest Disclosure Act 2022* and to seek Council adoption of the draft revised Public Interest Disclosure Policy. The existing Public Interest Disclosure Policy is no longer current as it is based on the requirements of the *Public Interest Disclosure Act 1994*, which is no longer in effect.

2. OFFICERS' RECOMMENDATION:

That Council:

- a. Note the responsibilities incumbent upon Council resultant from the commencement of the *Public Interest Disclosure Act 2022* on 1 October 2023.
- b. Endorse public exhibition of the draft Public Interest Disclosure Policy for a period of 28 days.
- c. Authorise the General Manager to make administrative amendments when appropriate for currency, specifically in relation to names of personnel, positions and responsibilities therein.

3. Background

Commencing 1 October 2023, the *Public Interest Disclosure Act 2022* comes into effect, completely replacing the *Public Interest Disclosure Act 1994*. As a result, Council is updating its policy and putting in a program of training for staff to implement the requirements incumbent upon Armidale Regional Council (Council) under the *Public Interest Disclosure Act 2022 (PID Act 2022)*.

4. Discussion

To comply with the requirements of the PID Act 2022, Council has prepared a draft Public Interest Disclosure Policy. This Policy is based on the model policy provided by the NSW Ombudsman, adapted to Council's structure.

The PID Act applies to "A person who has the functions of a public official or who acts in a public official capacity and whose conduct or activities can be investigated by an integrity agency under another Act or law" which according to the "Core concepts in the PID Act" materials provided by the NSW Ombudsman includes all local government councillors, local government staff, members of boards or committees in NSW.

The *PID Act 2022* adopts a "no wrong door" approach to whistleblowing. This means that public officials now have multiple pathways to report serious wrongdoing. This includes reporting to a designated disclosure officer, their manager and other agencies, such as integrity agencies.

Other key changes under the *PID Act 2022* include:

- The threshold for what is considered detrimental action has been lowered, and the associated penalties for the detrimental action offence have been increased, when compared to the 1994 Act.
- The introduction of three categories of Public Interest Disclosure (PID):
 - Voluntary PID: This is a PID made by a public official who has come forward on their own accord, to disclose information that they believe shows (or tends to show) serious wrongdoing
 - Mandatory PID: This is a PID where the public official has made the report about serious wrongdoing because they have a legal obligation to make that report, or because making that report is an ordinary aspect of their role or function in an agency.
 - Witness PID: This is a PID where a person discloses information during the course of an investigation of serious wrongdoing following a request, or requirement of the investigator.
- Broadening of who can receive a PID to:
 - Managers and supervisors
 - nominated disclosure officers for any agency (identified in the PID Policy)
 - the most senior ongoing employee who ordinarily works at a permanently maintained worksite where more than one employee works
 - the head of any agency
 - a Minister or ministerial staff (but only if the report is made in writing).
- Agencies can receive disclosures about other agencies.

Under the PID Act 2022 the types of serious wrongdoing are:

- corrupt conduct
- serious maladministration
- government information contravention
- local government pecuniary interest contravention
- a privacy contravention
- a serious and substantial waste of public money.

Local government pecuniary interest contravention is also considered serious wrongdoing. This is where “local government pecuniary interest contravention” means the contravention of an obligation imposed in connection with a pecuniary interest by -

- (a) the *Local Government Act 1993*, or
- (b) a code of conduct adopted by a council under the *Local Government Act 1993*, section 440(3).

Council has an obligation to maintain the confidentiality of a person who makes a PID and to protect them from detrimental action. This includes:

- Assessing and minimising the risk of detrimental action against people who have made a disclosure as well as about whom the disclosure has been made.
- Assessing the risk of detrimental action before referring a PID to another agency.
- Notifying the NSW Ombudsman of an allegation that detrimental action has been committed.

Council may be liable for injury, damage or loss as a result of a failure to take steps to assess and minimise the risk of detrimental action.

5. Implications

5.1. Strategic and Policy Implications

There are a number of training and education requirements arising from the commencement of the PID Act 2022.

- Council is required to have PID Policy which all staff have access to.
- All staff must be aware of how to make a PID, the agency's PID Policy and what they can do if they are dissatisfied with the way in which a PID has been dealt with.
- All disclosure officers (including the head of agency) and managers must receive training (and refresher training) in relation to their responsibilities under the Act:
 - Within 6 months of 1 October 2023
 - Within 3 months of starting in a role
 - Refresher training every 3 years.

Councillors will be invited to participate in training.

5.2. Risk

There are a number of risks to be considered:

Compliance/ Financial:

A strong speak-up culture helps minimise fraud and corruption, further Council may be liable for injury, damage or loss as a result of a failure to take steps to assess and minimise the risk of detrimental action. Therefore, Council needs to implement robust processes for receipting and managing PIDs in accordance with the Policy and commit resources to ongoing staff development and training in the 2024/25 operational plan and budget.

Council must report annually to the Minister for Local Government and the NSW Ombudsman on our obligations under the PID Act 2022.

Failure to comply with the PID Act 2022 may result in penalty.

There will be a program of audit undertaken by the NSW Government to ensure compliance with the provisions of the PID Act 2022.

5.3. Sustainability

Nil

5.4. Financial

Budget Area:	N/A						
Funding Source:	N/A						
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

Consultation was undertaken with the NSW Ombudsman in preparing the revised policy.

7. Conclusion

Good government relies on public officials speaking up when they witness, or otherwise become aware of, wrongdoing in the public sector.

A strong 'speak up' culture that encourages public officials to report wrongdoing is important to ensure the integrity of the public sector. The implementation of the revised draft Public Interest Disclosure Policy by Council supports this endeavour and helps achieve compliance with the requirements of the PID Act 2022.

Item:	10.5	Ref: AINT/2023/26263
Title:	Review of ARIC Charter	Container: ARC23/5778
Responsible Officer	Chief Officer Corporate and Community	
Author:	Simone Mooketsi, Manager Governance and Strategy	
Attachments:	1. ARIC Terms of Reference	

1. Purpose

On 27 September 2023 Ordinary Council Meeting (OCM), Council deferred the approval of the revised Audit Risk and Improvement Committee's (ARIC) Charter (now Term of Reference) for further deliberation. This report seeks Council endorsement and/or direction after Councillor deliberations, noting that the Officer's recommendation remains consistent with that of the 27 September OCM.

2. OFFICERS' RECOMMENDATION:

That Council;

- a. Note the proposed changes to the Charter;
- b. Note the document will transition from a Charter to a Terms of Reference;
- c. Approve the Draft Terms of Reference for immediate use by ARIC;
- d. Notes the current term of the existing ARIC membership expires on 31 December 2023;
- e. Endorses commencing the process to re-appoint eligible ARIC members for an additional term subject to their willingness to continue and to fill any vacancies in accordance with the Terms of Reference; and
- f. Note the appointment of the ARIC members for the term commencing January 2024 will be subject to Council approval at a future Council meeting.

