



BUSINESS PAPER

ORDINARY MEETING OF COUNCIL

To be held on

Thursday, 28 April 2022
4pm

at

Armidale

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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- 15.1 Provision of Professional services for Survey and Design Work Panel for Road Rehabilitation and Construction Projects on Waterfall Way MR76

(General Manager's Note: The report considers a request of tender evaluation and recommendations and is deemed confidential under Section 10A(2)(c) of the Local Government Act 1993, as it deals with commercial information of a confidential nature which, if disclosed, confers a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business).

- 15.2 Engagement of Contractor for ARC Kerb & Gutter Program

(General Manager's Note: The report considers a tender and is deemed confidential under Section 10A(2)(c) of the Local Government Act 1993, as it deals with commercial information of a confidential nature which, if disclosed, confers a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business).

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/2022/09070
Title:	Minutes of Previous Meeting held 23 March 2022	Container:
	ARC16/0001-7	
Responsible Officer	General Manager	
Author:	Melissa Hoult, Executive Officer	
Attachments:	1. Draft Minutes - 23 March 2022	

RECOMMENDATION:

That the Minutes of the Ordinary Council meeting held on 23 March 2022 be taken as read and accepted as a true record of the Meeting.

Item:	6.1	Ref: AINT/2022/12258
Title:	Mayoral Minute - VALE Thelma McCarthy AM	Container:
	ARC16/0025-6	
Responsible Officer	General Manager	
Author:	Sam Coupland, Mayor	
Attachments:	Nil	

1. Purpose

This minute seeks to note the sad passing of Thelma McCarthy AM and expresses our deepest condolences to her family, especially her children Annette, Janis and Robert, and her community.

2. OFFICERS' RECOMMENDATION:

That Council note the minute.

Thelma McCarthy AM was recognised as a champion for the Armidale community, and her passion and Advocacy for regional NSW epitomised what it means to live a life of public service.

Thelma had a social conscience which spurred her to action, this included championing the rights of women, advocating for Armidale and regional NSW, and advocating for people who experienced hardships in her community. Prior to her passing, Thelma had been speaking to local councillors, especially the Labor Councillors on Armidale Regional Council Debra O'Brien and Susan McMichael, about projects to advance the communities of Armidale and Guyra, such was her passion for her community.

Thelma was one of the first women to join the Royal Australian Air Force as a telegraphist, stepping up to join the war effort after the bombing of Darwin in 1942. Along with her late husband Bill, was an active member for many decades in the Australian Labor Party, and after 40 years' service, received life membership. Thelma was dedicated to the being the voice and face of the Labor Party in Armidale, and provided advice and mentoring to Labor Party members involved in the local branch, and the state electorate council. She was credited with being a major part in her late husband's, Bill McCarthy MP, success in being a Labor Member of the New South Wales Parliament from 1978 to 1987.

While Deputy Chair of the NSW Bicentennial Council, Thelma pushed for Armidale's arboretum, which is now a city landmark, and drew together service clubs, schools, businesses, individuals and Council.

In addition, Thelma:

- served on the NSW Ministerial Advisory Committee on Ageing
- was appointed as a Member of the Order of Australia for her service to the community and New South Wales; and
- advocated for those who were 'doing it tough' in regional NSW and sought solutions that allowed everyone to live a life of dignity'.

She will be deeply and sadly missed. VALE Thelma McCarthy.

Item:	8.1	Ref: AINT/2022/12709
Title:	Annual Report of the Audit, Risk and Improvement Committee Container: ARC21/4508	
Responsible Officer	Acting Chief Officer Corporate and Strategy	
Author:	Simone Mooketsi, Manager Governance and Strategy	
Attachments:	1. ARIC Annual Report March 2021 - March 2022	

1. Purpose

To provide the independent annual report (ARIC Annual Report) for the period of March 2021 – March 2022 of Council's Audit, Risk and Improvement Committee (ARIC) to Council for noting.

2. OFFICERS' RECOMMENDATION:

That Council note the content of the ARIC Annual Report.

3. Background

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

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

Specifically, the ARIC assists Council to:

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

The ARIC Annual Report has been prepared in accordance with section 3.10 of the *Internal Audit Guidelines* prepared by the Local Government Division of the Department of Premier and Cabinet, issued in September 2010. Section 3.10 states "*The audit committee should report regularly to the council on the management of risk and internal controls. This may be done following each meeting of the audit committee, but as a minimum, the audit committee should report at least annually to the full council on its oversight role of the internal audit function. The General Manager should also provide an annual report to the audit committee on the performance of the internal audit function. Council may request the Chairperson of the Audit*

Committee to address the Council to answer any enquiries about the operation of the Audit Committee.” The ARIC Annual Report as submitted to this meeting, satisfies this requirement. An opportunity for Councillors to meet with the ARIC Chair is being organised for May 2022.

It should be noted that the *Internal Audit Guidelines* are being replaced by the *Guidelines for risk management and internal audit for local councils in NSW* which come into effect to be progressively implemented from 4 June 2022. Future ARIC Annual Reports will be prepared in accordance with the new guidelines.

Delegated Authority:

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

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

4. Discussion

Nil.

5. Implications

5.1. Strategic and Policy Implications

The ARIC Annual Report and minutes of the 17 March 2022 ARIC meeting, presented in a separate report to Council, note that achievement of the internal audit schedule is dependent of sufficient resourcing.

5.2. Risk

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

- compliance
- risk management
- fraud control
- financial management
- governance
- implementation of the strategic plan, delivery program and strategies

- service reviews
- collection of performance measurement data by the council
- any other matters prescribed by the regulations
- improving the Council's performance of its functions.

5.3. Sustainability

Nil

5.4. Financial

Nil

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

6. Consultation and Communication

Nil.

7. Conclusion

Council note the content of the Independent ARIC Annual Report.

Item:	8.2	Ref: AINT/2022/12158
Title:	Tabling of Updated Disclosure of Pecuniary Interest - Councillor Mephram	Container: ARC22/4999
Responsible Officer	Acting Chief Officer Corporate and Strategy	
Author:	Stacey Drew, Executive Policy Advisor	
Attachments:	1. Councillor Mephram updated disclosure of pecuniary interest - redacted	

1. Purpose

The purpose of this report is to table the updated Disclosures of Pecuniary Interest and Other Matters returns for Councillor Mephram.

2. OFFICERS' RECOMMENDATION:

That Council note the tabling of updated Disclosure of Pecuniary Interest and Other Matters provided by Councillor Mephram as required by the *Model Code of Conduct*.

3. Background

Cause 4.21 of the *Model Code of Conduct* states officials 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 Councillors are required to lodge their return with the General Manager within three months of their election.

Returns lodged at any other time must be tabled at the first Council meeting after the return was lodged. Councillors and staff may update their Disclosures at any time.

Among other things, Councillors and others who are required to complete returns of interests must disclose the following types of interests in their returns:

- interests in real property
- gifts
- contributions to travel
- interests and positions in corporations
- whether they are a property developer or a close associate of a property developer
- positions in trade unions and professional or business associations
- dispositions of real property
- sources of income
- debts.

5. Implications

Council officials 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 the Community strategic Plan 2017-2027: Leadership for the Region Community Outcome 3– being that Council demonstrates sound organisational health and has a culture which promotes action, accountability and transparency.

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 council official becomes aware of any new interests that need to be disclosed, the Council official must submit a new return within three months of becoming aware of the interests.

5.3. Sustainability

5.4. Financial

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

6. Consultation and Communication

Completed returns of Councillors will be included in Council's register of returns, and are available for public viewing via the administration building customer service desk.

7. Conclusion

The tabling of updated returns (attached) satisfies Council's obligations under the *Model Code of Conduct*. Completed returns of Councillors are redacted for privacy before being placed on councils website contained within the Register of Returns.

Item:	8.3	Ref: AINT/2022/13261
Title:	Review of Risk Management Policy	Container: ARC22/5007
Responsible Officer	Acting Chief Officer Corporate and Strategy	
Author:	Simone Mooketsi, Manager Governance and Strategy	
Attachments:	1. Revised Risk Management Policy 2. Risk Appetite Statements for Armidale Regional Council	

1. Purpose

To seek Council's feedback on the proposed risk appetite statements and to seek Council's endorsement of the revised Risk Management Policy for public exhibition.

2. OFFICERS' RECOMMENDATION:

That Council:

- a. Consider the content of the revised policy.
- b. Adopt the risk appetite statements contained in this report.
- c. Endorse the revised Risk Management Policy for public exhibition for a period of no less than 28 days; and
- d. Commits to making decisions in line with the articulated risk appetite statements.

3. Background

Council's Risk Management Policy has been reviewed as a result of the introduction of the *Risk Management and Internal Audit Guidelines* (the Guidelines), developed by the Office of Local Government (OLG). The Guidelines, to be progressively implemented from 4 June 2022, require councils to demonstrate compliance with *AS/NZS ISO 31000:2018 Risk Management – Guidelines*.

The Risk Management Policy has therefore been reviewed and updated to:

- Comply with *AS/NZS ISO 31000:2018 Risk Management – Guidelines*
- Satisfy the requirements of The Guidelines; and
- Improve risk management practice at Council with the articulation of risk appetite statements within the policy.

4. Discussion

Council has previously prepared a Risk Management Roadmap 2020-2023 (The Roadmap), as part of the implementation of the recommendations of the *Report on Review of Armidale Regional Council Governance Arrangements - September 2020* (Governance Review). Development of risk appetite statements is one of the items contained within the Roadmap.

A risk appetite statement is an articulation of an organisation's willingness to take, retain or accept risk and is an integral part of any risk management capability. It is driven by the organisation's risk strategy and informs activities to manage risk. A risk appetite statement articulates an organisation's tolerance levels for risk and specifies what an organisation is prepared to accept in the execution of its strategic and businesses objectives.

A workshop session, facilitated by Statewide Mutual, was undertaken with the Executive Leadership Team and other key staff in December 2021 to articulate Council's appetite for taking, retaining or accepting risk through qualitative risk appetite statements that were based on nominated risk categories. Statewide Mutual, Australia's largest member owned local government self-insurance pool, of which Council is a member is a leading expert in the area of local government risk management.

Through the workshop process, Council has developed its risk appetite statements which are based on the amount of risk that the Council is willing to take, retain or accept in pursuit of its objectives over the life of the Community Strategic Plan.

In developing the risk appetite statements the following definitions were adopted:

Risk Appetite Levels and Definitions

AVOID	RESISTANT	ACCEPT	RECEPTIVE
(little-to-no appetite)	(small appetite)	(medium appetite)	(larger appetite)
Avoidance of adverse exposure to risks even when outcome benefits are higher	A general preference for safer options with only small amounts of adverse exposure	Options selected based on outcome delivery with a reasonable degree of protection	Engagement with risks based more on outcome benefits than potential exposure

Armidale Regional Council's risk appetite positions across its identified risk categories are as follows:

Category of Risk	Avoid	Resistant	Accept	Receptive
Environmental	Primary		Secondary	
Climate adaptation			Primary	
Financial		Primary	Secondary	
Economic development				Primary
Information technology			Primary	
Cyber Security		Primary		
Legal compliance / governance / contractual	Primary	Secondary		
Personnel / industrial relations			Primary	Secondary
WH&S	Primary		Secondary	
Property and infrastructure		Primary	Secondary	
Public liability / professional indemnity		Primary		
Reputation			Primary	Secondary
Service delivery - commercial and business			Primary	Secondary
Service delivery - community and social		Primary	Secondary	
Political Advocacy			Primary	

Primary Appetite: indicates a general appetite for taking, retaining or accepting risk for the given risk category.

Secondary Appetite: indicates an appetite-by-exception position for taking, retaining or accepting risk in specific circumstances. It is not necessary for all risk categories to have a Secondary Appetite position.

The distribution of primary and secondary risk appetites for Armidale Regional Council is indicative of a **slightly conservative** overall appetite towards taking, retaining or accepting risk, based on the overall distribution of both primary and secondary appetite positions.

Further details on the Council's risk categories and their risk appetite statements are provided in the attached report prepared by Statewide Mutual (Attachment 2 – Risk Appetite Statements for Armidale Regional Council.)

Other changes made to the Policy relate to updates of the policy content to satisfy the requirements of The Guidelines and *AS/NZS ISO 31000:2018 Risk Management – Guidelines*.

In summary, the main changes from AS/NZS ISO 31000:2009 to AS/NZS ISO 31000:2018 reflected in the revised policy content as identified by the International Standardisation for Organisations (ISO) are:

- Review of the principles of risk management, which are the key criteria for its success;
- Focus on leadership by top management who should ensure that risk management is integrated into all organisational activities, starting with the governance of the organisation;
- Greater emphasis on the iterative nature of risk management, drawing on new experiences, knowledge and analysis for the revision of process elements, actions and controls at each stage of the process; and
- Streamlining of the content with a greater focus on sustaining an open systems model that regularly exchanges feedback with its external environment to fit multiple needs and contexts.

Further the content has also been updated to satisfy the implementation of The Guidelines which require Council to:

- Have a robust risk management framework that accurately identifies and mitigates the risks facing the council and its operations;
- Effectively manage their finances and assets and have sound policies and processes for performance management and reporting, asset maintenance and enhancement, funding decisions, and risk management practices;
- Satisfies the requirements of Core Requirement 3 of The Guidelines which each council must accept responsibility and accountability for risk management in the council;
- Each council has a risk management framework that is appropriate for that council and is consistent with the accepted Australian risk management standard;
- Risk management is an integral part of all council management, operations, functions and activities and it is clear who is responsible for managing each risk;
- Each council supports the development of a positive risk culture Councils regularly review their risk management framework and can flexibly adapt their risk management activities to suit their operations and risk profiles; and
- Each council is accountable to the community for complying with its statutory obligation to adopt and maintain a risk management framework.

5. Implications

5.1. Strategic and Policy Implications

Risk Management Policy has been updated to include references to the risk appetite statements and to satisfy the requirements of the Guidelines and *AS/NZS ISO 31000:2018 Risk Management*. The policy has also been updated to incorporate components of the content of the example policy provided within The Guidelines.

Similarly, other artefacts that are part of the risk management framework, an internal document which supports the implementation of this policy, will be updated.

5.2. Risk

Risk management is a fundamental component of decision making in all Council activities. All decisions made by Council and its officers need to consider the risks involved in taking those decisions and the impact those decisions will have on the achievement of Council's objectives.

Council operates a wide range of projects, programs and activities and has a large number of diverse stakeholders with varying needs and expectations, therefore, Council is intrinsically exposed to a number of risks, including operational, legal, fraud, WHS, financial, compliance, etc.

The risk appetite statements provide guidance to decision-makers as to where Council's general position is with regard to the level of risk it is willing to take, retain or accept in pursuit of its strategic outcomes.

5.3. Sustainability

Sustainability is considered in the development of risk appropriate statements in areas including, but not limited to:

- climate adaption
- environment
- economic development
- financial.

5.4. Financial

There are no additional financial implications from the articulation of the risk appetite directly, however further controls and remediation plans are needed as a consequence of risk evaluations resulting in levels above Council risk appetite.

AS/NZS ISO 31000:2018 Risk Management - Guidelines requires each council to ensure sufficient resources are allocated to implement the council's risk management framework and deliver the internal controls needed to ensure the council's risks are appropriately managed. In practice, this responsibility will fall to the governing body and/or general manager of the council.

These resources include the necessary:

- human resources (with appropriate skills and experience)
- technology, equipment, tools and information management systems for managing risk
- documented processes and procedures; and
- professional development and training for staff to ensure they can fulfil their risk management responsibilities.

