



BUSINESS PAPER

ORDINARY MEETING OF COUNCIL

To be held on

Wednesday, 28 June 2023

4pm

at

Armidale Council Chambers

Members

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

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Ethical Decision Making and Conflicts of Interest

A guiding checklist for Councillors, officers and community committees

Oath or Affirmation of Office

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

Ethical decision making

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

Conflict of interest

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

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

The test for conflict of interest

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

Identifying problems

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

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

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

Local Government Act 1993 and Model Code of Conduct

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

Disclosure of pecuniary interests / non-pecuniary interests

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

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

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

Item: 5.1 **Ref:** AINT/2023/10462

Title: Minutes of Previous Meeting held 24 May 2023 **Container:**
ARC16/0001-8

Responsible Officer: General Manager

Author: Melissa Hault, Executive Officer

Attachments: 1. Draft OCM Minutes - 24 May 2023

RECOMMENDATION:

That the Minutes of the Ordinary Council meeting held on 24 May 2023 be taken as read and accepted as a true record of the meeting.

Item: 5.2 **Ref:** AINT/2023/10989
Title: Minutes of Previous Extraordinary Meeting held 16 May 2023
Container: ARC16/0001-8
Responsible Officer: General Manager
Author: Melissa Hault, Executive Officer
Attachments: 1. Draft ECM Minutes - 16 May 2023

RECOMMENDATION:

That the Minutes of the Extraordinary Council meeting held on 16 May 2023 be taken as read and accepted as a true record of the Meeting.

Item:	6.1	Ref: AINT/2023/11197
Title:	Mayoral Minute - Damaging Increase in Emergency Services Levy Costs	Container: ARC16/0001-8
Responsible Officer	General Manager	
Author:	Sam Coupland, Mayor	
Attachments:	Nil	

1. Purpose

The purpose of the minute is to call on Councillors to support representations to the NSW Government in response to the highly damaging increase in the Emergency Services Levy (ESL) imposed on all councils without warning for the 2023/24 financial year.

2. MAYORS' RECOMMENDATION:

- a. That Council writes to the Treasurer, the Minister for Emergency Services, the Minister for Local Government and local State Member(s):
 - i. Expressing Council's strong opposition to the NSW Government's last minute decision to impose an enormous Emergency Services Levy (ESL) cost increase on councils for 2023/24 by scrapping the ESL subsidy for councils and at a time after Council has publicly advertised its Operational Plan and annual budget to the community;
 - ii. Noting that as a consequence of the unannounced 73% increase in the State Emergency Service budget and an 18% increase in the Fire and Rescue NSW budget, Council's approved SRV rate increase to provide essential community services and infrastructure has been significantly eroded.
 - iii. Advising that the Government's decision may/will lead to a reduction in important local services and/or the cancellation of necessary infrastructure projects;
 - iv. Calling on the NSW Government to take immediate action to:
 - i. restore the ESL subsidy in 2023/24
 - ii. urgently introduce legislation to decouple the ESL from the rate peg to enable councils to recover the full cost
 - iii. develop a fairer, more transparent and financially sustainable method of funding critically important emergency services in consultation with local government.
 - v. Council writes to the Chair of the Independent Pricing and Regulatory Tribunal (IPART) advising that Council's forced emergency services contribution is manifestly disproportionate to the 2023/24 rate cap, which has resulted in additional financial stress.
 - vi. Council writes to the President of LGNSW seeking the Association's ongoing advocacy to bring about a relief in the burden of Councils' emergency services contribution.

Background

The ESL is a cost imposed on councils and insurance policy holders to fund the emergency services budget in NSW. The majority is paid as part of insurance premiums, with a further 11.7 per cent funded by councils and 14.6% by the NSW Government. The ESL represents cost shifting at its worse, as it is imposed on councils without any mechanism for councils to recover costs.

The levy increase for the State's 128 councils in 2023/24 amounts to almost \$77 million, with the total cost imposed on the local government sector increasing from \$143 million in the current financial year to \$219 million next year. This represents a 53.1% increase, completely dwarfing the IPART baseline rate peg of 3.7% for 2023/24, and Council's approved rate increase.

Reporting suggests that the increase in costs this year reflects a 73% increase in the State Emergency Service budget and an 18.5% funding increase to Fire and Rescue NSW. The impact of these large increases on councils' finances will be particularly severe in 2023/24 as a result of the NSW Government deciding to scrap the subsidy for council ESL payments.