3. Background

The draft Terms of Reference was provided to ARIC for their consideration at the 15 August 2023 meeting. The recommendation from ARIC was maintain the same composition as had been for the current term and this was endorsed by ARIC for approval by Council at the September ordinary council meeting.

At the 27 September 2023 OCM, Council resolved to defer this item to the October OCM and a workshop with all Councillors be held within two weeks to discuss the ARIC Charter. As such, a Councillor workshop was held on Monday 9 October and matters around ARIC composition were discussed. Specifically, the option for greater Councillor participation, where guidance could be sort by referring to the model Terms of Reference from the Office of Local Government. Officers undertook to provide Councillors' with information around the model Terms of Reference to help inform their deliberations.

With the above discussion and information provided, the original report, recommendation and charter as deferred from the September OCM is now being tabled at the October Ordinary Council Meeting for decision and/or direction.

4. Discussion

Amendments made in 2016 to the *Local Government Act 1993* require each council in NSW to establish an Audit, Risk and Improvement Committee as a third line of defence to continuously review and provide independent advice and assurance on council's first and second lines of risk defence (s428A).

The current ARIC Charter was adopted by Council at the 9 December 2020 meeting. At the same meeting of Council, the current members of ARIC were appointed by Council for a term of 3 years expiring 31 December 2023. Therefore, it is ideal to review the Charter at this time so that any updates required for currency can be adopted by Council prior to completion of the current term of membership.

The Charter as adopted in December 2020, was prepared in consideration of what was then the OLG Discussion Paper on a new Internal Audit and Risk Management Framework for NSW councils. This Discussion Paper led to the creation of the Risk Management and Internal Audit Guidelines for Councils in NSW, which is presently being codified into regulation. All NSW local councils must operate an ARIC in accordance with the Guidelines.

Corrective updates for currency to align with the terminology and requirements of the Guidelines have been made to the Charter, henceforth to be referred to as Terms of Reference, and are presented for ARIC's consideration in a simple marked up version Word document format.

Armidale Regional Council's ARIC is functioning well, as detailed in the ARIC Annual Report.

As agreed with the Chair of ARIC, Councillors are invited to an optional standing meeting with the Chair of ARIC immediately before each ARIC meeting.

5. Implications

5.1. Strategic and Policy Implications

There are no policy implications for Council associated with this report.

The ARIC Terms of Reference and the ARIC contributes to the delivery of the *Advancing Our Region Community Plan 2022-2032* S2.1 Provide a strong, transparent, sustainable and responsive governance for our region.

The Delivery Plan 2022-2026 S2.1.3 requires Council "*implement robust Audit and Risk and Improvement processes and frameworks and undertake the requirements of the Internal Audit and Risk Management Framework for Local Councils*".

5.2 Risk

- Legislative and Regulatory Risk.

The *Local Government Act 1993* and the *Local Government (General) Regulation 2021* and these Guidelines require each council in NSW to have an audit, risk and improvement committee (ARIC), a robust risk management framework, and an effective internal audit function. Councils will be required to comply with these requirements from 1 July 2024 and, commencing with the 2024/25 Annual Report, to attest to their compliance with the requirements in their annual reports.

The Office of Local Government has issued the *Guidelines for Risk Management and Internal Audit for Local Government in NSW* to assist councils and joint organisations to implement these requirements. The Guidelines describe the model terms of reference and the requirement to be

reviewed annually by the committee and once each council term by the governing body. Any substantive changes are to be approved by the governing body.

6. Consultation and Communication

The draft Terms of Reference was provided to ARIC for their consideration at the 15 August 2023 meeting and was endorsed by ARIC for approval by Council at the September ordinary council meeting.

At the 27 September 2023 ordinary council meeting it was resolved to defer this item to the October ordinary council meeting and a workshop with all councillors be held within two weeks to discuss the ARIC Terms of Reference.

A Councillor workshop was held on Monday 9 October.

7. Conclusion

The Audit Risk and Improvement Committee is a key component of Council's governance framework. The objective of the ARIC is to provide independent assurance and advice to the General Manager and Council by overseeing and monitoring Council's governance, risk and control frameworks and its external accountability requirements.

Item:	11.1	Ref: AINT/2023/25867
Title:	Wards Mistake Road Realignment	Container: ARC23/6084
Responsible Officer	Chief Officer Assets and Services	
Author:	Mark Wilson, Coordinator Design and Resourcing	
Attachments:	Nil	

1. Purpose

To seek approval for the realignment of Wards Mistake Road reserves at the crossing of Gara River and the granting of authority to the General Manager to undertake all necessary actions and approval to complete this process.

2. OFFICERS' RECOMMENDATION:

That Council:

- a. Note the proposed sale of the two Crown lots being Lot 209 DP755824 and Lot 70022 DP94112, to the adjoining owners from The Crown to the adjoining landowners at the landowners cost;
- b. Endorse the relocation of Wards Mistake Road reserves to the current bridge and road alignment adjoining the Gara River, through a process of land swap with the adjoining owners; and
- c. Delegates authority to the General Manager to execute all necessary documentation to facilitate the realignment of the road reserves.

3. Background

In 1983 the former Guyra Shire Council constructed a new bridge across the Gara River on Wards Mistake Road, 7.5km from the Guyra Ebor Road. The new bridge and realigned approaches to the bridge moved outside the defined road reserve boundaries as shown on the embedded plan.

Limited documentation can be found regarding discussions with the land holders at the time in regard to realigning the road reserves to the new road alignment and making necessary adjustments to land ownership. The landowners at the time of the works remain current on both the western and eastern side of the Gara River.

The owners have approached Council to rectify and complete the process they understood was to be carried out, to undertake necessary fence relocations, road closures, road openings, land transfer to facilitate the works.

4. Discussion

It is not uncommon across LGA's for roads in rural areas to have been constructed outside the defined road reserves in times past. Roads were often constructed on more easily constructed routes than the defined reserves due to cost and the capability of available plant and equipment at the time. Commonly, land on both sides of the road were in the hands of a single property owner, resulting in no loss of use of land and was generally accepted as the practical outcome.

The cost implications for Council to correct all such locations is prohibitive. The general approach of council is to do nothing when these matters are raised unless there is a specific need or a modification is made in conjunction with works to be undertaken.

It is considered that at the time of the construction of the bridge on Wards Mistake Road, that the road reserves should have been realigned to the new alignment on the basis of the construction of a major asset. The bridge has been effectively constructed on private land.

The owner to the west of Gara River requested that this be rectified. Council officers have consulted with both that property owner and the owner of the land to the east of Gara river and gained their agreement to undertake a land swap to facilitate the realignment of the road.