To ensure that the governing body and/or General Manager makes informed budgeting decisions, the Audit, Risk and Improvement Committee is to advise of the resources it considers

that the Council needs to effectively implement its risk management framework, having regard to any budgetary constraints facing the council and the council's operational environment.

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

6. Consultation and Communication

Consultation with the Executive Leadership Team and key Council staff, including representatives from finance, internal audit and governance was undertaken in developing the risk appetite statements.

The revised policy was provided to Council's Audit, Risk and Improvement Committee for feedback at the 17 March 2022 meeting.

The draft policy was endorsed by the Audit, Risk and Improvement Committee.

7. Conclusion

To achieve the objects of The Roadmap, The Guidelines and to improve the practice of risk management at Council, it is recommended the governing body:

- Adopts the risk appetite statements contained in this report;
- Endorse the revised Risk Management Policy for public exhibition; and
- Commits to making decisions in line with the articulated risk appetite statements.

Item:	8.4	Ref: AINT/2022/13796
Title:	ALGA National General Assembly 2022	Container: ARC16/0294
Responsible Officer	General Manager	
Author:	Melissa Hoult, Executive Officer	
Attachments:	1. National General Assembly of Local Government - Invitation to Mayors and Councillor	

1. Purpose

The purpose of this report is to vote for two Councillors in addition to the Mayor and the General Manager to attend the Australian Local Government Association (ALGA) National General Assembly 2022 in Canberra from 19 to 22 June 2022.

2. OFFICERS' RECOMMENDATION:

That Council:

- a. In addition to the Mayor and General Manager, two Councillors be appointed as delegate attendees for the ALGA National General Assembly to be held in Canberra.
- b. That the process for appointment be by show of hands.
- c. That it be noted that the ALGA National General Assembly is being held from Sunday 19 June through to Wednesday 22 June 2022.

3. Background

The ALGA National General Assembly is a conference that is held annually where councils across Australia discuss current and emerging challenges and opportunities and advocate to the Federal Government on critical issues facing the sector. Armidale Regional Council has not had representation at the ALGA National General Assembly since 2015.

Further information is available at <https://alga.com.au/events/national-general-assembly-2022/>

4. Discussion

This year's National General Assembly is being held in Canberra from 19-22 June and will be an opportunity to clearly set and articulate the agenda to a new or returning Federal Government. Additionally it's an opportunity to bring council motions to a national audience and potentially inform our national policy positions and priorities.

The theme of this year's National General Assembly "Partners in Progress" reflects the important role that Council's play in building a strong, more inclusive, and more sustainable Australia as well as a willingness to work with other governments to get the job done.

5. Implications

5.1. Strategic and Policy Implications

Community Strategic Plan – Leadership for the Region

Community Outcome 4 - Council has the strategic capacity to understand the key issues and present tenable solutions for the region both now and into the future.

Supporting Strategy: Initiates and fosters strong partnerships with all levels of government, peak bodies and agencies and the community.

5.2. Risk

There are no significant risk implications.

5.3. Sustainability

There are no significant sustainability implications.

5.4. Financial

Costs associated with this General Assembly Meeting include registrations, flights, on ground travel, meals and accommodation.

Budget Area:	Executive Office						
Funding Source:							
Budget Ref: (PN)	Description	Approved Budget	Actual	Committed	Proposed	Total Forecast Expenditure	Remaining Budget
210653.1. 1860 .333.2250	Conference registration	\$4,000	\$0	\$0	\$4,000	\$4,000	\$0
210653.1.1860.333. 2245	Travel and accommodation	\$8,000	\$0	\$0	\$8,000	\$8,000	\$0

6. Consultation and Communication

The motions that various councils provide will be discussed and debated which may inform policy and advocacy agenda for the coming year and beyond.

7. Conclusion

Council is required to nominate the names of attendees before 20 May 2022 to secure the early bird rate. This report is requesting Council vote for the Councillors they would like to represent ARC at this significant event.

Item:	8.5	Ref: AINT/2022/12904
Title:	Civic and Ceremonial Function and Representation Policy - For Adoption (Post Public Exhibition)	Container: ARC21/4718
Responsible Officer	General Manager	
Author:	Melissa Hoult, Executive Officer	
Attachments:	1. Draft Civic and Ceremonial Function and Representation Policy	

1. Purpose

The purpose of this report is to present the draft Civic and Ceremonial Function and Representation Policy to Council, following public exhibition, for adoption.

2. OFFICERS' RECOMMENDATION:

That Council:

- a. note there were no submissions received during the exhibition period for the draft Civic and Ceremonial Function Representation Policy
- b. Adopt the Civic and Ceremonial Function and Representation Policy.

3. Background

The draft Civic and Ceremonial Function and Representation Policy was placed on public exhibition and no submissions were received from the public during this period.

Civic and ceremonial functions and events foster positive relationships between the community and Council, connect the community in celebration, recognise and celebrate individual and community achievements, and promotes community pride and spirit.

4. Discussion

This policy was created to ensure there is a clear understanding of the role of the Mayor and elected representatives at functions and events as well as at external events being held within the Armidale Regional Council Local Government area where representation from Council is requested.

Continuous formalisation, review and enhancements of policies shapes Council towards best practice in terms of compliance and connection to the community.

5. Implications

5.1. Strategic and Policy Implications

This policy contributes to the delivery the Community Strategic Plan objective: Leadership for the Region Community Outcome 1– being that Council will develop and deliver an engagement strategy to ensure effective engagement with the community and provide opportunities for participation in decision making where appropriate.

Other relevant policies are:

- Community Engagement Policy

- Community Recognition Policy (draft)
- Councillor and Staff Interaction Policy
- Mayoral Robe and Chain Policy
- Media Policy
- Model Code of Conduct Policy.

5.2. Risk

There are no significant risk implications.

5.3. Sustainability

There are no significant sustainability implications.

5.4. Financial

Nil.

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

6. Consultation and Communication

If Council resolves to adopt the draft Civic and Ceremonial Function and Representations Policy, this will be communicated to the community and placed on the council website.

7. Conclusion

Council's Civic and Ceremonial Functions and Representations Policy has been created to provide clear direction and guidance for Council's communication and engagement processes together with outlining the civic and ceremonial functions and events hosted by Armidale Regional Council and the protocols and procedures that surround them.

No submissions were received from the public so therefore the Policy is now presented to Council for adoption.

Item:	8.6	Ref: AINT/2022/12018
Title:	Ordinary Council Meeting Cycle for 2022	Container: ARC16/0001-7
Responsible Officer	General Manager	
Author:	Jessica Bower, Executive Officer	
Attachments:	Nil	

1. Purpose

The purpose of this report is to present to Council for adoption the schedule for Ordinary Council meetings for the remainder of the 2022 calendar year. At the 12 January 2022 Ordinary Council meeting the newly-elected Council set the dates until June 2022. The setting of dates for the remainder of 2022 provides Councillors, staff and the community with certainty and assists with the planning of upcoming work and reporting.

The report is also presented to endorse the Christmas shutdown period for Council's Administration Centres and Depots, with the exception of essential service operations that will operate over this time.

2. OFFICERS' RECOMMENDATION:

- a. That the Ordinary Council Meeting cycle for the remainder of the 2022 calendar year be scheduled for the fourth Wednesday of each month as follows:
 - Wednesday 27 July 2022, in Armidale
 - Wednesday 24 August 2022, in Armidale
 - Wednesday 28 September 2022 in Armidale
 - Wednesday 26 October 2022 in Armidale
 - Wednesday 23 November 2022 in Armidale
 - Wednesday 14 December 2022 in Armidale.
- b. That the time for the Ordinary Council meetings to commence is 4pm.
- c. That the Council shutdown period for the Administration Centres and Depots be from Monday 26 December 2022 and reopening Monday 9 January 2023.
- d. That Council advertise the shutdown period for the Administration Centres and Depots and that this advertisement also includes the operating hours for all other Council facilities during this period.

3. Background

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

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

The current practice is for Council meetings to be conducted on the fourth (4th) Wednesday of each month, except for December and/or January. Since amalgamation of Armidale Dumaresq Council and Guyra Shire Council in 2016, the meeting cycle has included a rotation between Armidale and Guyra. It is recommended that Ordinary Council meetings now be centralised in

Armidale, which is a larger facility able to safely accommodate more members of the public and provides a more technologically advanced experience for the community, Councillors, and staff.

4. Discussion

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

The time and day of the meetings is to be determined according to Councillor availability and preferences. Council may also wish to consider the start time of the monthly ordinary meeting and determine whether it is right for them as a group.

Conventionally, Council has closed its normal business operations during the Christmas and New Year period. The proclaimed public holidays that fall during the proposed close down period are as follows:

Saturday	24 December	Close Down
Sunday	25 December	Public Holiday
Monday	26 December	Public Holiday
Tuesday	27 December	Public Holiday
Wednesday	28 December	Close Down
Thursday	29 December	Close Down
Friday	30 December	Close Down
Saturday	31 December	Close down
Sunday	1 January	Public Holiday
Monday	2 January	Public Holiday
Tuesday	3 January	Close Down
Wednesday	4 January	Close Down
Thursday	5 January	Close Down
Friday	6 January	Close Down
Saturday	7 January 2022	Close Down
Sunday	8 January 2022	Close Down

The Christmas and New Year period is generally a time of low business activity for the Council and a time when many staff normally take leave. An exception to this is libraries and museums, which will likely not close down for this full period, as it is typically a busier time for these facilities.

A roster will be prepared for all staff required to work through this period where facilities remain open and to respond to emergencies and other critical and unforeseen circumstances that may arise.

Staff that will not be required to work will be required to take leave on the working days during this period.

Council's on-line payment facilities allow registered users to make payments, lodge certificates, access Council's property and application registers, all of which are available 24 hours a day, seven days a week.

5. Implications

5.1. Strategic and Policy Implications

There are no significant implications as the proposed meeting cycle is unchanged from the previously adopted cycle. The schedule aligns with the recently adopted Code of Meeting Practice.

5.2. Risk

There are no risk implications.

5.3. Sustainability

There are no sustainability implications.

5.4. Financial

There are no financial implications.

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

6. Consultation and Communication

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

7. Conclusion

This report recommends that dates be set for the remainder of the 2022 calendar year, as required in the Code of Meeting Practice. The next steps will be to implement the Ordinary Council meeting cycle as determined by Council.

Item:	8.7	Ref: AINT/2022/12016
Title:	Council Actions Report January - March 2022 Container: ARC16/0001-7	
Responsible Officer	General Manager	
Author:	Jessica Bower, Executive Officer	
Attachments:	1. Action Items Report 20 April 2022 OCM	

1. Purpose

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

2. OFFICERS' RECOMMENDATION:

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

3. Background

This is a standard monthly report.

4. Discussion

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

5. Implications

5.1. Strategic and Policy Implications

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

5.2. Risk

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

5.3. Sustainability

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

5.4. Financial

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

6. Consultation and Communication

This report informs Councillors and the community and increases transparency.

7. Conclusion

The information is for noting only.

Item:	9.1	Ref: AINT/2022/12027
Title:	Standard Instrument LEP Natural Disasters Clause ARC16/0030-3	Container:
Responsible Officer	General Manager	
Author:	Daniel Boyce, Chief Officer Sustainable Development	
Attachments:	Nil	

1. Purpose

This report recommends Council include a clause in the Local Environmental Plan (LEP) to support homeowners to repair or replace a dwelling house or secondary dwelling that was damaged or destroyed by a natural disaster.

2. OFFICERS' RECOMMENDATION:

That Council advise the Department of Planning and Environment to incorporate the Dwelling house or secondary dwelling affected by natural disaster clause (Clauses 5.9), into the *Armidale Dumaresq Local Environmental Plan 2012* and *Guyra Local Environmental Plan 2012* or *Armidale Regional Local Environmental Plan* (as applicable), applying in the zones that currently permit dwelling house or secondary dwelling.

3. Background

Clause 5.9 of the Standard Instrument Order (the clause) was introduced to support homeowners whose homes have been damaged or destroyed by natural disasters. The clause applies to development applications (DAs) where development consent is sought to repair or replace a dwelling house or secondary dwelling that was damaged or destroyed by a natural disaster. The clause was prepared in response to regulatory challenges faced by homeowners seeking to rebuild homes following natural disasters where planning controls in Local Environmental Plans (LEP) have changed over time. The clause will ensure that development consent can be granted for the repair or replacement of a dwelling that was damaged or destroyed by a natural disaster despite any provisions in the relevant LEP which would otherwise prevent the consent authority from doing so.

4. Discussion

The clause (included below) states that consent can be granted for a dwelling house or secondary dwelling that was damaged or destroyed by a natural disaster despite any other provision of the relevant LEP. For this reason, it is not necessary for applicants to submit a request to vary a development standard where a development standard is contravened. DAs will still undergo a merit assessment to ensure that dwelling houses and secondary dwellings are of an appropriate size, location and design in the context of the site. In situations where key planning controls or development standards have changed over time, removing the need to formally request a variation under clause 4.6 of the relevant LEP will save time and resources for applicants and consent authorities.

5.9 Dwelling house or secondary dwelling affected by natural disaster [optional]

- (1) *The objective of this clause is to enable the repair or replacement of lawfully erected dwelling houses and secondary dwellings that have been damaged or destroyed by a natural disaster.*

- (2) *This clause applies to land in the following zones—*
- (a) *[set out the zones to which the clause is to apply]*
- (3) *Despite the other provisions of this Plan, development consent may be granted to development on land to which this clause applies to enable a dwelling house or secondary dwelling that has been damaged or destroyed by a natural disaster to be repaired or replaced if—*
- (a) *the dwelling house or secondary dwelling was lawfully erected, and*
- (b) *the development application seeking the development consent is made to the consent authority no later than 5 years after the day on which the natural disaster caused the damage or destruction.*

For DAs where the clause applies, the consent authority cannot refuse a DA on the basis it does not comply with a development standard or other provision in the applicable LEP. The proposed development will be assessed on its merits against the relevant considerations under section 4.15 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and any other applicable legislation.

Any standards or provisions outlined in a State Environmental Planning Policy (SEPP) that are relevant to the DA continue to apply (including any concurrence or referral requirements). Development Control Plan (DCP) provisions also continue to apply.

The requirements of other applicable legislation referred to in a SEPP, or in the EP&A Act continue to apply to DAs where the clause applies. For example, section 4.14 of the EP&A Act continues to apply for development of bushfire prone land and all relevant requirements of Planning for Bushfire Protection 2019 must be satisfied. *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017* and the *Biodiversity Conservation Act 2016* will also continue to apply to development involving clearing of vegetation and development of land with high biodiversity values. Any relevant assessment and offsetting requirements under that Act must also be met.

5. Implications

5.1. Strategic and Policy Implications

This decision will amend the *Armidale Dumaresq Local Environmental Plan 2012* and *Guyra Local Environmental Plan 2012* or *Armidale Regional Local Environmental Plan* (as applicable), by incorporating the Dwelling house or secondary dwelling affected by natural disaster clause (Clauses 5.9) applying in the zones that currently permit dwelling house or secondary dwelling.

5.2. Risk

Council has previously received legal advice regarding the LEP merge project (refer June 2021 Ordinary Council Meeting). In summary the advice stated:

There are no legal actions that could successfully be brought against Council for losses suffered by persons or entities as a result of changes to zoning and zoning controls that apply to land. No compensation is available to persons or entities in this regard.

There is no right of appeal or ability to obtain compensation in relation to downzoning in New South Wales. Landowners do not have a legal interest in theoretical development potential in these situations. This means that Council is not required to compensate a property owner in situations where existing development “rights” are lost as a result of changes to local environmental plans.