For many councils, the unexpected cost hit will absorb almost all of their IPART-approved rate rise for this year and in some cases absorb more than 100%. This is placing local government budgets under enormous pressure as they struggle from the combined impact of the pandemic, extreme weather events, high inflation and wage increases.

IPART-approved rate rises are intended to compensate for the impacts of inflation and increases in council costs. Instead, the rate increase will have to be largely diverted to the significantly higher ESL payments this year. NSW councils will have no option other than to make cuts to infrastructure and services expenditure.

For Council, the ESL has increased by \$305,591 for 2023/24, bringing the total Council contribution to \$932,295. If the NSW Government's decision is not reversed, the potential impact will lead to a reduction in Council's services, infrastructure maintenance and delivery.

The timing of this development is particularly challenging for councils as it comes so late in the local government budgeting cycle, well after IPART's rate determination for the coming financial year.

All councils strongly support a well-funded emergency services sector and the critical contribution of emergency services workers and volunteers (many of whom are councillors and council staff). However, it is essential that these services be supported through an equitable, transparent and sustainable funding model.

Local Government NSW has raised the serious concerns of the local government sector with the NSW Government and is seeking the support of councils across NSW in amplifying this advocacy.

The Mayoral Minute also recommends that Council write to IPART advising of the financial sustainability impacts on of the ESL.

Item:	7.1	Ref: AINT/2023/11041
Title:	Council Actions Report January 2022 - May 2023	Container:
	ARC16/0001-8	
Responsible Officer	General Manager	
Author:	Melissa Hault, Executive Officer	
Attachments:	1. Action Items Report - 28 June 2023 OCM	

1. Purpose

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

2. OFFICERS' RECOMMENDATION:

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

3. Background

This is a standard monthly report.

4. Discussion

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

5. Implications

5.1. Strategic and Policy Implications

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

5.2. Risk

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

5.3. Sustainability

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

5.4. Financial

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

6. Consultation and Communication

This report informs Councillors and the community and increases transparency.

7. Conclusion

The information is for noting only.

Item:	7.2	Ref: AINT/2023/11084
Title:	2023 Christmas Closure and Ordinary Council Meeting Cycle for the remainder of 2023/24 Financial Year Calendar	Container: ARC16/0001-8
Responsible Officer	General Manager	
Author:	Melissa Hoult, Executive Officer	
Attachments:	Nil	

1. Purpose

The purpose of this report is 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.

The purpose of this report is to present to Council for adoption the schedule for Ordinary Council meetings for the 2023/24 financial year calendar. The setting of dates provides Councillors, staff and the community with certainty and assists with the planning of upcoming work and reporting.

2. OFFICERS' RECOMMENDATION:

That Council:

- a. That the Council shutdown period for the Administration Centres and Depots be from close of business Friday 22 December 2023 and reopening Monday 8 January 2023
- b. That Council advertise the shutdown period for the Administration Centres and Depots and that this advertisement also includes the operating hours for all other facilities during this period.
- c. That the Ordinary Council Meeting cycle for the remainder of the 2023/24 financial year calendar be scheduled for the fourth Wednesday of each month as follows:
 - Wednesday 28 February 2024, in Armidale
 - Wednesday 27 March 2024, in Armidale
 - Wednesday 24 April 2024 in Armidale
 - Wednesday 22 May 2024 in Armidale
 - Wednesday 26 June 2024 in Armidale
- d. That the time for the Ordinary Council meetings to commence is 4pm.

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 consider 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	23 December 2023	Close Down
Sunday	24 December 2023	Close Down
Monday	25 December 2023	Public Holiday
Tuesday	26 December 2023	Public Holiday
Wednesday	27 December 2023	Close Down
Thursday	28 December 2023	Close Down
Friday	29 December 2023	Close Down
Saturday	30 December 2023	Close down
Sunday	31 December 2023	Close Down
Monday	1 January 2024	Public Holiday
Tuesday	2 January 2024	Close Down
Wednesday	3 January 2024	Close Down
Thursday	4 January 2024	Close Down
Friday	5 January 2024	Close Down
Saturday	6 January 2024	Close Down
Sunday	7 January 2024	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 risk implications.

5.4. Financial

There are no risk 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 2023/24 financial year calendar, 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: 8.1 **Ref:** AINT/2023/08935
Title: 2022-23 Third Quarter Budget Review **Container:** ARC20/4361
Responsible Officer: Chief Financial Officer
Author: Piyush Joshi, Coordinator Management Accountant
Attachments: 1. 2022-23 Council Quarterly Budget Review Report Q3

1. Purpose

The purpose of this report is to provide Council with information on the 2022-2023 Revised Budget position and to obtain approval to amend the adopted budget for those amounts.