At the old bridge crossing location, there is a crown lot either side of the river, Lot 209 DP755824 and Lot 70012 DP94112. Lot 209 is currently under lease by the adjoining owner from the crown. Both owners are interested in purchasing the lots at their cost. This will simplify matters for Council if we proceed with the adjustment to the road reserves. By consolidating those lots into the adjoining land, we will not be required to maintain road access to those lots, allowing the closing and extinguishment of the redundant road reserves balancing out land areas between all parties.

Council staff have agreed subject to Council endorsement, to support their requests to purchase the crown lots, to facilitate that process with the crown and provide survey data required to be collected for the road reserve realignment that will assist the purchase process at no cost.

Council staff have further committed as part of the agreement, subject to Council approval, to realign fences as necessary to the new road reserve alignment. It is proposed that the works will align the new road reserve as closely as practical to the existing fence alignments, to avoid unnecessary cost.

Estimated costs to complete the realignment include quoted survey and registration cost related to the land matters and estimated fencing costs.



5. Implications

5.1. Strategic and Policy Implications

Endorsing the road reserve realignment aligns 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 that makes it safe and easy to travel around our region – Strategies:
 - o C1.1 Build and maintain quality, safe and accessible road transport infrastructure including roads, footpaths, kerbs, bus stops and parking facilities.

Strong Region – Engagement and Responsibility

- S2. Strong governance and leadership that supports our region to grow and prosper
 - o S2.3 Manage public resources responsibly and efficiently for the benefit of the community
 - S2.3.5 Manage our assets responsibly to ensure greater lifespan and usability and to reduce financial burden

Liveable Region – Places and Spaces

- L1.1 Provide appropriate, planned and maintained community facilities that allow people to meet, congregate and learn
 - o Develop and maintain Council-owned facilities and service infrastructure in line with Asset Management Plans and community needs (L1.1.1)
 - o Regularly review Council's property portfolio for functionality and seek opportunities for development or divestment (L1.1.2)

5.2. Risk

The construction of the new bridge by the former Guyra Council has exposed Council to legal risk associated with the construction of infrastructure on private land without consent. The level of risk is considered low on the basis that any legal action against Council would likely see an outcome requiring the action defined in this report, and that the matter has been unresolved for a number of years.

This report seeks to rectify an error or oversight of the former Guyra Council, generating a positive outcome to the adjoining land owners and Armidale Regional Council's reputation.

5.3. Sustainability

The correction of work not undertaken to resolve the road realignment will remove any future legal impediments to access by Council to its asset.

5.4. Financial

Estimated costs to complete the realignment include quoted survey and registration cost related to the land matters and estimated fencing costs. The costs for purchase of the Crown Land will be at the respective landholders cost.

Budget Area:	Assets and Services Transport						
Funding Source:	General Fund Operational						
Budget Ref: (PN)	Description	Approved Budget	Actual	Committed	Proposed	Total Forecast Expenditure	Remaining Budget
270400	Rural Unsealed Roads Planned Maintenance	\$1,649,795	\$295,827	\$909	\$60,000	\$356,736	\$1,293,059

6. Consultation and Communication

Contact was made with council by one of the impacted property owners seeking to resolve promised fencing works from the 1980's by the then Guyra Shire Council. Following investigation of the matter, discussions were held with the owner on site and by formal written communication to ensure a clear understanding of the history and what would be required to rectify the matter. Communication with the owner have been amicable and positive, agreeing to work towards a timely outcome of this outstanding matter with council.

Council staff subsequently had further discussions with the owner of land to the east of Gara River, who was also affected by the failure to resolve this land matter. They too have approached the matter positively with Council.

Both owners have agreed and committed, subject to Council approval, to a land swap approach to correct this matter, with Council meeting all survey and legal costs.

7. Conclusion

Approval is sort from Council to undertake the realignment of the Wards Mistake Road reserves to the current road and Gara River bridge position, the limits defined on the embedded sketch plan. This will be undertaken by a process of land swap with the current land owners both east and west of Gara River, which will result in a net no loss of land to the land holders.

Support is also sought for the land holders in the purchase of redundant crown lots either side of Gara River Bridge, adjoining the old bridge location, which serve no purpose to Council. All costs associated with the purchase will be met by the landowners.

Item:	11.2	Ref: AINT/2023/26258
Title:	Kempsey Road Status Report	Container: ARC23/6087
Responsible Officer	Chief Officer Assets and Services	
Author:	Glenn Spires, Manager Kempsey Armidale Road Restoration Project	
Attachments:	Nil	

Purpose

The purpose of this report is to provide a monthly update on the Kempsey –Armidale Road Restoration Project (KARRP).

1. OFFICERS' RECOMMENDATION:

That Council note information within the report regarding the Kempsey –Armidale Road Restoration Project following the Steering Committee held Thursday 19 October 2023.

2. Background

Armidale Regional Council (ARC) received grant funding (\$222,494,431) through the NSW Natural Disaster Fund for Essential Public Asset Restoration Works (EPARW) 2020/21. This funding is administered through NSW Office of Transport NSW for the provision of public asset restoration back to pre-disaster condition following a series of natural disaster events which severely damaged a large section of Kempsey-Armidale Road.

Separately, Council has received advice that the project has met the Disaster Recovery Funding Arrangements (DRFA) Independent Technical Review (ITR) framework for a value of \$408M for the full recovery works. This resulted in Council and TfNSW working on a funding deed for the \$408M which, if executed, will commit Council and TfNSW for the full \$408M funding for the project. The final version of this deed has been received by Council and is currently being reviewed.

An application for additional funding has been submitted for the February/March 2022 Severe Weather Event to increase the approved funding amount. This would enable the Kempsey-Armidale Road Natural Disaster Recovery Works Project to be fully funded.

This project is being delivered as a multi-stage process to undertake the design and construction of natural disaster recovery repair works on a 43km section of the Kempsey-Armidale Road, 5.1 km on Lower Creek Road and three Improvement Works Projects which are located at Blackbird Flat, Flying Fox Gully and on Big Hill.

The project scope of works has been classified into four Milestones:

1. **Natural Disaster Recovery Works (Milestone 1)** (ch72.95km - ch116.00km) comprising restoration of a 43km section of the Kempsey-Armidale Road and a 5.1km long section of Lower Creek Road, Lower Creek, to their pre-disaster conditions;
2. **"Improvement Works" Projects** comprising of the following three projects:
 - a. **Blackbird Flat (Milestone 2)** - Fixing Local Roads, Round 3 Location 1 Blackbird Flat Cutting (ch73.50km-ch74.05km) and includes sealing this section of pavement;
 - b. **Flying Fox (Milestone 3)** - Fixing Local Roads, Round 2 Location 3 Flying Fox Cutting (ch86.30km-ch88.15km) and includes sealing this section of pavement; and

- c. **Big Hill (Milestone 4)** - Restart NSW, three curves on Big Hill, sites 3 and 4 ch112.888km - 113.193km, and site 12 ch108.563km – ch108.723km) – with these three curves being constructed as unsealed pavements

To enable completion of the milestones, there is a 4-stage contract process that comprises of:

Stage 1 – Tender for Civil Contractor Engagement and Award of Early Contractor Involvement (ECI) Contract - COMPLETED

Prequalification of Contractors to be eligible to tender for the works and award of Early Contractor Involvement (ECI) Contract. Awarded at November 2022 Ordinary Council Meeting.