Landowners that experience downzoning will have protections under the Environmental Planning and Assessment Act 1979 with respect to existing use rights (section 4.66) and

existing development consents (section 4.70). In this regard it is possible for landowners with rights under these provisions to continue with the use as was previously approved.

It should be noted that “downzoning” includes situations where:

- a) there is a change in the land use zone;
- b) the zone remains the same however the standards change;
- c) changes are made to the land use table (i.e. permissibility);
- d) the land is rezoned for a public purposes; or
- e) an item on the land is listed as a heritage item.

There are no additional legal or risk implications arising from the matters addressed in this report.

5.3. Sustainability

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

5.4. Financial

Budget Area:	Strategic Natural Resources and Land Use Planning						
Funding Source:	Operational						
Budget Ref: (PN)	Description	Approved Budget	Actual	Committed	Proposed	Total Forecast Expenditure	Remaining Budget
250203	Sustainability and Strategic Planning	50000	18470	6682	24848	50000	0

6. Consultation and Communication

To expedite the inclusion of this provision in LEPs, the Department will amend the relevant LEP for councils who have opted into the process.

7. Conclusion

This report recommends Council include a clause in the Local Environmental Plan (LEP) to support homeowners to repair or replace a dwelling house or secondary dwelling that was damaged or destroyed by a natural disaster.

This decision will amend the *Armidale Dumaresq Local Environmental Plan 2012* and *Guyra Local Environmental Plan 2012* or *Armidale Regional Local Environmental Plan* (as applicable), by incorporating the Dwelling house or secondary dwelling affected by natural disaster clause (Clauses 5.9) applying in the zones that currently permit dwelling house or secondary dwelling.

Item:	9.2	Ref: AINT/2022/12396
Title:	Additional Special Variation 2022-2023	Container: ARC21/4910
Responsible Officer	Acting Chief Officer Corporate and Strategy	
Author:	Kelly Stidworthy, Manager Financial Services	
Attachments:	1. 22-07 Updated Guidelines for Additional Special Variation (ASV) Process for 2022-23	

1. Purpose

To obtain approval to make an application for a permanent Additional Special Variation for the 2022-23 financial year in accordance with the guidelines attached to this report.

2. OFFICERS' RECOMMENDATION:

That Council make application to the NSW Independent Pricing and Regulatory Tribunal for an Additional Special Variation on the following basis:

- a. The Special Variation is 1.8% plus 0.7% rate peg (total 2.5%) commencing in 2022-23;
- b. The Special Variation is permanent under section 508(2) of the *Local Government Act 1993*;
- c. Council will receive additional income of \$356,319 if the Special Variation is approved;
- d. The Special Variation is required because:
 - Council included the assumption of a 2.5% rate peg in the 2021-22 long term financial plan included in the adopted 2021-22 Operational Plan;
 - The assumed 2.5% rate peg is required for the continued delivery of services to the community; and
 - In the absence of the Special Variation, Council will not have sufficient capacity to meet all its obligations as and when they fall due in 2022-23 and in future years.
- e. Council has considered the impact of the Special Variation on ratepayers and the community in 2022-23 and in future years and considers that it is reasonable noting that assistance is available by way of Council's Hardship Policy for ratepayers experiencing financial hardship.

3. Background

Council has already considered this matter at the meeting held 23 March 2022 minute 72/22.

Subsequent to this, the Office of Local Government (OLG) released Council Circular "22-07 Guidelines for Additional Special Variation (ASV) Process for 2022-23". The circular contains updated details on the guidelines for an ASV Process for 2022-23 and is contained at the attachment. The circular outlines the specific form of Council resolution required to make an application.

4. Discussion

The Independent Pricing and Regulatory Tribunal (IPART) has advised that it will accept and process an additional round of 2022-23 ASV applications from councils via Council circular 22-07.

The once off 2022-23 ASV process is a mechanism to allow councils that received a rate peg of less than 2.5% to apply for the difference between the rate peg they have been advised and a maximum rate peg of 2.5% for the 2022-23 financial year. The application can be made on the basis of a once off or permanent increase.

For the 2022-23 financial year, Armidale Regional Council's rate peg as advised by IPART is 0.7% and this is estimated to be approximately \$350,000 less than if the rate peg had been 2.5%. To provide context, a 0.7% rate peg will provide only around \$130,000 in additional funding.

Applications are due 29 April 2022.

Council will need to demonstrate that:

- Council has demonstrable financial need such that, in the absence of a special variation, council would not have sufficient funds to meet its obligations as identified in its 2021-22 LTFP as and when they fall due in 2022-23; and
- Where councils are applying for a permanent special variation, in addition to the above criterion, the council has demonstrable financial need for the special variation to be retained in its rate base on an ongoing basis; and
- Council's 2021-22 IP&R documentation budgeted for an income increase above the percentage specified for the council for 2022-23 under section 506 of the Act; and
- Council has resolved to apply for the special variation under section 508(2) of the Act and that the resolution clearly states:
 - a) whether the resolution is for a temporary or permanent special variation under section 508(2) of the Act; and
 - b) the additional income that council will receive if the special variation is approved; and
 - c) why the special variation is required; and
 - d) that the council has considered the impact on ratepayers and the community in 2022-23 and, if permanent, in future years if the special variation is approved and considers that it is reasonable.

5. Implications

5.1. Strategic and Policy Implications

Link to the Community Strategic Plan and Delivery Program

Community Strategic Plan – Leadership for the Region

L2 Council exceeds community expectations when managing its budget and operations

The determination by Council on a position regarding the ASV application may impact a number of policy positions due to the funding that may be available for the delivery of services if the option of the ASV is not supported.

5.2. Risk

The risk of not considering applying for the ASV includes missing the opportunity to keep funding from rate revenue at the level determined in the adopted 2021-22 long term financial plan and that the outlook for key financial indicators that are below the required benchmark will worsen.

As recently advised to Council during the Councillor induction process, the General Fund key performance indicators are currently at unacceptable levels for the operating performance ratio and infrastructure ratios.

Performance Indicator	Trend	Comment
Operating Performance Ratio	↓	Declining trend with poor operating result excluding capital grants and waste
Debt Service Ratio	↑	Shows improvement due to repayment of existing loans
Unrestricted Current Ratio	↑	Shows improvement but remains under industry average
Building & Infrastructure Renewals Ratio	↓	Remains well under the required benchmark (average 60%)
Infrastructure Backlog Ratio	↑	Unfavourable increasing trend, which nearly doubles over time due to above under investment in asset renewals

5.3. Sustainability

Council had assumed a 2.5% rate peg increase in the adopted 2021-22 long term financial plan. If the ASV process enables Council to retain rate revenue at the level contained in the forecast this will allow Council to continue to invest in infrastructure at the levels determined by the 2021-22 long term financial plan.

5.4. Financial

Permissible General Income Estimate 2022-23

2021-22 Notional General Income	Rate Peg @ 0.7%	Additional Special Variation @ 1.8%	Prior Year Excess	Estimated 2022-23 Permissible General Income
\$19,795,522	\$138,569	\$356,319	(\$5,428)	\$20,284,982

Council's permissible general income consists of Ordinary Rates and the Armidale Drainage Charge.

6. Consultation and Communication

To demonstrate community consultation, IPART will consider the consultation undertaken through the IP&R process and consider the resolution to apply for an ASV meets the application requirements.

Under this ASV round of applications:

- IPART will accept applications until 29 April 2022;

- IPART will publish applications to enable community consultation for a period of at least three weeks; and
- IPART will notify councils of its decision no later than 21 June 2022.

7. Conclusion

This report provides Council Circular “22-07 Guidelines for Additional Special Variation (ASV) Process for 2022-23” for information and seeks approval to prepare an application for an Additional Special Variation to the maximum permissible level and on a permanent basis.

Item:	10.1	Ref: AINT/2022/10288
Title:	Request for Variation to Waterfall Way Heavy Patching Contract A2021/35	Container: ARC21/4870
Responsible Officer	Chief Officer Assets and Services	
Author:	Sharn Woolnough, Project Officer	
Attachments:	1. Council Report - Heavy Patching 21-22 - Original council report	

1. Purpose

Obtain council endorsement to increase the existing value of LGP contract A2021/35 "Waterfall Way heavy Patching program 21-22" previously endorsed by Council (Feb meeting Item 15.1 – AINT/2022/01077) by an additional \$421,500.

2. OFFICERS' RECOMMENDATION:

That Council;

- a) Note the additional funding provided by Transport for NSW;
- b) Endorse the variation of contract A2021/35 for the contractor Stabilcorp Ltd Pty to the value of \$421,500 excl. GST in addition to the original value of \$300,000 excl. GST on behalf of Council for Heavy Patching works on Waterfall Way;
- c) Delegate authority to the General Manager to approve expenditure for the project and contractor up to \$751,500 excl. GST available for the project as provided by TfNSW

3. Background

Council accepted the RFQ from Stabilcorp Pty Ltd (contractor) in the February Council meeting (Meeting Item 15.1 – AINT/2022/01077) for a total of \$300,000 excl. GST in order to undertake Heavy Patching works on Waterfall Way.

Transport for NSW (TfNSW) has since approached Council with additional funding to cater for works unable to be delivered under the original budget. This also includes a second TfNSW budget for Reseal preparation works for 2022-23 financial year. The total of these new budgets needing to be spent by EOFY is \$421,500.

Under Section 165 (2) of the *Local Government (General) Regulation 2021*, any variation of the contract, must be in writing and must be executed by or on behalf of the council.

4. Discussion

Reasoning for extension of existing contract;

- Council staff has already completed the procurement process utilising Local Government Procurement portal. The contractor selected is of high quality and already endorsed by Council.
- As a contract has been awarded to the contractor by Council, they are considered a 'prescribed entity' under Part 3 Division 1 Section 55 of the *Local Government Act 1993*. This qualifies for an exemption from tendering the proposed variation.
- Undertaking a tendering process will incur additional cost to Council.

5. Implications

5.1. Strategic and Policy Implications

Nil

5.2. Risk

Reputational risk could be impacted if extension of works progress into cooler months of the year causing difficulties in completing quality workmanship. This risk will be managed through the existing contract and TfNSW to ensure works are adjusted or halted if this risk shows high probability of occurring.

5.3. Sustainability

Extension of contract utilising pre-established contractors familiar with works and work locations will reduce need for additional on-boarding and establishment costs. Utilising contractors working in close proximity to new works locations can aid in obtaining greater economy of scale in works as well as reduction in driver disruption by undertaking concurrent works.

5.4. Financial

The works are fully funded by TfNSW and incorporate all costs associated with the engagement and costs expected to be incurred by council through management of the contract. The costs to Council are expected to be \$30,000.

Budget Area:	General Fund						
Funding Source:	Transport of New South Wales						
Budget Ref: (PN)	Description	Approved Budget	Actual	Committed	Proposed	Total Forecast Expenditure	Remaining Budget
270704.1.3020.333.2494 WO ATR 004234	Budget Provided by TfNSW for Heavy Patching Program 2021-2022 on Water fall Way	\$751,500		\$330,000	\$421,500	\$751,500	\$0

6. Consultation and Communication

Preliminary discussion have been had with TfNSW in relation to the capability to spend additional budgets. This included discussions with the contractor to determine their forward works program and capacity for additional Heavy Patching operations.

Feedback from TfNSW indicated that the additional budget needed to be spent on pre-existing patches identified in the maintenance defect list and reseal preparation list by the EOFY. The contractor has confirmed capacity in their program to cater for increased budget.

7. Conclusion

The variation if endorsed by Council, will allow the contractor to complete the remaining safety defects and defects within future reseals which will improve the serviceability and safety of the road asset and prolong the life of the highway representing value to the ARC community.

It is recommended that the Purchase Order for Stabilcorp Pty Ltd is increased and delegate authority to the General Manager to approve expenditure up to the upper funding limit of \$751,500 excl. GST.

Item:	10.2	Ref: AINT/2022/03426
Title:	Removal of Heritage Listed Street Trees	Container: ARC18/3044
Responsible Officer	Chief Officer Assets and Services	
Author:	Richard Morsley, Coordinator Public and Town Spaces	
Attachments:	1. McArdle Tree Assessment Report Rusden St Street Trees 2022	

1. Purpose

The purpose of the report is to obtain Council endorsement for the staged removal of heritage listed street trees in Rusden Street between Dangar and Faulkner Streets.

2. OFFICERS' RECOMMENDATION:

That Council endorse the staged removal and replacement of Heritage listed street trees in Rusden Street between Dangar and Faulkner Streets.

3. Background

Parks staff have been aware that there are a number of issues with the street trees in Rusden Street between Dangar and Faulkner Streets. The health of some trees has been declining, and the roots of several trees have uplifted the pavers creating safety and accessibility issues including significant pedestrian trip hazards.

An original planting of Pistachio trees between Dangar and Marsh Streets was established in 1963 as a memorial planting for the centenary of Local Government. The Armidale Dumaresq Council Local Environmental Plan, 2012 retains the heritage listing for the original planting.

All of the original Pistachios were removed historically for reasons unknown. The current mix of Liquidambar and Claret Ash trees may have been planted in the 1980s, following the construction of the new Council building. Several Claret ash trees were removed and replaced with Trident Maples in Rusden Street between Faulkner and Marsh in 2013 due to severe trip hazards and damage to adjacent buildings.

Council is planning to undertake footpath and kerb replacement works on the southern side of Rusden St between Dangar and Faulkner Streets this financial year. The works provide an opportunity to concurrently address the safety and accessibility issues with the street trees.

4. Discussion

Council is planning to replace the footpath paving and kerb and gutter on the southern side of Rusden Street this financial year. As the footpath will be re-formed and re-paved, the work provides us with an opportunity to remove the unhealthy trees, address the current the safety and accessibility issues and also establish some new trees. Currently Council has installed temporary safety barriers to address the issue in the short term which have been in place for several months.

The Coordinator of Public and Town Spaces (PTS) and the PTS Project Officer conducted a visual inspection to determine the current health and condition of the trees in Rusden Street. From the inspection, it was determined the Liquidambars are of generally good health and structural form, however typically most have extensive surface root development that have caused paver uplift creating significant trip hazards.

The remaining Claret Ash trees appear to be younger and are estimated to have been planted in the 1990's. Some of these have died in recent years and some are presenting with canopy dieback consistent with Ash Tree fungal disease. Claret Ash trees also have extensive surface root architecture and some trees are beginning to uplift pavers.

Given the heritage listing and high public profile of these trees, a level 5 arborist was engaged to provide an independent report and recommendations (attached). The independent arborist assessed a total of 27 trees between Dangar and Faulkner Streets for health, structure and root impact on paving and recommendations proposed.

Of the 27 trees inspected, 15 trees are recommended to be retained and nine trees are recommended for removal. The report confirms that the Claret ash trees with fungal disease will continue to decline and seven of those Claret ash trees are recommended for removal. Two Liquidambar trees are recommended for removal. Six of the 27 trees are proposed to be root pruned or require selected branches or dead wood to be removed.

Judicious root pruning will be undertaken as recommended in an attempt to eliminate the current trip hazards. It must be understood, however that if roots have to be pruned to the extent that either tree stability is compromised (severing structural roots), or the footpath design cannot be accommodated, then the preferable option will be to remove and replace the tree. Council staff will only be in a position to make such judgments during the works.

It should be noted that root pruning at best is a temporary solution and require on-going monitoring and rectification of new trip hazards will be required. Further, root pruning may also result in the death of the tree.

Council's intention is to replace the trees recommended for removal with more appropriate species for the site consistent with trees planted previously to the east between Faulkner and Marsh Streets. Final selection of tree species will be based upon root architecture, autumn colour and mature size.