2. OFFICERS' RECOMMENDATION:

That Council:

- a. Note the 2022-2023 Third Quarter Budget Review.
- b. Note the proposed revised 2022-2023 operating surplus/ (deficit) budget as per table below:

Fund	Operating Surplus / (Deficit) ('000)			
	ORIGINAL	QBR 1	QBR 2	QBR 3
General	(\$3,193)	(\$4,708)	(\$4,899)	(\$2,892)
Water	\$1,285	\$1,632	\$1,637	\$1,680
Sewerage	\$912	\$1,739	\$1,765	\$1,944
Consolidated Result	(\$996)	(\$1,337)	(\$1,496)	\$732

- c. Resolve to adopt the amendments in the 2022/23 budget in accordance with the Quarterly Budget Review Statement for the period 1 January to 31 March 2023 tabled in the attachments.

3. Background

Section 203(1) of the *Local Government (General) Regulation 2021* requires Council's responsible accounting officer to prepare and submit a quarterly budget review statement within two months of the end of each quarter.

The document attached to this report, 2022-23 Third Quarterly Budget Review Statement (QBR3), is provided in the format required by the Office of Local Government *Quarterly Budget Review Statement for NSW Local Government*, which outlines the minimum disclosure requirements. Council has the option to show the QBR3 at a consolidated level or by fund. For

the purpose of transparency, the statement contains the impact of the quarterly budget review by fund. A consolidated result is also included.

As required by the Office of Local Government, QBR3 is attached and includes the following documents in order:

1. Income Statement (containing operating income and expenses) by fund
 - 1.1 Operating budget adjustment by fund
2. Capital Budget by fund
 - 2.1 Capital budget adjustments by fund
3. Cash & Investments by fund – movement in unrestricted cash and internal and external reserves
4. Cash & Investments position
5. Key Performance Indicators by fund
6. Contracts entered into and Consultancy/Legal expenditure.

The Responsible Accounting Officer must also include a statement as to whether or not they believe that the financial position of the council is satisfactory, having regard to the original estimate of income and expenditure.

4. Executive Summary

The Quarterly Budget Review Statement (QBR3) presents a summary of Council's financial position at the end of the second quarter for the financial year ended 30 June 2023.

The quarterly budget review process is the mechanism through which Council and the Community are informed of Council's progress against the Operational Plan (annual budget), together with recommendations for changes and reasons for budget variations.

The March Quarterly Budget Review shows a favourable operating adjustment with the projected 2022/23 operating result (before capital items) changing from a projected operating result deficit of (\$1,496,000) as per the 2022/23 approved December 2022 Quarterly Review to an overall projected operating surplus at 30 June 2023 of \$732,000. This is a net change of \$2,228,000 this quarter. This is predominantly due to operating part of pothole repair grant received during the year and accounted in this financial year of \$2,165,000. ARC foreshadowed this recently to Councillors in the preparation of the 2023/24 budget.

5. Discussion

QBR3 covers the period January – March 2023; however, up to date information is included in the budget forecast.

QBR3 was conducted in order to:

- Review Council's current financial position;
- Identify savings, deferral of expenditure, potential budget overruns and additional funding sources where necessary;
- Improve Council's financial sustainability; and
- Identify carry-forward expenditure (where required).

The activities undertaken as part of the Quarterly Budget Review (QBR) include:

- Identification of expenditure savings or potential budget overruns. For budget overruns, the budget review process requires the budget owner to firstly aim to contain the overrun within their own budget, by identifying funding that can be transferred from within their own budget. If that is not possible, then funding should be identified within the relevant Directorate. If that is not possible, then a funding source may be determined in consultation with the Executive Leadership Team (ELT). The ELT may require for the project to be re-scoped to reduce the impact of the potential overrun.
- Identification of deferred expenditure. For example, projects that were planned for 2022-2023 but are now expected to be undertaken in 2023-2024. This mainly occurs in the capital program.
- Identification of additional funding sources or potential revenue shortfalls. The process for dealing with revenue shortfalls is similar to budget overruns (i.e. aim to contain the shortfall within the budget area, or the Directorate, or ELT consultation). Where additional revenue is expected above budget, the source of the additional revenue will be considered and whether it is appropriate to return any overall budget improvement to a reserve.
- Identification of new projects that require recognition of both revenue and expenditure. For example, a new grant that Council has successfully obtained since the original budget was adopted.
- Re-alignment of expenditure against budget i.e. where actual costs may be allocated to a different line item than the budget, creates a need to reallocate funds within the budget. An example is if a budget was allocated in the “materials and contracts” category but actual expenditure was allocated to the “other expenses” category. Realignment of budget between “materials and contracts” and “other expenses” is required.