Stage 2 – ECI – SUBMISSION RECEIVED AND UNDER REVIEW

The ECI Contract was awarded to Seymour Whyte Constructions (SWC) for design and early construction works to a combined value of approximately \$18,279,767 (Excl. GST).

The ECI submission has now been provided by SWC to enable the Kempsey-Armidale Road Natural Disaster Recovery Collaborative Design & Construct (D&C) Contract to commence based on having provided:

- A finalised project scope of works and project specifications for inclusion within the Collaborative Design & Construct Contract for Council consideration and approval;
- A 30% Detailed Design;
- A finalised and confirmed project delivery timeline; and
- Confirmation that the overall maximum Target Budget Price for each of these projects remained within the approved project funding budget limits.

Stage 3 – Early Works Contract - NOT STARTED

As part of the ECI contract awarded by Council, delegation was provided to the General Manager to enter into an early works contract with SWC. This contract involves the provision of services and or completion of construction activities that enable the project to be delivered on an escalated timeframe and may involve activities such as completion of planning approvals, construction of side tracks and passing bays, further detail design and or procurement of materials.

No contract has been entered into at this time, however discussions are ongoing with SWC regarding appropriate contract form and suitable activities.

Stage 4 – Main Recovery works - Dependent on Stage 2 completion - NOT STARTED

Following the completion of Stage 2, Council may enter into a contract with SWC for the Main Recovery works. A further Council report will be required to award this contract and provide the General Manager delegation to enter into negotiations for the contract.

Note: Part of the ECI phase includes the development of a suitable contract for these works.

Delivery of Design & Construction phase (Construction Phase), completing:

Milestone 1 - The Natural Disaster Recovery Works Project which will allow the Kempsey-Armidale Road and Lower Creek Road to be reconstructed back to their pre-disaster condition using current engineering standards and in accordance with the NSW and DRFA Natural Disaster Funding Guidelines.

Milestone 2, 3 & 4 - The “Improvement Works” Projects will follow the completion of Milestone 1 project, enhancing the existing road infrastructure at each of these three sites.

The Kempsey-Armidale Road Recovery Project Steering Committee (KRSC) was established to provide effective governance over KARRP and provide an avenue for stakeholder engagement and oversight. The focus of the KRSC is on providing direction, leadership and advice for the Kempsey-Armidale Road project. This includes technical, policy and procedural advice to assist the project team in moving the project forward to ensure the achievement of sound outcome.

The Kempsey Road Steering committee comprises of the following members:

Name	Title and Function
James Roncon	General Manager Armidale Regional Council (Chair) (V)
Alex Manners	Chief Officer Assets & Services Armidale Regional Council (V)
Ann Newsome	Chief Financial Officer Armidale Regional Council (V)
Cr Sam Coupland	Mayor (V)
Tony Gant	TfNSW Support (V)
Peter Steele	TfNSW Assessor (V)
Officers in attendance to include, but not be limited to:	
Glenn Spires	Manager Design and Delivery Armidale Regional Council
Sean Sample	Project Director Client-Side Armidale Regional Council
Tracy Cooper	Project Officer (Secretary)
Monica Kelly	Prevention Partners (Probity Advisor)
Mitchell Parker	NSW Reconstruction Authority
Karen Symons	National Emergency Management Agency (NEMA)
Principle Contractor (Seymour Whyte Constructions) Representatives - as requested	

(V) = Voting Member

The information contained within the report is general in nature and provided as a stakeholder update only for Council.

The information in the report is measured to ensure contract and commercial in confidence information is protected.

3. Discussion

Following updates have been provided by the project director Sean Sample:-

The ECI Final Proposal was received from SWC on 4 September 2023 and is currently being reviewed in accordance with the Final Proposal Evaluation Plan (FPEP) by appropriately qualified and experienced subject matter experts.

The ECI submission revealed forecasted costs will exceed the Total Upper Limit Grant funding available to Council. The costs proposed by the contractor and Council's estimated costs are currently being refined to allow for a revised application to the funding bodies for additional funding.

The FPEP is similar in format to a Tender Evaluation Plan and contains key elements to assess the value for money, technical compliance and risk associated with the ECI submission. The review of the ECI submission is expected to take several months and will be presented to Council prior to entering into a Main Works Contract with the contractor.

It should be noted that the Main Work Contract is not yet been finalised, as components of the contract may be subject to change based on the ECI submission assessment and the content of the funding deed from TfNSW.

The Funding Deed from TfNSW for the AGRN 1012 EPA-RW on the Kempsey to Armidale Road was received by Council on 11 September 2023. The document is currently being reviewed prior to a workshop and briefing to Council. A date for that has not yet been set. It should be noted that further work is required to finalise total upper limit of grant funding and works/ funding durations prior to this deed being executed.

The current strategy proposes a potential engagement of the ECI contractor assuming a favourable outcome of the ECI submission assessment. Procurement strategy advice has been sought from Council's legal team and confirmation sought from the Office of Local Government to confirm the appropriate mechanisms of the procurement pathway.

4. Implications

4.1. Strategic and Policy Implications

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

5.1.1 Connected Region – Goal 1 - Quality infrastructure makes it safe and easy to travel around our region

C1.1.4 Partner with the NSW Government to restore and reclassify Armidale-Kempsey Road.

4.2. Risk

Risks relating to KARRP can broadly be categorised into six areas being; Safety, Quality, Environment, Financial, Reputational, and Resourcing (People, skills, systems and tools).

The project is complex by many standards and adding to this the project is a pioneer project in NSW being the first of a range of large-scale restoration projects across the state. At over \$400M, it is the largest transport project ever undertaken by a Local Government let alone Armidale Regional Council. As such the risks are often unique and to address them is requiring Council to grow and evolve at an incredible pace.

Safety

The project is subject to the *Work Health and Safety Act (2011)* and *Work Health and Safety Regulations (2017)*. The risk to Council is complex and requires appropriately qualified and experienced experts advising and managing the project. Council has dedicated resources working in WH&S on the project.

The contract will be managed under a "Principle Contractor" arrangement, where the contractor is deemed to have the necessary specialty skills and knowledge to manage the safety for the activities being undertaken. This does not absolve Council from risk, but delineates where appropriate knowledge for activity risk mitigation lies.