To mitigate the potential for recurrence of the safety and accessibility hazards returning, PVC root directors will be installed in the ground prior to planting to direct surface roots deeper into the soil profile and generally reduce root spread and impact upon infrastructure.

The planned removal and replacement of street trees is standard practice in managing an urban forest. It ensures the perpetuation of a range of trees of varying levels of maturity that contribute positively to the appearance of the streetscape. In time, the remaining mature trees in this streetscape will require removal and replacement.

This works program provides us with an opportunity to reduce Council's public risk due to the reduction of trip hazards and to begin the succession process to renew the streetscape.

It is expected that the tree removal works will be undertaken in conjunction with the Kerb and Gutter Renewal Program, expected to commence in May. Replanting of the trees will be programed following the construction works as plant stock becomes available.

To protect the trees, they will initially be protected by tree guards which will be in place until they are suitably established. Establishment may take several years.

5. Implications

5.1. Strategic and Policy Implications

The actions proposed in this report are consistent with Council's currently adopted Urban Streetscape Policy.

The proposed actions are also consistent with Council's Community Strategic Plan 2017-2027:

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

E1.4 - Protect and enhance the natural environment to promote and support biodiversity

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

5.2. Risk

A number of the more mature trees in Rusden Street have created varying degrees of paver and kerb uplift, vertical misalignment and change of footpath grade. The current situation creates a significant safety and accessibility risk for pedestrians in the CBD where foot traffic is high.

Failure to take action to improve safety and accessibility and address paver uplift due to tree roots may result in injury to pedestrians and potential liability claims against Council.

Tree root pruning is only a temporary solution (a few years at best) and presents an ongoing operational cost burden. Root pruning can compromise tree health and longevity and it may be preferable to remove a tree if more than 10% of the root plate is pruned or structural roots are pruned.

The poor management of communications around the works and failing to conduct effective and accurate assessments on the tress could result in reputational damage to Council. A third party assessment has been undertaken to verify Council's internal assessment and communications on a variety of media will help inform the community.

5.3. Sustainability

It is essential that as Council we maintain our current sustainable approach to the management of the urban forest. Part of that maintenance is renewal plantings which are undertaken to compensate for instances where removal is required. It is important to communicate that it is Council's role to manage removal and renewal to balance safety with cultural and environmental values.

Armidale's streetscapes are valued by residents and tourists alike (social and cultural values) and Council needs to ensure that Armidale has a full range of trees representing every age bracket for the landscape to be sustainable into the future.

Such a balance also provides for the maintenance of financial sustainability. For example, a large proportion of Council's tree population in the mature to over mature phase of their life will likely incur high costs to reduce risk to public safety. We are currently facing a period of increased expenditure as a large proportion of our street trees were planted in the 1960's and 70's, and many are reaching the end of their useful lives.

Our current planting program sees the establishment of a minimum of 150 new trees each year across Armidale. This recurrent program aims to exceed the number of trees removed, and at the same time maintains a wide distribution of tree age. Inevitably, we will always be removing trees in the older age brackets and this can be an emotive issue for the community. This project demonstrates a sustainable approach where we are removing some problematic trees and establishing new trees at the same location.

Budget Area:	Public & Town Spaces – Urban Forest, Construction & Maintenance – Internal (Kerb & Gutter renewal)						
Funding Source:	FY2022 Approved Budget						
Budget Ref: (PN)	Description	Approved Budget	Actual	Committed	Proposed	Total Forecast Expenditure	Remaining Budget
240830	Construction & Maintenance Internal – Kerb & Gutter renewal	\$457,992	\$5,357	-	9 trees to be removed x Estim \$2,000 per tree = \$18,000)	\$23,357 (TBC)	\$434,635
240510	Public & Town Spaces - Urban Forest budget	\$204,385	\$180,284	\$1,384	New trees @ \$300 x 9 trees = \$2,700	\$184,368 TBC	\$20,017

It is proposed the Transport Kerb and Gutter renewal budget will accommodate the majority of the cost of works. The Parks Urban Forest Budget will accommodate the cost of new trees and root control units.

It is understood that the total cost may vary in the event that additional trees are identified for removal and replacement. It is expected that the remaining budget can cater for any additional expenditure.

6. Consultation and Communication

Recent communications have been released advising the public that Council will be removing many mature and over-mature trees that are presenting structural issues relating to age that render them an unacceptable risk to life and property. Some of these trees were in prominent locations such as the Waterfall Way War Memorial poplars that were recently removed and replaced. Other trees include those fronting the New England Girls School on Uralla Road and four trees within the avenue of poplars on the New England Highway at Black Mountain.

As the trees proposed for removal are within the CBD and are heritage listed, it is expected that the proposed works will prompt a high level of community interest.

We will ensure that additional community engagement be undertaken in the lead up to the Rusden Street works which will include notification on the Council website, social media sites and letter drops to adjacent business.

7. Conclusion

This report seeks endorsement for the staged removal and replacement of a minimum number of nine heritage listed street trees in Rusden Street between Dangar and Faulkner Streets. The work will be guided by the Arborist's report, however additional trees may require removal based upon the degree of root pruning required to address trip hazards or accommodate the new footpath and kerb and gutter.

The proposal demonstrates a planned renewal approach that attempts to balance, social expectation, public safety and the maintenance of healthy streetscapes. Failure to take the recommended action on these trees will likely increase safety and accessibility issues which may result in liability claims against Council.

Item:	10.3	Ref: AINT/2022/03485
Title:	DA-16-2019 - Proposed 40 Large Lot Residential Subdivision of 5 & 15 Karina Close and 11 Springhill Lane, Armidale Container: DA-16-2019	
Responsible Officer	Chief Officer Sustainable Development	
Author:	John Goodall, Coordinator Development	
Attachments:	<ol style="list-style-type: none">1. DA-16-2019 - 15 Karina Close ARMIDALE NSW 2350 - Section 4.15 assessment2. Sheet 2 - Proposed Lot Layout - Aerial3. Sheet 2a - Proposed Lot Layout4. DA-16-2019 - Amended site plans for basin and footpath5. Submissions for DA-16-2019	

1. Purpose

The purpose of this Report is to present to Council a development application received for a proposed 40 Large Lot Residential Subdivision at 5 & 15 Karina Close and 11 Springhill Lane, Armidale.

2. Executive Summary

Proposal

The proposed development submitted for Council's consideration is for the subdivision of 6 existing lots known as 5 & 15 Karina Close and 11 Springhill Lane to create 40 new large residential lots, including civil works for new internal roads and services.

Permissibility

The proposed subdivision is permissible with consent pursuant to *Armidale Dumaresq Local Environmental Plan 2012*.

Consultation

Following the notification period, a total of 49 public submissions objecting to the development were received. The comments provided in the submissions are summarised below.

Main issues

Following Council's assessment of the Application, the proposed development is considered to be consistent with the relevant zone objectives for the land.

The main issues arising from the assessment are:

- Traffic and access;
- Biodiversity;
- Aboriginal Heritage;
- Servicing of lots;
- Submissions;

The main issues raised in the submissions, can be summarised as:

SUBMISSIONS:	COUNCIL RESPONSE:
<p>Subdivision will have impacts on rural aesthetics of locality; and</p> <p>Development is not in keeping with the locality</p> <p>The proposal is contrary to the objectives of the zone and surrounding zones</p>	<p>It has been raised that the proposed development will impact on the rural aesthetics of the locality and is contrary to the zone objectives.</p> <p>The land is currently used for limited extensive agricultural purposes. The current zoning of the land proposed to be subdivided is R2 Low Density Residential, C4 Environmental Living and C3 Environmental Management.</p> <p>The objectives of each of these zones is as follows:</p> <p><u>Zone R2 Low Density Residential</u></p> <p>Objectives of zone</p> <ul style="list-style-type: none"> • <i>To provide for the housing needs of the community within a low density residential environment.</i> • <i>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</i> <p><u>Zone C3 Environmental Management</u></p> <p>Objectives of zone</p> <ul style="list-style-type: none"> • <i>To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.</i> • <i>To provide for a limited range of development that does not have an adverse effect on those values.</i> <p><u>Zone C4 Environmental Living</u></p> <p>Objectives of zone</p> <ul style="list-style-type: none"> • <i>To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.</i> • <i>To ensure that residential development does not have an adverse effect on those values.</i> • <i>To provide for a limited range of uses that does not adversely affect the special environmental values or residential amenity of the area.</i> <p>Whilst it is acknowledged that the subject land currently presents as rural land or as some have suggested green space, the land is privately owned and as such the land is not public green space and the owners have the right to develop it to its full potential.</p> <p>Additionally, whilst the land may current present as rural land the current zoning does not reflect this, with extensive agriculture requiring consent within the C3 and C4 zones and being prohibited within the R2 zone. As</p>

	<p>such, this would suggest the changing nature and future desirable land use of this land given its proximity to low density residential to the north and west, by preventing the potential for land use conflicts that often result when agricultural enterprises are located close by to residential areas.</p> <p>Furthermore, land adjoining the subject site is currently zoned R2 to the east, west and north, C4 to the north and south east, C3 to the south west and R5 Low Density Residential to the south.</p> <p>Given the current zonings surrounding the site and that on the site itself there is limited if any current agricultural activity being undertaken as a land owners main source of income in the immediate locality, with larger rural lifestyle lots being located on the eastern side of the Main Northern Railway Line.</p> <p>The proposed development is to subdivide the land into 40 new lots to provide for low density /large lot residential living, which is not inconsistent with adjoining land.</p> <p>The development of the land is considered to be consistent with the zone objectives, particularly:</p> <ul style="list-style-type: none"> - <i>To provide for the housing needs of the community within a low density residential environment.</i> - <i>To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.</i> - <i>To ensure that residential development does not have an adverse effect on those values.</i> - <i>To provide for a limited range of uses that does not adversely affect the special environmental values or residential amenity of the area.</i> <p>The proposed development will provide for an increased diversity of land stock to meet the current market demands being experienced within the local market, which is expected to put additional pressure on the development and release of similarly zoned land within the LGA.</p>
<p>The development is out of character with The Avenue and surrounds resulting in loss of green space and overdevelopment of the area</p>	<p>The proposed development is not considered as being out of character with that located within The Avenue to the west, as it will present as a low density residential development, not unlike that currently within The Avenue, but on much larger lots.</p> <p>Given that the development satisfies the minimum lot size within each of the zones and that the area of each of the lots is well in excess of those lots within The Avenue itself, the proposal is not considered as being an</p>

	<p>overdevelopment of the site.</p> <p>The subject site itself is privately owned and as such, whilst it may present as green space it is currently not utilised as such, nor can it ever be.</p>
No green space provided within subdivision	<p>The development is for the subdivision of land to create low density/large lot residential lots ranging in area from 4000m² to 4.3ha. Given the size of each of the lots it is generally assumed that there is more than sufficient area on each of the lots for recreational activities to be undertaken.</p> <p>This is similar to all other large lot residential subdivisions within the LGA as it is widely known that pocket parks are under utilised. Furthermore, Armidale is known to provide more public open space per capita, which is largely located within a 5-10 minute drive of the site.</p>
Impacts on residents in Sutherland Avenue & Springhill Lane need to be considered alongside any impacts on residents in St Patricks Estate	<p>The impacts on the whole locality of the development has been considered as part of the assessment of this application.</p> <p>As with any new development adjoining existing lots there is often objections as it will in some way undoubtedly change and impact on the locality. In stating this though, it is important to acknowledge that for the LGA to prosper and grow, it will need to provide sufficient land stock to meet the needs of a growing City and much of this available land is adjoining existing housing estates.</p> <p>Additionally, it is also worth noting that the residential nature of the proposed development is not at odds with existing land uses surrounding the site and as such, apart from noise and traffic movements during construction like any new subdivision, it should not result in any land use conflicts post development.</p>
Springhill Lane and Sutherland Avenue are currently unsuitable for additional traffic	<p>As part of any consent for the subdivision to proceed both Sutherland Avenue and that section of Springhill Lane to the entrance of the subdivision itself, will be required to be upgraded to meet current engineering standards and to support the increased traffic using the roadways.</p> <p>Given this, both roads will be upgraded to an 8m wide bitumen sealed carriageway with open swale drainage. The upgrading of these roads will satisfy the increased traffic movements generated by the development and the existing development currently utilising the roads. Sealed roads will reduce dust generation further improving site conditions for surrounding lots.</p>
Vehicles will take a short cut through the subdivision rather than going through town	<p>The original proposal for the subdivision submitted to Council showed a new roadway which would permit traffic from the eastern side of the development to exit onto</p>

	<p>Karina Close, including vehicles outside the development itself.</p> <p>Following the receipt of the submissions for consideration and discussion with Council Officers, the applicant has taken these concerns on board and submitted a revised subdivision layout which has now prevented any short cuts or through traffic via the subdivision.</p> <p>The revised subdivision layout has now essentially split the impacts of the subdivision by directing lots located on the eastern side of the development to enter/exit via Springhill Lane / Sutherland Avenue and those on the western side via Karina Close /The Avenue and preventing any opportunity of any additional traffic using these roadways to bypass the City.</p> <p>The revised proposal would now provide vehicular access via Karina Close/The Avenue for 18 lots with the other 22 lots only being to enter/exit via Springhill Lane/Sutherland Avenue.</p>
Safety concerns around intersection of Dangarsleigh Road and Old Gostwyck Road	<p>A revised traffic impact assessment report was undertaken by the developers to model the subdivision's impact on Sutherland Avenue/Old Gostwyck Road and Old Gostwyck Road/Dangarsleigh Road intersections. The report concluded that there is a negligible impact to the intersection created by the subdivision with a Level of Service (LOS) of A (highest and most efficient LOS an intersection can have) being maintained. Conclusion of the report is that the existing intersection of Dangarsleigh Road and Old Gostwyck Road is considered as being suitable to cater for the additional traffic movements of 22 lots.</p>
Traffic assessment is flawed	<p>A revised traffic assessment was undertaken by a suitably qualified traffic engineer on behalf of the developer after the Application received initial comments from Council. The revised report addressed all aspects of the Austroads Guides to traffic generating developments as well as satisfactorily addressing the concerns of both Council planning staff and the community.</p>
Intersection of Ross Street and Markham Street is dangerous	<p>Recent subdivision at 53A the Avenue (now known as Melba Place) required upgrade works to be undertaken at Ross Street/Markham Street intersection. The result is an improved intersection with give way signage and improved safety. The traffic impact assessment has taken into account the cumulative impacts from both Melba Place and Karina Close and has concluded that this intersection will function satisfactorily in its current form with negligible impact from Karina Close.</p> <p>The intersection of Ross Street and Markham Street is</p>