The overall aim of the budget review process is two-fold:

- To identify where expenditure and revenue are not tracking against budget and to review where necessary; and
- To maintain the Council’s forecast financial position for the remainder of the financial year, in respect of the operating result and the unrestricted cash position.

Additional activities that should be undertaken as part of the review process include:

- Ensuring the labour resources in the budget aligns with where employees are allocated and reconciles back to the payroll system.
- Ensuring the funding sources of projects are identified. For example, the capital program currently has funding sources from around 30 different grants with some grants funding multiple projects.
- Reconciliation of grants back to the opening unspent grants and contract liabilities position. Contract liabilities are effectively grants paid in advance and they need to be brought into the budget in line with when expenditure is expected to occur.
- Reconciliation of the cash position, including cash reserves, to ensure that all cash and reserve impacts are identified and included in the budget review.
- Reconciliation of key items such as Roads to Recovery own source expenditure to ensure the budget remains aligned with funding conditions and other internal reconciliations, to ensure the budget remains in balance and produces an accurate cash forecast.

2022-2023 Operating Budget

There are a range of budget movements outlined in the report attachment which includes detailed explanations of the movements.

Overall, the consolidated position has increased from the adopted budgeted net operating deficit of (\$.996m) to a budgeted net operating surplus of \$0.732m, an increase of \$1.728m. This is predominantly due to operating part of pothole and repair grant received during the year \$2.2m which has accounted in current year.

The budget amendments proposed are:

- Increase in user fees and charges and other revenue by (\$90,000) Includes:
 1. Gravel pit operation reduction in activity (\$143,000), Private work (Road) reduced by (\$100,000) will be negated by lower cost.
 2. Increase in Airport revenue \$100,000, Landfill charges \$227,000 due to increase in activity.
 3. Insurance claim and rebate received was not budgeted earlier included in forecast
 4. Aquatic Centre and other revenue are lowered due to lower activity.
- Increase in operating grants and contributions income \$2,435,000; Major contributors are:
 1. \$2,165,147 Pothole repair grant,
 2. \$200,000 Housing strategy grant,
 3. \$164,000 contribution for RFS activity would be higher as cost has gone up, and
 4. \$112,000 spring game grant won't be received. This will be negated by reduction in cost

Please note that FAG grant budget is unmoved as we won't be able to forecast. Generally, we receive a proportion in advance each year, no notification has been received as yet.

- Increase in material and contractor costs of \$108,000, includes
 1. Inflow and infiltration study for sewer plant differed to next year (\$100,000),
 2. Reduction in Gravel pit operation (\$151,000) and private work activity (\$104,000),
 3. Spring game cost reduced by (\$112,000) grant funding was not received and the event will not be held,
 4. Waste management cost has increased by \$376,000 due to increase in plant cost, repairs and maintenance and audit costs,
 5. Regional Block grant expenses are higher to cover underspent last year and to align with Block grant agreement \$160,000, and
 6. Parks cost is higher mainly due to increase in plant hire cost \$85,000.
- Other Expenses increased by \$177,000 including:
 1. RFS contribution has increased by \$265,000,

2. Disposal cost increased due to contaminated (asbestos) mulch. Fuel cost is higher than budgeted - \$88,000, and
3. Cattle price has dropped significantly resulted in lower cost (\$120,000), Licenses fees cost expected to be lower to than budgeted (\$30,000)

2022-2023 Capital Budget

2022/23 Capital Program

QBR3 shows a net decrease of \$8.717m in the capital program, with the capital budget decreasing from \$96.6m to \$87.959m.

Significant changes in the capital budget include:

- A \$2,309,000 deferral of expenditure in the forecast Includes \$2,354,000 the Armidale Sewer Treatment Plant Upgrade and Sewer Mains Relining partially negated by Diesel Irrigation Pump Replacement Project bought forward from 2023/24 (**\$45,000**) in Sewer Fund.
- A \$1,568,000 reduction in the forecast for the Water fund as Water Security Project delayed (\$2,079,000) which is grant funded and negated by unbudgeted amount spent on Oaky River Hydro Scheme \$216,000 and IOT Proof of concept – Smart meter \$135,000. WTP Filter PLC I/O Replacement -\$110,000 & Armidale WTP - Ozone Plant Upgrades - \$200,000 bought forward from 2023/24.
- General Fund capital expenditure reduced by \$4,840,000 which includes Armidale Creek land masterplan (\$2,173,00) which is grant funded, Airport runway reseal (\$750,000), Bridge renewal (\$1,073,000), Other projects includes Library roof, Armidale sports ground carpark, Dumaresq Dam Fishing Jetty, Portable stage and other minor project rescheduled for next year.
- Most of these projects are predominantly funded from grants and will be rolled over if not completed by 30 June 2023.