Quality

Quality management for the project is managed through a range of engineering industry standards and guidelines. Due to the unique constraints of the site, a bespoke suite of standards for which activities will be completed to is required. The environment, geography, and

The risk of quality for the project is high due to the complex and unique nature of the project. Council and the contractor will work together to ensure the appropriate quality assurance is undertaken to ensure the works completed are to the set standards. It is incredibly important to collect enough evidence is collected to support assessment against the eligibility criteria under the DRFA. Failing to satisfy the evidence requirements may leave Council at risk to cover the costs of ineligible work.

Environmental

The project is subject to the Protection of the Environment Operations (POEO Act) (1997) Act and Protection of the Environment Operations (General) Regulation (2022). The Act and regulations require Council and the contractor to consider the harm that may come to the environment as part of the works.

Whilst environmental risk is a relatively familiar risk to the civil construction industry, a tailored approach to the project is required.

A Review of Environmental Factors (REF) has been undertaken as part of the project, has been audited by third party. As the REF has changed significantly, an entire new REF is required in accordance with relevant legislation. The REF nominates the known environmental risks with the project and outlines the obligations Council and the contractor have to administer and mitigate those risks.

The contract will be managed under a “Principle Contractor” arrangement, where the contractor is deemed to have the necessary specialty skills and knowledge to manage environmental risks for the activities being undertaken. This does not absolve Council from risk, but delineates where appropriate knowledge for activity risk mitigation lies.

Financial Risk

All the funding for the project is being provided from NEMA through NSWRA and TfNSW which adds to the complexity of funding agreements, risk allocation and administration challenges. Until the funding deed with TfNSW is finalised, the mechanisms for financial risk management are unknown.

One of the greatest risks to the project is for works completed to be deemed not eligible under the DRFA guidelines. Council has prepared no budget to cover these items but is exploring ways to mitigate this risk.

The value for the works is significant in proportion to Council’s Annual Capital Works Budget which is typically around \$30M annually. Even relatively small errors with the project could have significant impact on Council for example a 1% error in relation to the project could result in a \$4M cost to Council. Proportionately, a 10% mistake, however unlikely, could result in a cost of \$40M.

It should be noted that there is considerable focus by Council staff to improve confidence in the delivery and the project more broadly. This proportionately reduces the financial risk in that achieving 98% confidence in the project, for example, reduces the reasonable proportion of risk to 2% of \$400M or \$8M.

With over \$400M being delivered over four years, the volume of cash flow has the ability to distort and or hide important financial ratios that indicate Council’s operational financial

performance. Appropriate segregation of funding management and reporting is required to ensure the cash flow does not mask underlying issues.

Reputational

The project has a range of disparate stakeholders including the Lower Creek Community, SWC, TfNSW, NEMA, NSWRA, Oven Mountain Pumped Hydro Scheme and the various support agencies connected to the community including emergency services. The scale and duration of the project impacts the depth to which each stakeholder is affected.

The greatest challenge with reputational risk is that whilst the touch points are centred on the project, Council's reputation extends with most of those involved beyond the project. For instance, Council is dealing with TfNSW on the project, but also deals with TfNSW as part of the Road Maintenance Council Contract (RMCC) which is work Council completes on other roads within the LA.

Resourcing (People, skills, systems and tools)

Council does not have the internal resources to manage the project effectively and typical to projects of this size, attracting typical skill sets and resources to the project has been by way of tender. Retaining those engaged on the project for the life of the project will become challenging due to fatigue with the project and as the project nears its close and other projects become available and stable alternatives.

Where skills, tools and systems do not yet exist within Council, they are being developed and or acquired. As the project matures, the development should slow but that is not expected until sometime after the main recovery works are underway.

4.3. Sustainability

The majority of works are restoration works and under the Disaster Recovery Funding Arrangements (DRFA) this means that no betterment can be undertaken. The caveat to that however is that works are to be conducted to current engineering standards which allows Council to build more resilient infrastructure in place.

This means that to rebuild the road, engineering technologies including soil nails and shotcrete will be used for works and where they are being replaced, pipes of the appropriate size will be installed. What the DRFA guidelines will not allow is upgrades such as the widening and sealing of the road, installation of extra signage and barriers.

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

4.4. Financial

The funding for the project comes from the National Emergency Management Agency (NEMA) through the NSW Reconstruction Authority (NRA) who deliver the funding to Council via an administering agent – Transport for NSW (TfNSW). Each party add in eligibility criteria and administration controls. The following table shows the key contracts to date.

Note - Figures as presented in Project Monthly Report – 30 September 2023

Key Contracts / Funding Grants to Date				
Funding Grant	Budget	Open contracts / remaining commitments	Actuals (to month end)	Comments
AGRN898 TfNSW Grant	\$200,000.00	\$0.00	\$7,516.49	Open
KAR AGRN898 Re-construction of six drainage structures and Corn Patch (EPARW2)	\$6,412,752.24	\$0.00	\$4,920,188.26	Open
KAR AGRN1012 Interim Fund (EPARW4)	\$1,773,200.00	\$0	987,432.15	Open
KAR AGRN1012 Main Recovery Works (EPARW3) ECI/Early Works-1	\$408,000,000.00	\$3,227,127.32	\$7,073,943.71	Open
KAR FLR (R2) – Flying Fox Cutting (Improvement Works)	\$4,984,930.00	\$114,575.50	\$257,137.41	Open
KAR FLR (R3) – Blackbird Flat (Improvement Works)	\$2,996,000.00	\$79,110.00	\$180,512.98	Open
KAR FCR –Big Hill Projects (Improvement Works) 270444*1	\$4,671,083.00	\$102,753.50	\$425,615.59	Open
TOTAL	\$449,811,702.65	\$3,523,566.32	\$31,098,687.91	N/A

A revised project finances breakdown as discussed is proposed to be provided once additional financial resources are available to the project. The recruitment for these resources is currently underway.

5. Consultation and Communication

KARRP continue to provide weekly updates and respond to correspondence directly to the community.

TfNSW have provided a funding deed for Council to consider which will be presented to Council once it has been reviewed.

Prior to entering into the funding deed with TfNSW, a briefing workshop will be arranged to familiarise Council with the contents and allow discussion between the relevant parties for clarification.

6. Conclusion

It is recommended that Council note information within the project status report regarding the Kempsey –Armidale Road Restoration Project following the Steering Committee held Thursday 19 October 2023.