	considered as being compliant with relevant Australian Standards and has the capacity to cater for the expected traffic flows from the proposed development.
Intersection of Ross Street and O'Connor Road is dangerous	<p>Ross Street/O'Connor Road has recently been upgraded by Council with giveaway signage to improve traffic safety. The revised traffic impact assessment report concluded that the intersection can support the subdivision with no change to the current functionality of the intersection.</p> <p>The intersection of Ross Street and O'Connor Road is considered as being compliant with relevant Australian Standards and has the capacity to cater for the anticipated traffic movements from the proposed development</p>
Access to the subdivision should be via Ross Street and Springhill Lane	<p>Whilst access to the subdivision via Ross Street and Springhill Lane was initially considered as an alternative route for the subdivision, this option is not what has been submitted for Council's consideration with this current proposal.</p> <p>Whilst a number of submitter's have raised this as a preferred access to the subdivision, it would have essentially only shifted any perceived impacts from the development itself onto other properties in the locality.</p> <p>In this regard, many of the submitter's have raised concerns regarding traffic impacts on some of the roadways in the vicinity that lead into the subdivision such as O'Connor Road/ Ross Street and Ross Street /Markham Street. In this regard, the current proposal provides for two alternative routes from and into the subdivision for the 18 lots accessing Karina Close, from either the western area of the City as well as the eastern area.</p> <p>Contrary to this, any proposed access via Springhill Lane/Ross Street would have directed all traffic onto O'Connor Road concentrating traffic movements onto this roadway only.</p>
Alternative access via Springhill Lane then onto Taylor Street should be considered	<p>This is not a feasible and/or cost effective option. Any proposal to upgrade Springhill Lane to connect onto Taylor Street would require significant roadworks to be undertaken and would require a new crossing to be installed across the Main Northern Railway Line, which is unlikely to be supported by John Holland or State Rail given the significant works required when there are alternative access options.</p> <p>Additionally, any crossing of the Main Northern Railway Line in this location would require additional acquisition of land within the vicinity to provide for a compliant crossing to be installed.</p>
Potential for flooding of some of	The site is identified as flood affected. There are two areas

the lots	<p>where flooding occurs.</p> <p>Firstly, flooding occurs within the natural gully which runs along the northern boundary of the development site. This gully contains the 1%AEP flood within its banks and so no damage to property will occur within the lots that contain the gully in a 1%AEP flood event. The 1%AEP flood event is an appropriate design event to assess flood impacts.</p> <p>The second area of flooding occurs at two natural shallow depressions and a dam near the eastern boundary of the development site. The flood hazard of these areas are negligible (due to shallowness and their location within the catchment). Further these depressions and the dam will require to be altered to accommodate road and drainage infrastructure and to create developable lots. The alteration of these depressions and the dam will have negligible effects on flood behaviour in the downstream catchments. The development can be supported with respect to flooding.</p>
Concerns over proposal to use septic systems in locality given proximity to springs and streams. Lots should be serviced by reticulated sewer.	<p>Following Council's review of the Land Capability assessment for on-site waste water management submitted with the Application, it has been assessed that a number of the proposed lots within the subdivision would be unsuitable for on-site waste water management. As such, Council will condition that the site be serviced by Council's sewer reticulation system.</p>
Cumulative impacts from traffic with subdivision already approved off Ross Street to the west of St Patricks.	<p>The revised traffic impact assessment has taken into account the cumulative impacts from both Melba Place (subdivision west of St Patricks) and Karina Close and has concluded that this intersection will still function satisfactorily even after both subdivisions are fully developed.</p>
Impacts on local amenity with increased traffic & crime	<p>Some concerns have been raised in regards to potential impacts on local amenity with increased traffic and crime resulting from the proposed development.</p> <p>In this regard, the scale of the development needs to be put in perspective with other similar developments occurring across the LGA.</p> <p>The development itself is for the creation of 40 new large residential lots, one of which is currently occupied by the existing dwelling fronting Springhill Lane. As such, the proposed development will create 39 additional lots on which new dwellings will be able to be erected, subject to separate approval. Of the division of traffic from the development, 22 of the lots will have their access via Springhill Lane/ Sutherland Avenue, whilst the remaining 18 would have their access via Karina Close/The Avenue.</p> <p>By any measure this is not a large scale development nor</p>

	<p>is it considered to be overdevelopment of the site, particularly given that the proposal has now split the traffic movements to the east and west, and prevented the possibility of any through traffic from using the new roads within the subdivision for a short cut across town. That being the case, all traffic generated by the development will be local traffic.</p> <p>It has also been suggested that local properties along those roads leading to the subdivision, such as O'Connor Road, Ross Street, The Avenue, Markham Street and Karina Close, which are currently only subject to traffic impacts from local light traffic, would in some way be exposed to heavy traffic.</p> <p>In this regard, it is acknowledged that the proposed development will increase traffic movements along these local roads to provide access to 18 additional lots, which according to the RMS guide for Traffic Generating Development, would be expected to generate approximately 10 traffic movements per day from each dwelling, thereby resulting in approximately an additional 180 traffic movements a day from vehicles exiting the development site to the west via Karina Close/The Avenue.</p> <p>Whilst it is expected that there will be additional traffic at peak times throughout the day, such as 8am-9am and then from 4pm to 5pm, it must be stressed that a large majority of the additional 180 traffic movements would be spread across a 24 hour period. This additional traffic is considered to be well within the capacity of the existing road network within the locality.</p> <p>Indeed the revised traffic impact assessment report modelled peak hour traffic movements from the development and concludes that there will be negligible impact from the subdivision on peak hour vehicle movements on all intersections within proximity to the site and that the existing road network has capacity to cater for the increase in traffic volumes.</p> <p>Karina Close connects onto The Avenue which itself is an 11 metre wide roadway, which is well in excess of the width of similar roadways within residential subdivisions that do not perform as a distributor or collector road.</p> <p>In regards to increased crime resulting from the subdivision, it is unclear as to why this would be the case above any other development. The potential for crime is often opportunistic.</p> <p>Crime Prevention through Environmental Design (CPTED) is a crime prevention strategy that focuses on the</p>
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	<p>planning, design and structure of cities and neighbourhoods. It reduces opportunities for crime by using design and place management principles that reduce the likelihood of crime.</p> <p>CPTED employs a number of principles, surveillance, access control, territorial re-enforcement, space & activity management to reduce opportunities for criminal and anti-social behaviour.</p> <p>Taking these matters into consideration during the assessment of the development it is considered that the proposed layout of the subdivision satisfactorily responds to the principles of CPTED and there is no evidence that the subdivision itself will provide an opportunity for increased crime above any other similar development.</p>
The development will negatively impact on property prices in the locality	Impacts from development on property prices is not a planning consideration. Even so, there is no evidence that residential development adjoining residential development would negatively impact on property prices.
Karina Close was never proposed to be a through road and the word Close implies a no through road	Karina Close road reserve was extended all the way through to the south-west corner of 15 Karina Close suggesting that Karina Close was designed to be further extended.
Expectations from those that purchased and live in The Avenue and Karina Close that the road would not be extended and would remain a Close and be limited to a single road outlet	<p>As discussed above, access through Karina Close and beyond was discussed between Armidale City Council and Dumaresq Shire Council, at the time of the St Patrick's Estate subdivision. It was initially envisaged that vehicular access would be provided through the former City boundaries to provide connectivity to Lynland Park.</p> <p>Furthermore, the Plan of subdivision that created the lots within Karina Close and the road way itself clearly shows that Karina Close extends to the adjoining lot boundary. This information/documentation would have been readily available to all purchasers of these lots and their solicitor's, prior to purchase.</p>
The unique appeal of St Patrick's Estate with the old orphanage at its centrepiece will be lost.	<p>It is unlikely that the appeal of St Patrick's Estate and the significance of the orphanage itself would be significantly affected by the development. In this regard, given the area of the site, the actual scale of the development is relatively low in relation to other housing estates adjoining developed areas.</p> <p>Whilst it is acknowledged that there may be some impacts during civil construction of the subdivision and for the construction of dwellings on the lots, this is not unlike any other development within proximity to built up areas.</p>

	Such impacts would be subject to conditions limiting construction hours and would only be for the life of the construction period.
Impact from heavy vehicles on local roads	The road network will be able to cater for heavy vehicles required for the construction of the subdivision. A Construction Traffic Management Plan will be conditioned to provide confirmation on heavy vehicle routes and times for Council's approval.
Increased danger for parents and children with increased traffic	The Traffic impact assessment has concluded that there is adequate capacity within the existing road network to cater for the additional traffic without presenting an increased risk to parents and children. As also discussed within the assessment, drivers driving at speed or dangerously is a regulatory matter and is not as a result of the roadways or subdivision itself.
Speed limit in The Avenue should be reduced to 40kmh if subdivision approved	Alteration of speed limits is a regulatory matter that will require adoption by the Local Area Traffic Committee and would typically be investigated once the subdivision is fully developed. Transport for NSW crash and causality statistics reveal no incidents within the road network around the Avenue. The revised traffic impact assessment report concludes that the subdivision will have negligible effect on traffic volumes and movements which would suggest that no change to regulatory traffic speeds is required.
Developer should install concrete walkways through The Avenue to protect pedestrians	It would be unjustifiable to expect the developer of this development, to construct concrete footpaths throughout the Avenue. Current engineering standards do not require footpath construction for this particular design layout. Concrete footpath may be made available to connect with the recently adopted Springhill Lane walking track.
Developer should install traffic calming devices in The Avenue to slow traffic	The revised traffic impact assessment report concludes that the subdivision will have negligible effect on traffic volumes and movements which would suggest that traffic calming devices are not necessary.
Heavy Vehicles should be made to use Sutherland Avenue during construction phase	A Construction Traffic Management Plan will be conditioned to provide confirmation on heavy vehicle routes and times which will be approved by Council prior to release of any Subdivision Works Certificate.
People in The Avenue have paid higher property prices for the prestigious location	This is not a relevant planning consideration to prevent a compliant development from proceeding.
The Avenue and Ross Streets do not meet Council's current Engineering Standards of 20m in width as they are only 11m	20m signifies the total road reserve width (from property boundary to property boundary). 11m wide road is typical of a local collector and therefore both roads have capacity to cater for this development.

<p>Impacts on native wildlife from additional traffic</p>	<p>The application has been submitted with a Biodiversity Development Assessment Report, which includes assessments of flora and fauna on the site as well as Koala habitat.</p> <p>The BDAR concluded that whilst the subject site provides potential habitat for koala's it is not considered to be core habitat. The ecologist also undertook an assessment of other threatened/endangered fauna which may be within the locality but it was found that the site would be unsuitable habitat for these species.</p> <p>Notwithstanding this, it is acknowledged that as the site is currently undeveloped it would possibly provide habitat linkages to other habitat in the locality. In this regard, like many areas of the City, drivers should drive to the conditions and be aware of possible fauna particularly at dawn and dusk.</p>
<p>Lack of consideration on wildlife and habitats</p>	<p>As above, the application was submitted with a BDAR which has assessed and considered impacts from the development on biodiversity on the site.</p> <p>In this regard, a substantial area of the site known as the 'retained woodland area', located in the north western portion of the site (proposed lot 22), will be set aside and protected from further development. Furthermore, the VMP will require this area to be enhanced for biodiversity and conservation purposes in perpetuity.</p> <p>Additionally, further impacts of the open woodland areas of the site will require the developer to retire credits, as per the BDAR.</p>
<p>Vehicles already speed through The Avenue creating safety concerns for residents and pedestrians</p>	<p>Speeding beyond the designated speed limit and not driving to the road conditions is a driver behaviour concern that is a regulatory matter for the Police. Transport for NSW crash and causality statistics reveal no incidents within the road network around the Avenue. The revised traffic impact assessment report concludes that the subdivision will have negligible effect on traffic volumes and movements which would suggest that no change to regulatory traffic speeds is required.</p>
<p>Access via Karina Close should not be allowed as further subdivision of the land in the Estate is not permitted</p>	<p>There is no covenant on the land preventing further subdivision. As with land within the St Patrick's Estate development, further subdivision is permissible subject to satisfying the minimum lot size (MLS) for the land.</p> <p>As discussed above, each of the proposed lots, satisfies the MLS for the land.</p>
<p>Inadequate water pressure currently in locality</p>	<p>A water supply feasibility report was undertaken by a suitably qualified civil engineer to determine the adequacy of water pressures at the development site. The feasibility</p>

	report concludes that with upgrades to a section of Council's water mains network, firefighting and domestic pressures can be adequately obtained throughout the subdivision in accordance with Council's suite of engineering codes.
The proposed subdivision is located on land that is not currently zoned	This statement is incorrect as all land associated with the proposed development is currently zoned, which permits the further subdivision of the land.
Concerns over steepness of access road into the subdivision from Karina Close and underground spring activity	Not unlike other developments, there will be engineering challenges associated with this development, that detailed designs will need to address as part of any Subdivision Works Certificate for the development. The designs must meet Council's suite of engineering codes.
Consideration should be made for access during construction of subdivision.	Construction Management Plan will detail continued and uninterrupted access to people's properties.
Question whether Armidale needs another subdivision and its impacts on the environment and vacancy rates	<p>The land is currently zoned to permit further subdivision of the site. The question of whether the City needs another residential subdivision is driven by market forces that dictate supply and demand of land and will subsequently be a decision of the Applicant as to whether the subdivision is feasible.</p> <p>In this regard, Armidale as with other regional areas, is currently experiencing a significant demand for both housing and vacant land stock to satisfy the current market.</p>

The above matters have been considered and addressed by Council officers during the assessment of the application.

Conclusion

The proposed development has been assessed with regard to the relevant prescribed matters for consideration outlined under Section 4.15 of the *Environmental Planning & Assessment Act 1979* (“**EPA Act**”).

The development is permissible with consent in the R2, C3 & C4 zones and is not inconsistent with the objectives of these zones.

The development is a suitable use of the land.

The development complies with the relevant environmental planning instruments.

The development will provide additional vacant land stock to the market and facilitate growth within the City.

The development can be adequately serviced following the extension of reticulated services/utilities to the land.

The development will not result in an overall adverse effect upon the extent and adequacy of services and facilities available to the local community.

With the imposition of the recommended conditions, the development will not have any unacceptable impacts on the surrounding area, environment and adjoining development.

The development is in the public interest because:

- a) It is consistent with the relevant objects of the EPA Act.
- b) It is consistent with the *New England North West Regional Plan 2036*.
- c) It is consistent with the *Draft New England North West Regional Plan 2041*.
- d) It is consistent with *Armidale Regional Council Community Strategic Plan 2027*.
- e) It is consistent with the *Armidale Regional Council Local Strategic Planning Statement, ‘A Plan for 2040’*.

3. OFFICERS’ RECOMMENDATION:

That Council

- a. Grant consent to the development subject to the following conditions;

PRESCRIBED CONDITIONS

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

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

- (1) For the purposes of section 4.17 (11) of the Act, the requirements of subclauses (2) and (3) are prescribed as conditions of a development consent for development that involves any building work, subdivision work or demolition work.
- (2) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

- (a) showing the name, address and telephone number of the principal certifying authority for the work, and
 - (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (c) stating that unauthorised entry to the work site is prohibited.
- (3) Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

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

GENERAL CONDITIONS

1. Approved plans and supporting documentation

To ensure all parties are aware of the approved plans and supporting documentation that applies to the development, the development must be carried out in accordance with the following approved plans and supporting documentation (stamped by Council), except where the conditions of this consent expressly require otherwise.

Reference No.	Sheet No.	Plan Title	Drawn By	Dated
14791-i4	2	Proposed Lot Layout -Aerial	Croft Surveying & Mapping	25/07/19
14791-i4	2a	Proposed Lot Layout-Building Envelopes	Croft Surveying & Mapping	25/07/19
14791-i4	2a of 9	Proposed Lot Layout- <i>as amended by indicative location of footpaths between Lots 12, 13, 16 & 17 and also between Lots 30 & 31.</i>	Croft Surveying & Mapping	8/02/19
T186320	10 of 11 Issue: P	Proposed Lot layout changes for Stormwater Detention – <i>as amended by modified plan showing detention basin wholly located within proposed Lot 16 and amending Lot size of proposed Lot 23.</i>	Kelley Covey	27/05/21

In the event of any inconsistency between the approved plans and the supporting documentation, the approved plans prevail. In the event of any inconsistency between the approved plans and a condition of this consent, the condition prevails.

Note: an inconsistency occurs between an approved plan and supporting documentation or between an approved plan and a condition when it is not possible to comply with both at the relevant time.