It was noted during the preparation of this report that there will be a requirement to change the methodology for the recording of expenditure from Reserves when taking up original Operational Plan figures, to more accurately reflect Reserve Balances.

Budgetary transfers (in and out of Reserves) during the year are disclosed at a high level. While detailed entries to Reserves are performed as part of year end reconciliations and preparation of the annual financial statements, quarterly Reserve movements are not currently reflected at a detailed level in the attached report. The Finance team are working on a process to provide detailed quarterly reserve movements within the Quarterly Budget Review Statement.

Implications

5.1. Strategic and Policy Implications

The quarterly budget review process contributes to:

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

5.2. Risk

QBR3 and subsequent budget reviews provide the opportunity to review the actual position against the adopted budget, providing transparency and highlighting potential financial risks.

It is notable that the economic risks associated with the financial position and cash reserves for the future is highly dependent on:

- 1) Effective budget management and;
- 2) The continuation of monitoring services at existing levels to remain within the funding available.
- 3) Developing a system to accurately record movements in reserves throughout the year.

Other risk areas include: Water income is highly dependent on weather conditions, completion of major capital projects are dependent on supply chain and weather conditions and approval of funding where the projects are funded from external income (i.e. grants). Interest income is dependent on economic conditions.

5.3. Sustainability

Through an in-depth review process, Managers reviewed their adopted budget against planned operational activities. The amendments to the budget are predominantly movements to re-align the budget to match actual expenditure. Other identified amendments outlined in the operating and capital adjustments are partly due to:

1. Deferral of activities to the 2023-2024 financial year;
2. Review of operational activities against Council priorities;
3. Constraints in relation to labour resourcing, supply chain and delivery of programmed works; and
4. Improved revenue funding streams.

Some minor operational budget overruns required attention. These overruns were managed and offset by identified savings and re-alignment of the budget with expenditure. Managers are aware that financial sustainability is a priority and will remain frugal in managing their respective budgets.

The recommendation for the Council to resolve to amend the 2022/23 budget in accordance with the budget review statement for the period 1 January to 31 March 2023 as tabled at the attachment will contribute to the economic sustainability of the Council.

5.4. Financial

Budget Area:	All – as per quarterly budget review attachments						
Funding Source:	Various						
Budget Ref: (PN)	Description	Original Approved Budget \$'000	Actual @31/03/23 \$'000	Committed @31/03/23 \$'000	Proposed QBR3 Adjustment \$'000	Total Forecast	Remaining Budget
OPERATIONAL BUDGET							
GENERAL FUND							
1	REVENUE	\$62,782	\$46,339	\$0	\$2,563	\$66,865	\$20,526
1	EXPENDITURE	\$65,975	\$48,273	\$11,805	\$556	\$69,757	\$9,679
1	NET OPERATING SURPLUS/(DEFICIT)	(\$3,193)	(\$1,934)		\$2,007	(\$2,893)	
WATER FUND							
2	REVENUE	\$12,962	\$10,943	\$0	\$40	\$13,502	\$2,559
2	EXPENDITURE	\$11,677	\$7,747	\$665	(\$3)	\$11,822	\$3,410
2	NET OPERATING SURPLUS/(DEFICIT)	\$1,285	\$3,196		\$43	\$1,680	
SEWER FUND							
3	REVENUE	\$9,589	\$9,771	\$0	(\$78)	\$9,985	\$214
3	EXPENDITURE	\$8,677	\$5,671	\$281	(\$256)	\$8,041	\$2,089
3	NET OPERATING SURPLUS/(DEFICIT)	\$912	\$4,100		\$179	\$1,944	
CAPITAL BUDGET							
GENERAL FUND							
1	FUNDING	\$89,404	\$23,484	\$0	\$7,183	\$88,894	\$65,410
1	EXPENDITURE	\$89,404	\$19,326	\$7,034	\$7,183	\$88,894	\$62,534
1		\$0	\$4,158		\$0	\$0	
WATER FUND							
2	FUNDING	\$12,607	\$7,155	\$0	(\$1,878)	\$17,107	\$9,643
2	EXPENDITURE	\$12,607	\$11,642	\$5,087	(\$1,878)	\$17,107	\$67
2		\$0	(\$4,488)		\$0	\$0	
SEWER FUND							
3	FUNDING	\$1,550	\$927	\$0	(\$2,354)	\$1,007	\$35
3	EXPENDITURE	\$1,550	\$179	\$1,095	(\$2,354)	\$1,007	(\$311)
3		\$0	\$748		\$0	\$0	

The net result of QBR3 is a consolidated operating surplus of \$0.732m compared to the adopted estimated consolidated operating deficit of (\$.996m), representing an increase in the consolidated surplus of \$1.728m.