Item:	11.3	Ref: AINT/2023/26380
Title:	Gazettal Of Roads For Utility Installation	Container: ARC23/6129
Responsible Officer	Chief Officer Assets and Services	
Author:	Mark Wilson, Coordinator Design and Resourcing	
Attachments:	Nil	

1. Purpose

The purpose of this report is for Council to approve and endorse the Gazettal Transfer of certain Crown Road Reserves to Council to be the controlling authority, namely:

- a. Ollera Street – Oban Street to Robinsons Lane
- b. Robinsons Lane – Ollera Street to Baldersleigh Road
- c. Baldersleigh Road – Robinson Lane to Charles Lane
- d. Ross Street – Braun St to Spring Hill Lane

“**The Roads**” hereafter in this report.

2. OFFICERS’ RECOMMENDATION:

That Council:

- a. Endorse for the following Crown Road Reserves to be transferred to Council:
 - i. Ollera Street Guyra – Oban Street to Robinsons Lane;
 - ii. Robinsons Lane Guyra – Ollera Street to Baldersleigh Road;
 - iii. Baldersleigh Road Guyra – Robinson Lane to Charles Lane;
 - iv. Ross Street Armidale – Braun St to Spring Hill Lane; and
- b. Delegate to the General Manager the authority to execute all documents and actions necessary to complete the transfer.

3. Background

The Roads have long been developed with public streets, footpaths, street trees and services including water supply and stormwater drainage infrastructure within the road reserve. The Roads are presently maintained by Council, however, the Crown is the controlling authority.

It is appropriate that Armidale Regional Council be the controlling authority for these roads to allow for easier approval of road modifications and installation of services, particularly for land developments appurtenant.

In this case, it is urgently required for Essential Energy installations in Baldersleigh Road associated with approved development at 163 Baldersleigh Road Guyra and Council installation of water mains in Ross Street Armidale. Additional adjoining roads already constructed have been added adjoining Baldersleigh Road for efficiency of administration.

4. Discussion

This Gazettal transfer will ensure that Council is the controlling authority and have all appropriate powers under the Local Government Act and the Roads Act to allow and approve installation of services to run along the noted road reserves for the purposes of future subdivisions and developments in the area.

The highlighted portions of crown road reserve noted in the images below are the sections subject of this report.



Image 1 - Baldersleigh Road, Robinsons Lane and Ollera Street



Image 2 – Ross Street Braun Street to Springhill Lane

This Gazettal transfer will deliver outcomes that are consistent with Council’s long- established role in managing public roads as part of the local road network for residential and rural needs.

The process involved to have a Gazettal Transfer is straight forward and requires a form to be submitted and the Transfer to be published in the NSW Government Gazette, after it is published, the control of The Roads will be Councils.

5. Implications

5.1. Strategic and Policy Implications

Endorsing the Gazettal of the road reserves aligns 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 that makes it safe and easy to travel around our region – Strategies:
 - o C1.1 Build and maintain quality, safe and accessible road transport infrastructure including roads, footpaths, kerbs, bus stops and parking facilities.

Strong Region – Engagement and Responsibility

- S2. Strong governance and leadership that supports our region to grow and prosper
 - o S2.3 Manage public resources responsibly and efficiently for the benefit of the community
 - S2.3.5 Manage our assets responsibly to ensure greater lifespan and usability and to reduce financial burden

Liveable Region – Places and Spaces

- L1.1 Provide appropriate, planned and maintained community facilities that allow people to meet, congregate and learn
 - o Develop and maintain Council-owned facilities and service infrastructure in line with Asset Management Plans and community needs (L1.1.1)
 - o Regularly review Council’s property portfolio for functionality and seek opportunities for development or divestment (L1.1.2)

This Gazettal transfer will ensure that developments are able to be progressed in a timely manner as Essential Energy and other bodies will only require Council’s consent, not the consent of the Crown. It will encourage prompt works pursuant to Development Applications made and is a sensible approach given Council is already responsible for the upkeep of The Roads.

5.2. Risk

Economic Risk – Avoids delay in processing application with other authorities for the timely installation of services for development. Note the roads are already maintained by Council, and additional maintenance will not likely be incurred beyond sustainable measures.

Social Risk – Armidale requires essential services to be provided to housing and businesses for the community.

Operational Risk – it is much timelier and appropriate for Council to have legal control of the Roads which it maintains and upkeeps.

Reputational Risk – It will show the community and developers alike that Council is proactive and encourages growth and development with essential services in the city.

5.3. Sustainability

This transfer will promote efficient and improved service delivery to the community as Council will be able to promptly approve plans for services in a timely manner.

Council should have the authority to make decisions regarding services provided to develop the city and provide essential services to the community and to liaise directly with stakeholders and suppliers.

5.4. Financial

Council is already maintaining the road and no additional costs are associated and there is no charge for publishing a gazette notice.

Council is already obligated to maintain The Roads, so this action will give it authority to control The Roads and approve essential services that run directly or appurtenant to The Roads.

6. Consultation and Communication

The administrative change will be published as a registration gazettal notice.

As Council is already maintaining The Roads, this gazettal transfer is an administrative change consistent with how other roads are controlled. On this basis, no further public consultation is considered necessary.

7. Conclusion

This report recommends that Council approve and endorse all forms and items to be completed to facilitate the gazettal transfer of The Roads so that Council is the controlling authority and can make decisions and approvals regarding services which run appurtenant to those roads, in the future, in a timely manner, without consultation with the Crown.

Item:	11.4	Ref: AINT/2023/27632
Title:	Update - Gates and Stock Grids on Public Roads POL087	Container: ARC16/0652
Author:	Alex Manners, Chief Officer Assets and Services	
Attachments:	Nil	

1. Purpose

The purpose of this report is for Council to note the update on public consultation regarding the revised Policy POL087 - Gates and Stock Grids on Public Roads.

2. OFFICERS' RECOMMENDATION:

That Council:

- a. Note the update report; and
- b. Note that the Connected Region Key Pillar Working Group requested that Policy POL087 - Gates and Stock Grids on Public Roads be deferred to the November 2023 Ordinary Council Meeting.

3. Background

Ordinary Council Meeting 26 April 2023

At the Ordinary Council Meeting held 26 April 2023, Council resolved to

- a) Note the revised Policy POL087 – Gates and Stock Grids on Public Roads;
- b) Endorse the placement of revised Policy POL087 on public exhibition for 28 days;
- c) Run concurrent community engagement sessions in line with the public exhibition period, auspice by the Connected Region key pillar working group;
- d) Refer the outcomes of the public exhibition period and the community engagement sessions to the Connected Region key pillar working group and finalise the draft policy for determination by Council;
- e) Note, following that above, the implementation of the policy through the commencement of removal of obsolete grids and gates and the issue of new permits in accordance with the Roads Act (1993) following appropriate consultation with landholders.

Ordinary Council Meeting 28 June 2023

Following public consultation, the policy was then presented to Council for consideration and adoption with the results of the public consultation and responses provided by Council staff.