- 2. All Engineering works to be designed by a competent person and carried out in accordance with Council's Engineering Code suite, unless otherwise indicated in this consent, to ensure that these

works are of a sustainable and safe standard.

3. In accordance with the provisions of Section 6.12 and 6.13 of the Environmental Planning and Assessment Act 1979, works approved by this consent must not commence until:
 - a) a Subdivision Works Certificate has been issued by Council or an Accredited Certifier. Either Council or an Accredited Certifier can act as the “Principal Certifying Authority”;
 - b) a Principal Certifying Authority has been appointed and Council has been notified; and
 - c) at least two days notice has been given to Council of the intention to commence work.

The documentation required under this condition must show that the proposal complies with all development consent conditions and is not inconsistent with the approved plans.

BEFORE RELEASE OF SUBDIVISION WORKS CERTIFICATE

4. Road design to be in accordance with Council’s Engineering Code D1 Geometric Road Design, to meet the following additional requirements:
 - All internal roads servicing lots 1-34 are to be designed and constructed to an Access Street road classification as per Table D1.4 of Council’s Engineering Code D1 – Road Design;
 - The internal road servicing lots 35-39 is to be designed and constructed to a Local Street road classification as per Table D1.4 of Council’s Engineering Code D1 – Road Design;
 - Springhill Lane is to be constructed to an Access Street road as per Table D1.4 of Council’s Engineering Code D1 – Road Design;
 - Sutherland Avenue is to be upgraded and sealed to an Access Street road as per Table D1.4 of Council’s Engineering Code D1 – Road Design. Upgrade works include realignment of the road to within the centre of the road reserve, full pavement upgrades to meet standards for the predicted ETAs, sealing and drainage infrastructure;
 - Karina Close is to have its existing cul-de-sac removed and the road extended into the subdivision with a seamless transition into an Access Street road. Additional widening of Karina Close may be required to facilitate this. Detailed road design plans are to show how table drains will transition into kerb and gutter. The watermain currently running around the cul-de-sac is to be removed and the reticulation network reconnected to ensure no dead ends are created.
 - Construction, alterations and upgrades to existing formed and unformed roads are to ensure all existing driveway crossovers are bitumen sealed from the newly formed road edge to the property boundary and that any crossovers that are affected due to road works are reinstated to meet current standards as per Council’s engineering code and standard drawings;
 - All road drainage infrastructure is to be designed so as to meet Council’s suite of Engineering Codes. Detailed drainage modelling is to be submitted with all design plans to ensure concurrence with Council’s codes.

Plans demonstrating compliance with the above matters to be provided to the relevant Certifying Authority for approval before the issue of a Subdivision Works Certificate for the development.

Advising: Councils Engineering Codes suite can be accessed at www.armidaleregional.nsw.gov.au

5. Prior to release of any Subdivision Works Certificate for the development, a traffic safety signage plan is to be submitted to Council for approval from the Local Traffic Advisory Committee to ensure traffic safety and efficiency is maintained and regulatory standards are met at the following intersections:
- Karina Close/The Avenue;
 - All intersections within the development lots;
 - Sutherland Avenue/Old Gostwyck Road; and
 - Speed/advisory signage within and adjoining the development.

The Plan is to include all signage, line marking, and any other traffic calming arrangements applicable to the development. Signage type and placement is to meet relevant standards and are to be installed prior to the release of a subdivision certificate for the relevant stage of the development.

Details to be provided to the Council for approval by the Local Traffic Advisory Committee before the issue of any Subdivision Works Certificate for the development.

Advising: Council's Engineering Code suite is at www.armidaleregional.nsw.gov.au

6. This Consent does not authorise the removal of any existing trees/vegetation on and adjacent to the site, so as to maintain the visual amenity of the locality and provide advanced landscaping for the subdivision. Civil design works for stormwater pipes, water and sewer alignments, utilities, road design and construction must ensure the preservation of as many existing trees as possible.

The location of all trees required to be removed to facilitate the civil works for the development, must be identified by final survey and shown on detailed Engineering Plans to the satisfaction of Council's Development Engineer before the issue of a Subdivision Works Certificate for each relevant stage of the development. No trees are to be removed until authorised in connection with the approval of the required engineering plans.

All trees shown on the approved Engineering Plans as being retained must be appropriately marked and protected during construction works and no buildings constructed or utility service mains installed within 3 metres of the trunks of these trees, so as not to prejudice their future retention.

All trees to be retained are to be appropriately marked and protected during construction works in accordance with AS 4970 (current edition) Protection of trees on development sites.

7. Parts of the site have been identified as potentially being subject to spring activity and slope instability. As such, a suitably competent (eg geotechnical) engineer is therefore required to confirm that the site has been assessed for actual spring activity and slope instability and where this is the case, the subdivision design is to include suitable engineering measures to stabilise the site and implement procedures to ensure that subsequent development can be carried out with minimum risk during the construction phase.

All details to be submitted and approved by the Principal Certifying Authority before the issue of a Subdivision Works Certificate for the development.

8. Separate approval must be obtained from the Council as the Local Water Supply and Sewer Authority pursuant to Chapter 7 of the Local Government Act 1993 and a related Subdivision Works Certificate obtained for all sewerage works serving the development.

Extension of sewer reticulation mains from existing MH3233 in Taylor Street is required to serve each lot within the proposed development. Details to be submitted for the approval of Council's

Development Engineer or nominee before the issue of a Subdivision Works Certificate. All sewer mains located in private property are to be contained within a suitably located easement (minimum width 3m).

ADVISING: Where the finished surface level of a building envelope is less than 1.2 metres above the top of the sewer main adjacent to that lot, the lowest surface level within the envelope and the minimum permissible floor height (which is to be at least 1.2m above the top of the sewer main level) shall be recorded on the sewer design plan and the title plan submission.

9. Separate approval must be obtained from the Council as the local water supply and sewer authority pursuant to Chapter 7 of the Local Government Act 1993 and a related Subdivision Works Certificate obtained for all water supply works serving the development.

Provision of an adequate water supply by connecting to Council's reticulated potable water supply system is required to serve each lot within the proposed subdivision. Details to be submitted for the approval of Council's Development Engineer or nominee before the issue of a Subdivision Works Certificate and related Section 68 approval for each Stage of the development.

Water supply design is to meet the recommendations and requirements outlined in the submitted report: Karina CI – Spring Hill Ln Subdivision, Armidale Water Supply Feasibility Report, dated 27th November 2019.

The internal water mains are to form a looped system with no dead ends and each new lot shall have the main in its frontage. Water supply design is to comply with Council's Engineering Code Water Supply (D11) and provide for sustainable cost effective operation by Council in the future.

Fire flows required are 11L/sec at a pressure of not less than 275 kPa (28m). These flows are to be supplied at the most disadvantaged hydrant in addition to peak instantaneous demands. Any such design should refer to Council's Engineering Code Bushfire Protection (D10).

Advising: Council's suite of Engineering Codes are at www.armidaleregional.nsw.gov.au

10. Protection of the development by provision of appropriate drainage (within easements or roadways) to cater for a stormwater flood frequency of 20% Annual Exceedence Probability (AEP) and fail-safe aboveground floodways to cater as a minimum for a flooding frequency of 1% AEP. Trimming, filling or reshaping of the site is to be undertaken so that no ponding or other stormwater nuisance occurs, or concentration of flow is produced onto other property.

Inter-allotment drainage is to be provided for all lots within the R2 zoning which do not drain naturally to a public road, to protect those lots and adjoining property. All inter-allotment drainage is to be contained within a suitably located easement (minimum width 2m).

Title Plan submissions are to confirm easement details including the function, form and levels of essential earth or other surface works including flood ways, to help ensure the permanency and designed operation of such facilities.

Details to be provided to the relevant Certifying Authority for approval before the issue of a Subdivision Works Certificate for the development.

11. All proposed stormwater detention systems are to be designed to ensure the post-development flow from the detention basin is to be no greater than the pre-development flow from the catchment. Storm events to be provided for are the 1% Annual Exceedence Probability (AEP), 5% AEP and 20% AEP.

All basins are to be grass lined and are to be designed to ensure access by mower for easy maintenance.

The detention basin proposed within lots 23 and 16 is to be wholly contained within lot 16 (as per

that approved amended plans) and a positive covenant is to be placed over the basin to ensure continued maintenance by the lot owner for the life of the development.

Details to be provided to the relevant Certifying Authority for approval before the issue of the relevant Subdivision Works Certificate for the development.

12. A detailed site fencing plan for the subdivision, is to be submitted providing details of type, height and finish of the proposed fencing, which is to be in accordance with Chapter 3.1 & 3.2 of DCP 2012.

In this regard, all fencing of the subdivision is to be compatible with the locality, provide a consistent appearance when viewed from adjacent land and be of an open form (wire, post and rail, or similar). Where land is identified to be habitat for native fauna, (subject to the VMP), fencing is to be of a style that does not inhibit movement within the site or the areas of habitat on adjoining properties.

In particular fencing arrangements are to:

- (a) Avoid multiple fence styles adjoining existing adjacent occupied residential allotments.
- (b) Include the provision of suitable fencing on boundaries of the estate (including staged releases) to ensure in particular that domestic dogs are effectively prevented from accessing adjoining lands and causing nuisance to stock or wildlife, together with a suitable fencing requirement for individual/final lots. This need not include a fence at the site frontage of each lot if the developer wishes to preclude this, but should ensure that all domestic dogs can be adequately retained on their owners' properties.
- (c) Be constructed of koala traversable materials with a minimum ground clearance of 300mm, to ensure koala movement across the site is not impeded.
- (d) Be in consultation with affected adjoining properties.

Details to be clearly shown on plans for submission for the approval of the Certifying Authority, before the issue of a Subdivision Works Certificate for the first stage of the development.

Fencing of each stage of the subdivision is to be completed in accordance with the approved plan prior to the release of the Subdivision Certificate for each relevant stage of the development.

Furthermore, a caveat/restriction is to be placed over all lots, advising prospective purchasers of the lots that any future replacement of fencing along of the boundaries, is to be consistent in terms of colour, material and style with the original approved fencing plan required as part of this Consent.

13. Approval is to be obtained from Council as the roads authority pursuant to s138 of the Roads Act 1993 for all construction work required on Council road reserves, specifically road upgrade works within Karina Close, Springhill Land and Sutherland Avenue.

The approval is to be obtained through a s138 application prior to any such works being undertaken within the road reserve.

Advising: the activity is to be protected by public liability insurance with a minimum cover of \$20 million.

14. Construction and dedication of a reinforced concrete footpath, connecting the internal road network, to be located as shown on the annotated amended approved plans between proposed lots 12 & 13 and 16 & 17, and also between proposed lots 30 & 31 to connect onto Springhill Lane, to provide an effective all-weather pedestrian route throughout the subdivision and provide connectivity to adjoining land, in connection with the proposed development.

The pedestrian links are to have a minimum width of 5 metres (minimum 2.5m wide concrete path and constructed in accordance with Council's ARC standard drawings). Additionally, the pedestrian link between proposed lots 12, 13, 16 & 17 is also to provide for emergency access within the subdivision itself and both footpath linkages are to deny access to any other vehicle. As such, removal/lockable bollards are to be positioned at each end of the footpaths to only provide access for emergency vehicles only.

Details to be provided for the approval of the Certifying Authority before the issue of the Subdivision Works Certificate for the relevant stage of the development. Completed works are to be inspected and approved by the relevant Certifying Authority before the issue of a Subdivision Certificate or release of any bond for incomplete works at each relevant stage of the development.

15. A tree clearing plan (pre-clearing survey) is to be developed and implemented for the development. Such plan is to specify a tree clearing protocol which is to be enforced for the felling of any mature trees on the site.

The plan should include provision in the first instance of an inspection of all trees that are required to be removed, by a qualified ecologist for evidence of residing fauna in hollows or in the tree canopy.

The plan is to also include recommendations of a satisfactory action plan in the event that it is identified that fauna are residing in any of the trees to prevent injury during their removal, and that advice from a qualified ecologist is to be sought prior to their removal so as to determine the appropriate course of action to be taken. Once approved all contractors involved with tree removal on the site are to be made fully aware of the requirements of the Plan which is to be adhered to at all times.

Details to be included with documentation submitted to the satisfaction of the relevant Certifying Authority for approval prior to the release of the Subdivision Works Certificate for each stage of the development.

16. Provision of bus stops within/adjoining the site (and turning facilities if necessary - buses are not to be required to perform any three-point turns) with the written concurrence of the local public transport operator, (currently Edwards Coaches) are to be provided for the development. Location of the bus stops are to be identified on the Subdivision Works Certificate at stage 1 of the development.

Location of bus stops and written concurrence from the local public transport operator is to be provided to the Principle Certifying Authority prior to the release of any Subdivision Works Certificate for the development.

The bus stop bays are to be designed to meet relevant AUSTROADS Guidelines, and to include a shelter for users.

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

17. The submission of a detailed Construction Management Plan for the approval of the Council, prior to the issue of any Subdivision Works Certificate for the development, to ensure that work is undertaken safely and to minimise nuisance to the surrounding area during all construction/work on site. This Plan shall include, as a minimum, provision for:

- Off-street parking for employees, contractors, sub-contractors and visitors to the site.
- Public parking during construction.

- Site access for construction vehicles and equipment.
- Storage and removal strategies for construction wastes.
- Construction Traffic Management Plan including routes taken to and from development site by construction traffic.
- Provision of sanitary amenities and ablution facilities for employees.
- Fire precautions during construction.
- Dust suppression.
- Control of noise arising from the works in accordance with the requirements of the Protection of the Environment Operations Act 1997 and guidelines contained in the New South Wales Environment Protection Authority Environmental Noise Control Manual.
- Fencing and security details, including site hoardings to be provided, safeguarding both contractors and the public while works are being carried out on any public footpath areas. Contractor should endeavour to minimise disturbance to pedestrian / vehicle traffic in the vicinity of the site.
- Details of all construction-related signs.
- Careful management of construction activities to prevent any contaminant discharge from the site (including oils, fuels, paints or chemicals), particularly with respect to excess concrete or concrete truck washings.
- Location of all public utility facilities and methods of protecting them
- Method of support to any excavation adjacent to adjoining properties, or the road reserve.

18. Erosion and sediment control plan:

Before the issue of a Subdivision Works Certificate, the applicant is to ensure that an erosion and sediment control plan is prepared in accordance with the following documents before it is provided to and approved by the certifier:

- the guidelines set out in the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate' (the Blue Book), and
- the 'Do it Right On-Site, Soil and Water Management for the Construction Industry' (the Natural Heritage Trust).

The applicant must ensure the erosion and sediment control plan is kept on-site at all times during site works and construction.

Reason: To ensure no substance other than rainwater enters the stormwater system and waterways

19. The submission of an induction plan for the approval of the Council, prior to the issue of a Subdivision Works Certificate for each stage of the development, to ensure that work is undertaken safely and minimise any adverse impacts on significant areas of vegetation during construction works on the site, such as the 'Retained Woodland Area'. Such Plan is to clearly advise all on-site construction workers and machinery operators of the requirement to limit disturbance of the site to the immediate construction areas only.
20. Following an assessment of the proposed development by Council and relevant External Authorities, the subdivision layout is to be amended to reflect the terms of this consent.

In this regard, the subdivision is to be amended as follows:

- All areas within proposed Lots 19, 20, 21 & 22, shown in the submitted Vegetation Management Plan as being located within the 'Retained Woodland Area' (RWA) in the Biodiversity Development Assessment Report (BDAR), dated 6 July 2020, prepared by SIA Ecological & Environmental Planning Pty Ltd, is to be reconfigured so as to be wholly contained within one lot, being Lot 22.