The General Fund continues to be a key focus of the budget review. The forecast operating deficit of the General Fund has decreased by (\$0.301m) from a deficit of (\$3.193m) to (\$2.892m). This is primarily due to additional operating grant revenue.

The projected General Fund deficit position of (\$2.892m) is inclusive of the forecast surplus position of the Waste Operations of \$2.5m and revenue from the Roads to Recovery (RTR) grant funding of \$1.5m.

The table below shows if these items are removed from the revised Budget result, a forecast deficit of (\$6.89m) will result in the General Fund and a (\$3.27m) deficit at the consolidated level. This reinforces the importance of the proposed 50% SRV to help provide a sustainable future for the General Fund.

Table showing the impact of removal of Waste Operations Surplus and RTR Grant on the Budget Position.

	General Fund \$m	Water Fund \$m	Sewer Fund \$m	Consolidated \$m
Adopted Budget Forecast	-3.20	1.30	0.91	-1.00
QBR1 budget adjustments	-1.50	0.30	0.82	-0.35
QBR2 budget adjustments	-0.20	0.04	0.03	-0.15
QBR3 budget adjustments	2.00	0.04	0.18	2.23
Revised Budget Forecast	-2.89	1.68	1.94	0.73
Deduct Waste Operations Surplus	-2.50	-	-	-2.50
Deduct Roads to Recovery (RTR) Grant (Operating Grant spent in the Capital Program)	-1.50	-	-	-1.50
Revised Budget position after deduction of Waste Surplus & RTR Grant	-6.89	1.68	1.94	-3.27

Impact

The overall financial results are summarised as follows:

Net Operating Result \$'000	Fund			Consolidated
	General	Water	Sewer	
Original Budget	(\$3,193)	\$1,285	\$912	(\$996)
Carry Forwards	(\$3,193)	\$1,285	\$912	(\$996)
QBR 1	(\$4,708)	\$1,632	\$1,739	(\$1,337)
QBR 2	(\$4,899)	\$1,637	\$1,765	(\$1,496)
QBR 3	(\$2,892)	\$1,680	\$1,944	\$732

6. Consultation and Communication

QBR3 entailed an extensive review of budgets at project level analysing data based on the current year to date expenditure. Managers were consulted on areas that were identified as potential risks and/or savings. Managers were provided with the opportunity to convey budgetary implications, risk areas and identified savings that would need to be considered and reported to Council within QBR3.

7. Conclusion

This report recommends that the 2022-2023 Third Quarter Budget Review for the period 1 January to 31 March 2023 tabled at the attachment, be endorsed by Council so that the approved budget and underlying financial results can be recognised.

Item:	8.2	Ref: AINT/2023/11903
Title:	Debt Recovery Policy and Hardship Policy - Updated ARC17/1727-6	Container:
Author:	Ann Newsome, Chief Financial Officer	
Attachments:	1. Debt Recovery Policy - April 2023 - Draft 2. Hardship Policy - April 2023 - Draft 3. Armidale Regional Council - Rater and Water Payment Flowchart - example - April 2023 4. Armidale Regional Council - Hardship checklist - April 2023	

1. Purpose

This purpose of this report is to provide back to Council the updated Debt Recovery Policy and updated Hardship Policy for consideration and subsequent adoption.

2. OFFICERS' RECOMMENDATION:

That Council Adopt the Debt Recovery Policy and Hardship Policy.

3. Background

A review of Council's Hardship & Debt Recovery policies has been undertaken as part of the Special Rate Variation application process. A report was put to Council at a meeting on 26 April 2023 updating the Debt Recovery Policy and the Hardship Policy. The amended policies were put on public exhibition and no submissions were received.

The previous policies were developed in 2021 conjunction with the Community Wellbeing Committee. Only minor changes to these documents have been made.

The Debt Recovery Policy provides a framework for the efficient and effective collection of outstanding debts, balanced with a respectful and sensitive approach to ratepayers and other debtors suffering financial hardship.