At the Ordinary Council Meeting held 28 June 2023, Council resolved to:

- a) Defer consideration of the Gates and Stock Grids on Public Roads Policy POL087 to the Ordinary Council Meeting for September 2023;
- b) run community engagement sessions auspiced by the Connected Region Key Pillar Working Group;

- c) refer the outcomes of the public exhibition period and the community engagement sessions to the Connected Region Key Pillar Region Working Group and finalise the draft policy for determination by Council.
- d) Note, following the above, the implementation of the policy through the commencement of removal of obsolete grids and gates, and the issue of new permits in accordance with the *Roads Act (1993)* following appropriate consultation with landholders.

At that Council meeting, the history of consultation was flagged and the recommendation to defer the report until the September 2023 Ordinary Council Meeting was discussed.

4. Discussion

Public consultation on the revised policy has been undertaken by the Connected Region Key Pillar Working Group conducted public consultation and during that time, two formal submissions were received and provided to Council.

To support the finalisation of the policy, the Connected Region Key Pillar Group have requested copies of historical submissions and proposed the policy be presented to the next Ordinary Council Meeting to be held 22 November 2023.

A copy of the legal advice received by Council regarding inclusions and application of the policy in relation to relevant legislation was also provided to the Key Pillar Working Group for reference.

5. Implications

5.1. Strategic and Policy Implications

Reviewing and implementing the policy aligns 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 that makes it safe and easy to travel around our region – Strategies:
 - o C1.1 Build and maintain quality, safe and accessible road transport infrastructure including roads, footpaths, kerbs, bus stops and parking facilities.

Strong Region – Engagement and Responsibility

- S2. Strong governance and leadership that supports our region to grow and prosper
 - o S2.3 Manage public resources responsibly and efficiently for the benefit of the community
 - S2.3.5 Manage our assets responsibly to ensure greater lifespan and usability and to reduce financial burden

5.2. Risk

Reputation Risk

The delay in implementing the policy has created frustration amongst landowners and over the proposed and potential outcomes.

Operational Risk

Operationally, the implementation addresses the current operating conditions and maintenance liabilities. Failing to implement a revised policy may extend these liabilities.

5.3. Sustainability

Efficient and well maintained roadways are essential to sustainable farming. Well maintained fences, cattle grids and gates are essential in ensuring animals remain confined to their designated areas, and do not wander, creating additional impacts to the soil and waterways or become a public safety or biosecurity hazard.

Appropriate and clear policy ensure these assets and structures can be maintained and that the efficient operation of the transport network can be preserved.

5.4. Financial

There are no financial impacts of the proposed recommendation to defer consideration of the policy until the November 2023 OCM.

6. Consultation and Communication

The policy has been on public exhibition for 28 days and the three submissions received have been referred to the Connected Region key pillar working group.

Note that the Chair of the Connected Region Key Pillar Working Group requested that Policy POL087 - Gates and Stock Grids on Public Roads be deferred to the November 2023 Ordinary Council Meeting.

The community engagement sessions auspice by Cr O'Connor, the Chair of the Connected Key Pillar Working Group is being undertaken.

7. Conclusion

The Connected Region Key Pillar Working Group has conducted public consultation as per the recommendation at the Ordinary Council Meeting Held 28 June 2023. The Working Group require additional time to finalise the draft policy for determination by Council.

Item:	13.1	Ref: AINT/2023/24503
Title:	KPWG - Minutes of meetings held July 2023 - October 2023	Container: ARC16/0001-8
Responsible Officer	Acting General Manager	
Author:	Melissa Houtt, Executive Officer	
Attachments:	<ol style="list-style-type: none">1. Growing KPWG 20 June 2023 Minutes2. Enriched KPWG 22 June 2023 Minutes3. Growing KPWG 18 July 2023 Minutes4. Connected KPWG 3 Aug 2023 Minutes5. Enriched KPWG 10 Aug 2023 Minutes6. Growing KWPG 1 Sept 2023 Minutes7. Growing KPWG 11 Sept 2023 Minutes8. Connected KPWG 18 Sept 2023 Minutes9. Growing KPWG 19 Sept 2023 Minutes10. Growing KPWG 10 Oct 2023 Minutes	

RECOMMENDATION:

That the following Minutes of the Key Pillar Working Group meetings held from July 2023 to October 2023 be noted;

- Growing Region KPWG meeting held 20 June 2023
- Enriched Region KPWG meeting held 22 June 2023
- Growing Region KPWG meeting held 18 July 2023
- Connected Region KPWG meeting held 3 August 2023
- Future Region KPWG meeting held 3 August 2023
- Enriched Region KPWG meeting held 10 August 2023
- Growing Region KPWG meeting held 1 September 2023
- Growing Region KPWG meeting held 11 September 2023
- Connected Region KPWG meeting held 18 September 2023
- Growing Region KPWG meeting held 19 September 2023
- Growing Region KPWG meeting held 10 October 2023

1. Purpose

This report is to provide Council with the minutes and action lists of the Key Pillar Working Group meetings held from March 2023 to June 2023 which details recommendations to Council for consideration.

2. Background

The role of the Key Pillar Working Groups is to advance the key objectives of the Region by working through each pillar of the Community Plan (CP), providing a policy direction and outcome, following engagement with the relevant interest groups that represent our community.

3. Report

At its meeting held 20 June 2023, the Growing Region KPWG considered:

Discussions and Projects

- Discussion on the possibility of new future projects to be included in the LSPS.
- Darren provided an airport café update
- Mayor suggested on revised DP to broaden Malpas Aquatic/Recreation Centre
- Darren provided an update on the Airport - Gate 3 is scheduled to go in from July.
- Transport Safety Plan is ongoing.

At its meeting held 22 June 2023, the Enriched Region KPWG considered:

Discussions and Projects

- NOVA & Practice Manager Collaboration
- Promotional Video of Armidale Region
- Workforce Prioritisation and Planning Project
- Opportunities/Challenges

At its meeting held 18 July 2023, the Growing Region KPWG considered:

Discussions and Projects

- Draft Local Strategic Planning Statement and Local Housing Strategy
- Importance of LSPS
- Cycleways
- Business Forum ideas
- Group discussed maximum extent of precinct.

At its meeting held 3 August 2023, the Connected Region KPWG considered:

Discussions and Projects

- Gates and Grids Policy Consultation
- Active Transport Consultation
- Update on the Smart Places Project and the E-Scooter Trial
- New Community Proposal for a Bike pathway on Castledoyle Rd
- Digital Strategy

At its meeting held 10 August 2023, the Enriched Region KPWG considered:

Discussions and Projects

- Review action items
- Update on health event at NOVA
- Opportunities/Challenges

At its meeting held 1 September 2023, the Growing Region KPWG considered;

Discussions and Projects

- Council Officer's provided a presentation on the East End Mall.
- Discussion on the Armidale Mall Vibrancy Plan 2022-26

At its meeting held 11 September 2023, The Growing Region KPWG considered;

Discussions and Projects

- Council Officer's provided an update on zoning throughout the LGA.
- Renewable Energy Zone
- Discussion on level one water restrictions for the LGA.