Such requirement is to accord with the Biodiversity Conservation Divisions assessment of the BDAR and the requirements of the BAM for demonstrating that biodiversity impacts have been avoided to the greatest extent possible. The subdivision layout is to be reconfigured so that the land within the VMP area on proposed lots 19, 20, 21 and 22 is associated with only one lot.

- In amending the lot layout of the subdivision to satisfy the above, each new lot located on land within the C4 zone, must be provided with a minimum lot size of not less than 1ha. To satisfy this requirement, the remaining area located within proposed Lots 19, 20 and 21 outside the RWA, may preclude the creation of three lots.
- The subdivision plan is to be amended to provide for a public footpath reserve, minimum width 5m, between proposed lots 12, 13, 16 & 17 and also between proposed lots 30 & 31, generally in accordance with the amended plan under condition 1 above, from Croft Surveying and Mapping. In amending the plan to satisfy this requirement each of the modified lots must be provided with a lot size that satisfies the minimum lot size for the relevant land, being 1ha for lots 12, 13, 16 & 17 and 4,000m² for lots 30 & 31.
- Following Council's assessment of the proposed detention basin for the development, the subdivision plan is to be amended to ensure that the basin is wholly contained within proposed Lot 16. To enable this, proposed lots 16 & 23 are to be reconfigured, generally in accordance with the amended plan under Condition 1 above, from Kelley Covey. In amending the plan to satisfy this requirement, proposed lots 16 & 23 must be provided with a lot size that satisfies the minimum lot size relevant to the land, being 1ha for land located within the C4 zone and 4,000m² for that part of the land located within the R2 zone.

Amended plans reflecting the above requirements, are to be provided to the satisfaction of the Consent Authority prior to the release of a Subdivision Works Certificate for the development.

21. To ensure the effectiveness of the Vegetation Management Plan (VMP) in perpetuity, the area subject to the VMP is to be protected through either a Conservation Agreement or Stewardship Site agreement and administered through the Biodiversity Conservation Trust.

Details to be provided to the satisfaction of the Consent Authority prior to the release of a Subdivision Works Certificate for the development, with any Conservation Agreement or Stewardship agreement being entered into through the Biodiversity Conservation Trust, prior to the release of any subdivision certificate for the creation of any lots adjoining this area, currently shown as Lots 19-22 inclusive.

22. Prior to the release of a Subdivision Works Certificate for the development, a revised Vegetation Management Plan consistent with the recommendations of the Biodiversity Conservation Division, that all areas subject to the VMP be contained wholly within Lot 22, is to be submitted to the satisfaction of the Consent Authority.
23. In accordance with the Biodiversity Development Assessment Report, dated 6 July 2020, prepared by SIA Ecological & Environmental Planning Pty Ltd for the development, the class and number of

Evidence of the retirement of credits or payment to the Biodiversity Conservation Fund in satisfaction of this condition, must be provided to the consent authority prior to the release of the Subdivision Works Certificate for the development.

Zone	Vegetation zone name	Vegetation integrity loss / gain	Area (ha)	Constant	Species sensitivity to gain class (for BRW)	Biodiversity risk weighting	Potential SAI	Ecosystem credits
Ribbon Gum - Rough-barked Apple - Yellow Box grassy woodland/open forest of the New England Tableland Bioregion and NSW North Coast Bioregion								
1	1099_OpenWoodland	26.3	19.4	0.25	High Sensitivity to Potential Gain	2.00	TRUE	255
							Subtotal	255
							Total	255

24. Suggestions (and reasons) for the names of all new roads are to be submitted with any application for a Subdivision Works Certificate for the development.

Proposed new road name(s) should not be included on Title Plans submitted to Council with an application for a Subdivision Certificate, until such time as the name of any new road(s) has been approved by Council and other relevant authorities.

Street name signs and posts are to be erected in accordance with Council's Engineering Code, at the developer's expense.

ADVISING: Council's Policy on Local Place Naming, Policy POL071, favours names with historical, zoological, botanical or geographic association with the locality. Council can provide advice on appropriate names on request.

25. New public lighting, in accordance with Council's Engineering Code is to be provided to all approved public roads/footpaths/cycleways, to maintain visibility and safety for users. The developer is to liaise with the local electricity supply authority (currently Essential Energy) with regard to luminaire design and location.

Detailed plans demonstrating compliance with the above matters to be provided to the Certifying Authority for approval before the issue of a Subdivision Works Certificate(s) for each stage of the development.

Completed works are to be inspected and approved by the Certifying Authority before the issue of any Subdivision Certificate(s)/release of any bond for incomplete works.

26. A safe all-weather driveway crossover for each proposed lot is to be constructed to connect the lot with the access road. The junction is to be constructed to gravel road standard or equivalent with bitumen seal at least between the road carriageway and the property boundary, to prevent deterioration / erosion of the road and to minimise Council's future maintenance liability. A concrete pipe culvert with not less than 375mm diameter with standard concrete headwalls is to be constructed at a suitable location relative to the shoulder drain and clear of the edge of the road carriageway.

Lots zoned C3 and C4 need to be accessible by a driveway that:

1. does not have a grade exceeding 15% (unless it is proposed to be constructed and sealed by the applicant, in which case the grade must not exceed 20%); and
2. avoid crossing waterways.

Details are to be provided to the relevant Certifying Authority for approval before the issue of a Subdivision Works Certificate for each stage of the development.

Crossovers are to be installed in accordance with approval plans, prior to the issue of the relevant subdivision certificate for each of the lots.

27. Separate approval may be required from the Office of Water/NRAR for any work located within waterfront land. If required, work is not to commence until a Controlled Activity Approval (CAA) has been obtained. Evidence of consultant, or if required a copy of the CAA, is to be provided to the satisfaction of the Certifying Authority prior to the issue of the relevant Subdivision Works Certificate for the development.

BEFORE RELEASE OF SUBDIVISION CERTIFICATE

28. An Application for a Subdivision Certificate is to be submitted via the NSW Planning Portal, with all relevant documentation and plans, including a statement of how each of the conditions has been satisfied.

Details of any staging, compliance with relevant consent conditions, and all required easements, positive covenants and restrictions as to user are to be included on the documentation submitted for a Subdivision Certificate for the subject lots, to ensure that the relevant consent requirements are addressed.

Advising for new urban allotments: Council's Policy 134 - Sustainable Domestic Energy Use and Local Air Quality - seeks to minimise the impacts of smoke emissions from solid fuel heaters on community health. Accordingly, the developer is invited to consider imposing "smoke free" covenants on new allotments, which would preclude future owners from installing solid fuel heaters on these properties. For further advice please contact Council's Planning or Environmental Health staff.

29. Prior to the issue of the relevant Subdivision Certificate for the development, the applicant shall arrange for the relocation of any internal drainage lines, water lines and any other utility services that may be currently serving the existing dwelling on proposed lot 40, so that these service lines are situated wholly within the allotment to which they will eventually serve.

The existing Onsite Wastewater Management System is to be removed and a new sewer junction is required to be installed to service the existing house in Proposed Lot 40. The internal drainage currently servicing the existing dwelling will be required to be reconnected to the new sewer junction once the Onsite Wastewater Management System is decommissioned.

Relevant Plumbing and Drainage Permit approvals are to be sought where required with all work to be completed before the issue of the relevant Subdivision Certificate creating Lot 40.

30. Appropriate title restrictions shall be created in relation to the following matters prior to the issue of the relevant Subdivision Certificate:

- Provision of building envelopes on each of the proposed lots, in accordance and as indicated in the approved plan drawn by Croft Surveying & Mapping, Ref. 14791-i4, sheet 2a and dated 25/7/19. No new building and/or ancillary structures may be installed outside approved building envelopes on each of the proposed lots, so as to minimise the removal of native vegetation and eliminate the removal of hollow bearing trees. Furthermore, the building envelopes should be located a sufficient distance from any tree where possible, in order to prevent their removal following the construction of a future dwelling.
- Each building envelope is to be located to minimise the removal of vegetation for any future dwelling and Asset Protection Zones (APZ). In this regard, unless otherwise indicated on the approved plan, the minimum distance between the building envelopes and any tree on the proposed lots is not to be less than 6 metres. Approved building envelopes and distances to trees on the site are to be clearly surveyed and shown on the Title plan. Suitably worded Title restrictions to be submitted to the satisfaction of Council.
- Clearing of vegetation on each of the proposed lots will only occur, subject to separate approval, and only within the designated building envelopes. No trees alive or dead are to be removed from outside the approved building envelope in order to provide habitat/hollows for native species. Compensatory plantings are to be undertaken at the ratio of 5 saplings for every tree removed.
- A covenant is to be placed on proposed Lot 22 to clearly advise future owners of this lot of the ongoing maintenance and protection requirements under the 'Vegetation Management Plan', of all native vegetation on the site to ensure its ongoing preservation and to prevent any grazing

on the lot.

- Restriction on the ownership and/or accommodation of dogs by the residents of all lots, given the nature of the locality, which includes potential habitat for Koalas and other native fauna species. As such, dogs kept on the proposed lots are to be housed within a suitable enclosure to prevent the dogs from escaping from the property, consistent with s.12A of the NSW Companion Animals Act 1998.
- Dogs are to be contained at all times within the fenced yard around the dwelling and are only permitted outside of this area under strict supervision.
- A 'restriction to user' shall be created on each of the proposed lots, requiring all boundary fencing to be constructed of koala traversable materials (including but not limited to post and plain wire fencing and timber rail fencing) with a minimum ground clearance of 300mm, to ensure koala movement across the site is not impeded. Where existing boundary fencing does not meet this standard, it shall be replaced prior to the issue of any Subdivision Certificate. All boundary fencing to be installed must be to the satisfaction of Armidale Regional Council prior to the issue of a Subdivision Certificate for each stage.

31. A Positive Covenant and/or restriction is to be placed on the Titles of those lots that adjoin/back onto Springhill Lane, being lots 15, 30, 31, 32 37, 38 & 39 inclusive, to prevent any direct vehicular access onto this road reserve from these allotments. Access to these lots will only be permitted via the new internal subdivision roads.

Details to be included with documentation submitted for approval with an application for a Subdivision Certificate for the subject Lots.

32. Written advice from telecommunications and electricity providers, confirming that satisfactory arrangements have been made for the provision of telecommunications and electricity services to each stage of the development, are to be submitted to the relevant certifying authority before the issue of a Subdivision Certificate.

The location of any new pole or ground mounted substation for the development is to be confirmed with and approved by Council, to ensure that this does not unreasonably interfere with the aesthetics or functionality of the development or adjoining public road/s.

ADVISING: Such infrastructure shall be located within the property where feasible and positioned such that it does not impede the movement of pedestrians with vision impairment.

33. In relation to the civil works required by this development which will become public assets, it is Council's usual requirement that these works be completed and accepted by Council before a Subdivision Certificate is issued.

Upon completion and subsequent acceptance, Council will require these works to be placed on a 12 months' defect liability period and secured by means of a cash deposit or bank guarantee for 10% of the total construction contract price.

Upon application by the developer, Council will consider issuing a Subdivision Certificate before the subdivision works have been completed. In these cases an 'Agreement to Meet Costs' form and monetary security for outstanding civil works that are to become public assets must be provided to Council before the issue of any Subdivision Certificate. Security shall be in the form of cash deposit or bank guarantee, for an amount to the satisfaction of Council's Director Public Infrastructure or nominee.

Application for a 90% refund of the security may be made on documented completion of the works, with full refund of the remaining 10% upon satisfactory completion of the 12 months' defects

liability period.

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

At the date of determination the applicable contributions are \$513,600.00.

Note 1: Contributions are indexed annually at the end of each financial year.

Note 2: Contributions may be deferred, normally for a maximum period of two years, provided satisfactory security is lodged (the contribution amount + 20%) in accordance with the abovementioned Servicing Plan.

Note 3: A deduction to the contributions may be available where all amplification works are considered to be 'works in kind' in accordance with Council's policy 181 – Utilities – Development Servicing Plan for Water & Sewerage.

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

35. Compliance with all relevant conditions relating to the bush fire safety authority issued by the NSW Rural Fire Service for the site dated 21 July 2020, prior to the issue of a Subdivision Certificate for each stage of the development.
36. All civil engineering and utility service works undertaken pursuant to this consent, including:
- Water supply work;
 - Sewer drainage work;
 - Stormwater drainage work/ detention basin;
 - Roadwork, including drainage infrastructure and verge formation;
 - Road signage; and
 - Street lighting

are to be inspected and tested upon completion, and details of works which will become public assets provided to Council's Development Engineer or nominee, before the issue of a Subdivision Certificate for the development.

An electronic copy of "work as executed" plans are to be provided to Council for works affecting Council property or benefiting Council. Each plan is to have a scale adjacent to the title block showing the scale used on that plan.

The location of any fill introduced, by both plan limit and depth, together with relevant classifications shall be shown on the "work as executed" plans to be submitted to Council.

DURING CONSTRUCTION

37. No storage of building materials, soil or equipment is to occur on Council's property or roads without the written consent of Council's Civic and Recreational Services Manager or nominee. No unfenced, potentially dangerous activity or material to be located in close proximity to the street boundary or pedestrian walkway adjoining the site. No unsupervised transit of plant, equipment or vehicles across public areas or other obstruction of those areas is permitted.
38. Action being taken by the developer and contractors to ensure that public safety is maintained on roadways under construction at all times, by the provision of effective barriers to distinguish between adjacent public roadways and the roadways under construction.

39. At the end of any temporary cul-de-sac created in any stage of the development, a gravel turning area is to be provided with a radius of 11 metres (minimum).
40. Effective dust control measures to be maintained during construction to maintain public safety/amenity and construction activities are to be restricted solely to the subject site.

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

41. Any fill which is placed on the site shall be free of any contaminants and placed in accordance with the requirements of AS 3798 (current edition) *Guidelines on Earthworks for Commercial and Residential Developments*. The developer's structural engineering consultant shall:
- identify the source of the fill and certify that it is free from contamination; and classify the area within any building envelope on any such filled lot in accordance with the requirements of "Residential Slabs and Footings" AS 2870.1 (current edition).
42. The uppermost layer of the soil profile (top soil) is to be retained on site, stockpiled and surrounded at its base with silt fencing to ensure that the topsoil is maintained in a satisfactory and reusable condition. Stockpiles are to be limited in height to 3 metres and located in a position not visually prominent from public places. Areas within the development not otherwise built on are to be left with not less than 100mm of topsoil with grass or other landscaping established, to provide an aesthetically pleasing development within the streetscape.
43. The hours of construction work are to be restricted to between 7.00am and 6.00pm on Monday to Friday and 8.00am to 1.00pm on Saturdays, to maintain the amenity of the locality.

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

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

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

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

ADVICE

Where archaeological relics are discovered during excavation, work must cease in the affected area pending investigation and assessment of its heritage value.

Aboriginal relics are to be referred to the National Parks and Wildlife Service (NPWS) and objects of non-Aboriginal settlement are to be brought to the attention of the Heritage Council.

For further information go to the NPWS Code of Practice for Archaeological Investigations of Aboriginal Objects in NSW (available online) and/or the Heritage Council.

3. OFFICERS' RECOMMENDATION – (Cont):

- b. Notify those that made a submission on the development, of Council's determination.
- c. Notify relevant agencies of Council's determination.