The Hardship Policy establishes an effective, accountable and transparent framework for managing the circumstances under which Council will assess requests for relief due to financial hardship.

This policy recognises that ratepayers and other debtors may at times encounter difficulty in the payment of rates, water and other charges. Council's intention is to offer ratepayers in these situations a suitable payment arrangement. Hardship can result from a number of factors including but not limited to:

- Loss of employment or a change in income
- Illness, incapacity, hospitalisation
- Family breakdown or a death in the family
- Natural disaster
- A change in circumstances

4. Discussion

The Council's Hardship & Debt Recovery policies has been undertaken as part of the Special Rate Variation application process. There are only minor changes to these policies.

To assist ratepayers a checklist for ratepayers having difficulty paying has been developed together with a flowchart of the payment process. These documents are referred to in the policy but do not form part of the policies. This will enable the updating of these documents as required.

At any point in time, Council has outstanding debts as a result of:

- Legislative mechanisms that prescribe the way Council must levy rates and annual charges;
- The provision of water services that result in billing for water usage;
- The carrying out of regulatory functions that result in fees and charges levied as a debt;
- The provision of access to community buildings and facilities by way of lease and licence arrangements; and
- A range of services and operations that result in charges levied as debts, including waste and private works.

These various mechanisms that result in the recognition of debts mean that Council is managing up to 25,000 individual debtor accounts at all times.

Council issues approximately 80,000 rates and water notices per year and 15,000 reminder notices. The rate of payment upon receipt of the first notice is approximately 82%. This leaves around 2,200 rates accounts and 1,500 water accounts in arrears at any point in time, requiring a level of debt recovery to be undertaken.

In considering the formation of the recommended policy positions, Council staff were mindful of the volume of debtor accounts under management and limited staff resourcing available. It is therefore important to maintain efficient debt recovery processes in order to maintain the cost of debt recovery at low levels.

In reviewing the policies, many other local government policy positions were reviewed and the recommended policy positions are consistent with industry practice.

Council's preferred outcome for hardship is to have the ratepayer or debtor enter into a suitable payment arrangement that has all debt paid down within a 12-month period. This is so that debt remains manageable and does not build up to levels that may contribute to stress. This will also help avoid escalated debt recovery processes and associated costs. However, the proposed Hardship Policy does contain provision for alternative outcomes.

Under current debt recovery processes, very few ratepayers or debtors reach the stage of legal action or sale of land action being undertaken and Council officer's view this as a positive outcome; however, it does require the application of timely, fair and consistent debt recovery practices in order to achieve this result.

Council officers have identified suitable content for the website to provide information to ratepayers and debtors on potential financial assistance providers. This content is established at: www.armidaleregional.nsw.gov.au/hardship-support.

Managing debt recovery effectively is important so that Council's cash flow is not negatively impacted through an increase in outstanding debt levels. A reduction in the level of cash flow

available would negatively impact Council planned service delivery and programs as this would have to be considered when preparing budgets and forecasts.

5. Implications

5.1. Strategic and Policy Implications

The Debt Recovery Policy and Hardship Policy relate to Council’s financial management and financial sustainability outlined in the Community Strategic Plan, Delivery Program and Operational Plan.

The Debt Recovery Policy and Hardship Policy relate to:

- Council’s Delivery Program 2022-2026 item “S2.3 Manage public resources responsibly and efficiently for the benefit of the community”
- Council’s Operational Plan 2022-23: budget management, financial operations.

5.2. Risk

The updated Debt Recovery Policy and Hardship Policy contribute to Council’s management of risk and represents Council’s efforts to reduce and manage the implications associated with risk.

5.3. Sustainability

Improved risk management and governance practices arising from Council’s comprehensive review of Policies assists Council to improve its sustainability.

5.4. Financial

An update to Council’s Debt Recovery Policy and Hardship Policy does not of itself directly impact a budget line item, however the Debt Recovery Policy and Hardship Policy refer to activities associated with income budgets across Council.

Budget Area:	Finance						
Funding Source:	Rates and Annual Charges, Water User Charges and User Charges						
Budget Ref: (PN)	Description	Approved Budget	Actual	Committed	Proposed	Total Forecast Income	Remaining Budget
Various	Rates and Annual Charges, Water User Charges and User Charges	(\$51,408,094)	(\$49,187,207)	\$0	\$0	(\$51,408,094)	\$2,220,886

The adoption of the updated Debt Recovery Policy and Hardship Policy is expected to indirectly improve Council’s financial position as a result of improved risk management and governance practices.