At its meeting held 18 September 2023, the Connected Region KPWG considered;

Discussions and Projects

- Grids and Gates Policy
- E-Scooter Trial
- Active Transport Consultation
- Castledoyle Community Bicycle Path Project and General Bicycle Paths
- Digital Spaces Project

At its meeting held 19 September 2023, The Growing Region KPWG considered;

Discussions and Projects

- Cr Redwood gave an update on the E-Scooter trial after seeking advice from the GM.
- Councillors received a briefing on the Styx River State Forest
- Water restrictions
- Darren provided an update on the Childcare facility in Guyra.

Item:	13.2	Ref: AINT/2023/26249
Title:	Traffic Advisory Committee - Minutes of meeting held 3 October 2023 Container: ARC16/0168-8	
Responsible Officer	Chief Officer Assets and Services	
Author:	Graham Earl, Technical Officer Engineering	
Attachments:	1. Agenda - Traffic Advisory Committee - 3 October 2023 2. Minutes- Traffic Advisory Committee - 03 October 2023	

RECOMMENDATION:

That in relation to the report "Armidale Regional Council Traffic Advisory Committee Minutes – 3 October 2023", that Council;

- a) Endorse the temporary road closures of Dangar Street and Faulkner Street Armidale between Rusden and Moore Street, along with the East and West Beardy Street Mall from Marsh to Jessie Street, for the 'Christmas in the Mall 2023' celebrations, Thursday 30 November 2023. That organisers reach out to Police for an inspection of the unit once together;
- b) Endorse the road closure of Bradley Street between McKenzie Street and the Police station, Guyra for the purpose of conducting the Remembrance Day service and opening of Mandala Garden and Remembrance Park 11 November 23;
- c) Endorse the Special Event Transport Management Plan for the Guyra Christmas Carnival 2023 and associated road closures of Bradley Street between Mackenzie Street and Ollera Street, Guyra between 3pm and 10pm on Friday 1 December 2023;
- d) Endorse the changes to the pedestrian crossings in Rusden Street Armidale outside the Civic Administration Building and on Trevenna Road Armidale (UNE), to become raised flat top hump crossings; and
- e) Endorse the Special Event Transport Management Plan New England Antique Machinery Rally Advertising Run 10 November 2023 involves seven tractors travelling a return route from the Armidale showgrounds south along Canambe Street, into Mann Street, into Castledoyle Road, Fosters Road, Long Swamp Road, Edwards Lane, Dangersleigh Road, Knobs Road, Simmonds Road Armidale, and return via the same route..

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, 3 October 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 3 October 2023 the TAC considered seven items, one of which is for notification only and one which has been denied endorsement by the Traffic Committee.

Special Event Transport Management Plan - Christmas in the Mall 30 November 2023

Armidale Regional Council would like to hold a "Christmas in the Mall" event that will include an afternoon entertainment program on the central mall stage and markets, on Thursday 30 November from 5pm to 9pm.

To ease crowding and congestion we propose to fill central, east, and west Beardy Street Mall with a variety of markets stalls and Faulkner and Dangar Street up to the intersection.

Special Event Transport Management Plan - Remembrance Day 2023, Guyra

Remembrance Day is an annual event held on the 11 November to remember to the members of the armed forces who gave their lives in all wars.

This year's activity in Guyra will include the opening of Mandala Garden and Remembrance Park.

Special Event Transport Management Plan - Guyra Christmas Party 2023

The Rotary Club of Guyra would like to hold the annual Guyra Christmas Carnival in Bradley Street (main street). The event will include market stalls, entertainment & activities. The main reason for the road closure is to allow easy pedestrian access to the main street as the event location in order to drive retail in the main street.

It is proposed to close Bradley Street Guyra between Mackenzie Street and Ollera Street between 3pm and 10pm on Friday 1st December 2023

Changes to pedestrian crossing in Rusden Street and Trevenna Road, Armidale

As part of the Get Active NSW funding round for the 2023/2024 Financial Year, Council applied for and received funding to improve two pedestrian crossings within the city.

The crossings concerned are the crossing in front of the Civic Administration Building (CAB) in Rusden Street Armidale and the crossing in Trevenna Road Armidale adjacent to Mary White College at UNE.

Special Event Transport Management Plan - New England Antique Machinery Rally Advertising Run 2023

The event involves seven tractors travelling from Armidale showgrounds south along Canambe Street, into Mann Street, into Castledoyle Road, Fosters Road, Long Swamp Road, Edwards Lane, Dangersleigh Road, Knobs Road, Simmonds Road Armidale, and return via the same route.

Special Event Transport Management Plan - Tractor Trek Armidale to Dungowan & Return

The event involves seven tractors travelling from the Armidale showgrounds to Dungowan sports grounds (within the Tamworth Regional Council Local Government Area), returning to the Armidale showgrounds arriving 24 October 2023.

This event was denied endorsement by the Traffic Advisory Committee as there has not been enough time provided to allow Police to complete their On-Road event application for consideration or for TfNSW to complete their checks and potentially an application for a Road Occupancy Licence.

The route would involve minor local roads in four Local Government Area's (LGA) being Armidale Regional, Uralla Shire, Walcha Shire and Tamworth Regional, and three Police Area Commands, which means this event will need endorsement by all LGA's. Advice has been provided to the organisation advising an application such as this will require four months notification to allow all areas involved enough time to assess the information properly.

Notification of Voice to Parliament March

Note the use of council footpaths for the purposes of a march to encourage support for a Yes vote in the Voice to Parliament Referendum.

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:

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:	General Fund						
Funding Source:	Activation and Precincts						
Budget Ref: (PN)	Description	Approved Budget	Actual	Committed	Proposed	Total Forecast Expenditure	Remaining Budget
900059	Items (a) and (c)	\$40,000	Nil	Nil	\$865.31	\$1,166.39	\$38,833.61
210713	Item (b)				\$301.08		

Special Event Traffic Management will be implemented by Council staff and costed to the responsible department.

Budget Area:	Roads and Parks – Traffic Facilities						
Funding Source:	TfNSW Get Active NSW program						
Budget Ref: (PN)	Description	Approved Budget	Actual	Committed	Proposed	Total Forecast Expenditure	Remaining Budget
	Item (d)	\$35,980.78	Nil	Nil	\$35,980.78	\$35,980.78	Nil

The costs for construction of the changes of pedestrian crossings to be completely funded from the TfNSW Get Active NSW Program.

7. Conclusion

That Council note the minutes of the Traffic Advisory Committee (TAC) meeting held on Tuesday, 3 October 2023 and the recommendations to Council be considered for adoption.