NOTE TO COUNCILLORS:

- 1. In accordance with the provisions of S375A of the Local Government Act 1993, a Division is to be called whenever a motion for a planning decision is put to the meeting, for the purpose of recording voting on planning matters. Pursuant to clause 2(a) under the heading Matters to be Included in Minutes of Council.
- 2. Under Council's adopted Code of Meeting Practice (as amended) a Division will be deemed to have been called by the mover and seconder of all motions relating to this report.

Item:	11.1	Ref: AINT/2022/05824
Title:	Public Exhibition of the Community Recognition Policy	Container:
	ARC17/1644	
Responsible Officer	General Manager	
Author:	Darren Schaefer, Acting Chief Officer Corporate and Strategy	
Attachments:	1. Draft Community Recognition Policy - April 2022 2. Draft Community Recognition Procedure - April 2022	

1. Purpose

The purpose of this report is to seek endorsement by Council to place the draft Community Recognition Policy on public exhibition.

2. OFFICERS' RECOMMENDATION:

That Council:

- a. Endorse the draft Community Recognition Policy for public exhibition for a period not less than 28 days;
- b. Receive a further report at the conclusion of the exhibition period.

3. Background

The previous Community Recognition Policy has been updated to reflect the new Armidale Regional Council policy format. The policy detail has also been refined and adjusted to include traditional awards issued by local government.

4. Discussion

This policy has been reformatted to reflect current branding and formatting guidelines and is reflective of the handling of awards and ceremonies across the region.

5. Implications

5.1. Strategic and Policy Implications

Adoption of this policy will ensure that all nominations are handled appropriately and in line with Council guidelines. It also seeks to inform the community of Council's recognition practices, and in this spirit, will encourage members of the community to nominate.

5.2. Risk

Reputational Risk: By not having a policy or an active program of recognition beneath it, it restricts councils ability to engage with individuals and groups that make a positive contribution to life in the region. The existence of this policy helps to manage council reputation in the community. It aligns with Councils own purpose by recognising civic leadership, and does so in a positive environment.

5.3. Sustainability

There are no sustainable benefits of this policy.

5.4. Financial

Costs will largely be internal time, with some production costs allocated to the production and framing of certificates, venue hire and catering for ceremonies, gifts and mementos.

Budget Area:	Corporate and Strategy						
Funding Source:	Community Services, Tourism and Events, Communications, Executive Office						
Budget Ref: (PN)	Description	Approved Budget	Actual	Committed	Proposed	Total Forecast Expenditure	Remaining Budget
210713.1.1140. 333.2424	Tourism & Events (Australia Day)	\$8,000 (21/22 FY)	\$8,000	\$0	\$8,000	\$8,000	\$0
220080.1.1285. 333.2476	Volunteer Services (Community Services)	\$2,000 (21/22 FY)	\$2,000	\$0	\$2,000	\$2,000	\$0
210650.1.1910 .333.2476	Executive Office (note all expenditure relates to ad hoc events i.e. Keys to the City) and this will be an allowance for 22/23.	\$1,000 (allowance as required 22/23 FY)	\$0	\$0	\$1,000	\$1000	\$0

6. Consultation and Communication

It is recommended that this policy be placed on public exhibition for a period not less than 28 days to seek input from the community, and submissions be considered before the final policy is returned to Council for adoption.

7. Conclusion

Adoption of this policy will ensure that all community nominations are handled appropriately and in line with Council guidelines.

Item:	11.2	Ref: AINT/2022/11720
Title:	NSW Public Libraries Association Nominated Councillor Representative	Container: ARC20/4249
Responsible Officer	Acting Chief Officer Corporate and Strategy	
Author:	Aimee Hutton, Coordinator Libraries, Museums and Visitor Information Centre	
Attachments:	Nil	

1. Purpose

For Council to assign a Councillor Representative for Armidale Regional Council to the NSW Public Libraries Association (NSWPLA) for the current Council term.

2. OFFICERS' RECOMMENDATION:

That Council endorse the General Manager's nomination of Cr Debra O'Brien as the Representative to the NSW Public Libraries Association for the current Council term.

3. Background

The NSWPLA is the peak body for public libraries across NSW and they work to advocate for public libraries, strengthen public library networks, and provide relevant information to public library networks. Most recently they were successful in lobbying for increased State Government funding for all NSW Public Libraries.

The NSWPLA depends on the support and engagement of Councils across NSW and Councillor engagement is an important part of this. Armidale Regional Council's Elected Representative will act as a liaison between NSWPLA and Armidale Regional Council to ensure our libraries and their role in creating a vibrant and healthy community, are included as part of their regular discussions.

4. Discussion

The Councillor Representative will be entitled to vote at NSWPLA's Annual General Meeting, and they will be encouraged to attend 2 North West Zone meetings annually, along with another Council staff representative. This is currently Aimee Hutton who is the Coordinator of Libraries, Museums and the Visitor Information Centre.

The Zone meetings are a great opportunity for Library Managers and Elected Representatives to network, forge strategic partnerships and work collaboratively.

5. Implications

5.1. Strategic and Policy Implications

The Councillor Representative will have an opportunity to lobby Government and make political comment.

5.2. Risk

Not Applicable

5.3. Sustainability

Not Applicable

5.4. Financial

There may be minor costs incurred in relation to Councillor travel to the 2 Full Zone Meetings held annually.

Budget Area:	Executive & Councillors						
Funding Source:	Untied Revenue						
Budget Ref: (PN)	Description	Approved Budget	Actual	Committed	Proposed	Total Forecast Expenditure	Remaining Budget
210653	Councillors Expenses – costs associated with this policy only	\$90,247	\$6,102	\$0	\$84,145	\$90,247	\$0

6. Consultation and Communication

Not Applicable

7. Conclusion

Councillors should consider the General Managers nomination of Cr Debra O'Brien to be Armidale Regional Councils representative to NSW Public Libraries Association for the current term of Council.

Item:	12.1	Ref: AINT/2022/14656
Title:	Audit Risk and Improvement Committee - Minutes of meeting held 17 March 2022	Container: ARC22/5007
Responsible Officer	Acting Chief Officer Corporate and Strategy	
Author:	Simone Mooketsi, Manager Governance and Strategy	
Attachments:	1. Minutes - Audit, Risk and Improvement Committee - 17 March 2022	

RECOMMENDATION:

That the Minutes of the Audit Risk and Improvement Committee meeting held on 17 March 2022 be noted.

1. Purpose:

The purpose of this report is to provide Council with minutes of the Audit Risk and Improvement Committee (ARIC) meeting held on 17 March 2022.

2. Background

The Audit Risk and Improvement Committee (ARIC) provides independent assurance and assistance to the Council on risk management, internal control, governance, internal audits, organisational performance and external accountability responsibilities.

Specifically, the Committee will assist the Council to:

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

The ARIC is advisory in its function and has no authority to direct the General Manager or Council officers. The Committee has no executive powers, except those expressly provided by the Council.

The ARIC will meet at least quarterly.

COMPOSITION AND TENURE

The ARIC is to be appointed by the governing body of the Council.

Members (Voting)

The ARIC shall consist of three (3) independent external members. Councillors are ineligible to be voting-members of the Committee, however Councillors are welcome to attend meetings by invitation from the Chair.

Attendees (non-voting)

- The General Manager, or delegate
- Internal Auditor.

Both attendees will attend all ARIC meetings (except where excluded by the Committee) however are not members of the Committee and do not have voting rights.

Council's external auditor may attend any meeting as an independent advisor, and may meet with the Committee without the presence of the General Manager.

The authority, responsibilities and the role of the Committee within the Council are stated by the Audit, Risk & Improvement Committee Charter.

3. Discussion

Minutes of the ARIC meeting held on 17 March 2022 are attached for information.

A summary of the meeting outcomes is:

- Outcomes of the Payroll audit noted and action items provided to executive Manger People & Culture.
- Internal audit work plan supported, noted achievement of work plan is dependent on resourcing.
- The ARIC supported the proposal to exit the shared services arrangement for internal audit with Glen Innes and Uralla.
- Three month extensions were granted for closure of open audit recommendation and to the risk management roadmap milestones in recognition of the resignation of Internal Auditor, Carlos Chica and the need to recruit for the role.
- The revised Risk management Policy was endorsed for progression to Council for endorsement for public exhibition.

4. Implications

4.1. Strategic and Policy Implications

ARIC will advise whether the Council is achieving the objectives and goals set out in its Community Strategic Plan and has successfully implemented its delivery program, operational plan and other strategies.

4.2. Risk

Among others, ARIC will advise whether:

- the Council has provided sufficient resources for risk management and staff are able to carry out their risk management responsibilities;
- the Council's risk management framework complies with current Australian risk management standards;
- the Council's risk management framework operates effectively and supports the achievement of council's strategic goals and objectives; and
- major risks have been identified and assessed by the Council and appropriate risk treatments have been implemented that reflect council's risk criteria.

4.3. Sustainability

N/A

4.4. Financial

N/A

5. Consultation and Communication

N/A

6. Conclusion

Minutes of the last two meetings of the ARIC are provided for noting by Council.

7. Strategic Directions:

Key Direction	C.3	Leadership for the region
Objective	Our Goals	Council has the strategic capacity to understand the key issues for the region now and into the future.
Strategy		

8. Relevant Legislation

- *Local Government Act 1993*
- *Guidelines for risk management and internal audit for local councils in NSW.*

9. Financial Implications:

Nil.

Item:	12.2	Ref: AINT/2022/13251
Title:	Traffic Advisory Committee - Minutes of the Meeting held 5 April 2022	Container: ARC16/0168-7
Responsible Officer	Chief Officer Assets and Services	
Author:	Belinda Ackling, Personal Assistant	
Attachments:	1. Minutes - Traffic Advisory Committee - 05 April 2022 2. Agenda - Traffic Advisory Committee 05 April 2022	

RECOMMENDATION:

That in relation to the report “Armidale Regional Council Traffic Advisory Committee Minutes – 5 April 2022”, Council :

- a) Council remove the raised concrete roundabout at the intersection of Bradley Street and Mackenzie St in Guyra, and that the works be included in the FY22/23 Bitumen Resealing and Asphaltting Program and replaced with a “Giveway” sign and appropriate intersection line marking.
- b) Council note the request made to TfNSW from The Armidale School concerning potential improvements to pedestrian safety in Douglas Street. No issues were observed by TfNSW, the area will be monitored.
- c) Council note the requested road closure for the 2022 Autumn Festival, of Beardy Street between Dangar and Jessie Street and Dangar Street between Rusden and Moore street, was endorsed by the Traffic Advisory Committee’s at an out of session meeting.
- d) Council note the new route for Tour de Rocks was acknowledged and endorsed at an out of session meeting of the Traffic Advisory Committee.

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, 5 April 2022 which details recommendations to Council for consideration and adoption.

2. Background:

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 its 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. Committee Report:

At its meeting on 5 April 2022 the TAC considered five items;

- Proposed Removal of Roundabout at Intersection Bradley Street and Mackenzie St, Guyra
- Bus Zone St Marys
- The Armidale School pedestrian safety in Douglas St.
- The Armidale Autumn Festival
- Tour de Rocks 2022

From the meeting only three recommendations were made for Council to note and one recommendation for Council to adopt.

The proposed Removal of Roundabout at Guyra was previously discussed at its meeting on the 9th November 2021 with the recommendation to the Council meeting of the 24 November 2021:

That Council note the Traffic Advisory Committee recommendation for the removal of the raised concrete roundabout at the intersection of Bradley Street and Mackenzie St in Guyra, and the intersection be reinstated to a standard tee intersection and TB1 and TB hold line are used as per NSW supplement; And

That Council place the recommendation from the Traffic Advisory Committee on public exhibition for 28 days and schedule appropriate intersection treatment following public consultation.

Public exhibition was completed with no major issues identified. A total of 11 submissions from the community were received during the Public Consultation Period. All submissions were in opposition to the proposal. A summary of key opposing arguments is provided below. A register of complete submissions can be found in the LTC Agenda for further information:

- The roundabout is frequently used by motorists to undertake safe and legal u-turns. This assists patrons to find a park along Bradley Street.
- There is no anecdotal evidence of serious accidents at or resulting from the existing roundabout
- Suggestion that removal is a waste of money and that Council should allocate funds to other local roads in worse condition.
- Concern that without a roundabout, motorists will carry out unsafe and/or illegal u-turns in the same location, posing risk to other motorists and pedestrians.

The recommendation to remove the roundabout structure was proposed on the basis of public safety, traffic standards and road maintenance concerns outlined below. These also serve as counter-responses to opposing views received during the Public Consultation Period:

- The roundabout structure needs to be removed in order for the failing road surface within the intersection to be repaired.
- The roundabout island profile is well above the standard lip for a mountable island. Large industrial vehicles and transport coaches using the intersection are required to mount and cross the island concrete. Complaint has been received particularly from

coaches using the intersection. Such manoeuvres are not bus patron friendly and may lead to tyre damage to vehicles.

- The average daily traffic counts in Bradley Street are 1333 PD south of the intersection and 257 VPD in McKenzie Street. Bradley Street is the priority road as the access to the CBD of Guyra. The traffic counts are considered low and not significant to warrant management with a roundabout.
- In accordance with applicable Austroads Standards, returning the intersection to a standard T-Intersection is the most appropriate treatment for this location.
- Motorists can undertake legal u-turns within Bradley Street. Alternatively, motorists can travel a short distance around the block in order to re-enter Bradley Street.

4. Strategic Directions:

The function of the TAC aims to maintain safe and effective traffic facilities on the road network, through appropriate resourcing, including applying for a Special Rate Variation to maintain and renew roads and bridges to expected service levels.

The recommendations align with Council's CSP in relation to the effective management of traffic facilities on the road network.

Environment and Infrastructure:

- E4 Transport - The Community has access to transport which enables connectivity both locally and outside of the region.
 - E4.1: Maintain safe and effective traffic facilities on the road network, through appropriate resourcing, including applying for a Special Rate Variation to maintain and renew roads and bridges to expected service levels.

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:

Detailed financial Implications for recommendations to Council are included within in the TAC reports, if relevant. A summary of the financial implications has been included below by recommendation.

Recommendation a) – Removal of Roundabout in Bradley Street Guyra

Subject to endorsement, the works will be include in the FY22/23 Bitumen Resealing and Asphaltting Program and delivered by ARC Roads and Parks. The demolition, removal, line marking and signage installation costs are estimated to be in the order of \$20,000 excluding GST.

Budget Area:	Transport - Urban reseals renewal program						
Funding Source:	FY22/23 Budget						
Budget Ref: (PN)	Description	Approved Budget	Actual	Committed	Proposed	Total Forecast Expenditure	Remaining Budget
	Construction & Maintenance pavement renewal	Budget yet to be approved	Nil	Nil	\$20,000 excluding GST	\$20,000 + Yet to be determined	Yet to be approved

Converting the intersection to a standard tee intersection in lieu of reinstating a new roundabout following road surface repair will present a cost saving to Council.

Recommendation c) – Road Closure associated with Autumn Festival

The cost for the Armidale Autumn Festival has been included in the 2021/22 Budget for \$12,000. The cost for Road closure has been incorporated into the event management broadly, however there is a direct cost of \$480 for the preparation of the Traffic Control Plan and signage installation.

Budget Area:	Tourism and Events						
Funding Source:	Armidale Regional Council FY21/22 Budget						
Budget Ref: (PN)	Description	Approved Budget	Actual	Committed	Proposed	Total Forecast Expenditure	Remaining Budget
210713	Road Closure	\$51,851	\$11,490	\$13,626	\$480	\$25,596	\$26,255

Note the approved budget of \$51,851 incorporates more than one event.

7. Conclusion

The purpose of this report is to advise Armidale Regional Council of the recommendations made by the Armidale Regional Council TAC at the meeting held 5 April 2022.