Council’s policy position also directly impacts the “Rates, annual charges, interest and extra charges outstanding percentage” and any increase in this performance measure would negatively impact available cash balances.

6. Consultation and Communication

The policy revisions and the Hardship Checklist and Rate and Water Payment Flowchart were reviewed and developed in conjunction with the Liveable Key Pillar Working Group including Councillor Debra O'Brien, Councillor Jon Galletly and Mayor Sam Coupland. An invitation to consult on these policies and associated documents was extended to the Armidale Neighbourhood Centre.

7. Conclusion

The intent of the updated Debt Recovery Policy and Hardship Policy is to reflect requirements of the Act and identification of available assistance for ratepayers.

The potential to extend debt repayment timeframes past 12 months and referrals through the financial counselling to support such, will be defined through the operational policy.

To assist ratepayers a checklist for ratepayers having difficulty paying has been developed together with a flowchart of the payment process. Public consultation on this policy is not formally required.

A report was put to Council at a meeting on 26 April 2023 updating the Debt Recovery Policy and the Hardship Policy. The amended policies were put on public exhibition and no submissions were received.

Item:	8.3	Ref: AINT/2023/10501
Title:	Adoption of the final Integrated Planning and Reporting documents and Making of the Rates for 2023-2024	Container: ARC23/5895
Responsible Officer	Chief Financial Officer	
Author:	Renata Davis, Senior Advisor Corporate Planning & Performance	
Attachments:	<ol style="list-style-type: none">1. Operational Plan and Budget 2023-20242. Revenue Policy 2023-20243. Fees And Charges 2023-20244. Operational Plan and Budget Public Submissions 2023-20245. Submission Responses - Operational Plan and Budget 2023-20246. SRV Application 2023-24 Final Report7. IPART Information Paper - Instrument under section 508A of the Local Government Act 19938. Plant and Fleet Capital Expenditure 2023-2024	

1. Purpose

The purpose of this report is to present the final Integrated Planning and Reporting documents for the 2023-2024 Financial Year to Councillors for consideration and adoption.

These documents include:

- Operational Plan and Budget 2023-2024
- Fees and Charges 2023-2024
- Revenue Policy 2023-2024

This report also presents the rates and charges to be made for the 2023-2024 Financial Year, including a permanent 50% (58.8% cumulative including rate peg) Special Rate Variation to be implemented over three years starting 2023-2024, approved by IPART on 15 June 2023.

2. OFFICERS' RECOMMENDATION:

That Council:

- a. Endorse the following documents pursuant to the requirements of the *Local Government Act 1993 (NSW)*:
 - i. Operational Plan and Budget 2022-2023
 - ii. Revenue Policy 2023-2024
 - iii. Fees and Charges 2023-2024
- b. Note that community submissions received during the public exhibition period (Wednesday, 17 May to Wednesday, 14 June 2023) are attached to this report;
- c. Note that Council was notified by IPART on 15 June 2023 that its application for a permanent 50% (58.8% cumulative including rate peg) Special Rate Variation was approved to be implemented over three years including increases of 16.67% in each of 2023-24 and 2024-25, and 16.66% in 2025-26.

- d. Not that the Long-Term Financial Plan was revised and adopted at the Extraordinary Council Meeting of 30 January 2023 as part of Council’s application process for a Special Rate Variation and will be revised in early in the 2023-2024 financial year.
- e. Note that, as part of Council’s application to IPART for a Special Rate Variation, Council committed to phase out the Waterfall Way Landfill levy annual charge of \$155 per year over a three-year period (2023-2024 to 2026-2027).
- f. Note that any statutory fees and charges that have not yet been announced for 2023-2024 will updated and implemented once notification is received.
- g. Formally make rates and charges for the 2023-2024 financial year (1 July 2023 to 30 June 2024 inclusive) as follows:
 - i. Council adopt the addition of the following for application to Ordinary Rates:
 - A 16.67% Special Rate Variation in 2023-2024 as part of the 50% (58.8 % including rate peg) permanent Special Rate Variation (SRV) to be implemented over three years as determined by the Independent Pricing and Regulatory Tribunal. This includes increases of 16.67% in each of 2023-24 and 2024-25, and 16.66% in 2025-26.
 - ii. Note that in accordance with Section 127(2) and 129 of the *Local Government Amendment Bill 2021*, ordinary rates are being harmonised in accordance with the following resolution:
 - Ordinary rates began being gradually harmonised from 1 July 2021;
 - The harmonisation period occurs over four (4) years with the exception of Business - Armidale and Business - Armidale Industrial, which was harmonised effective 1 July 2021;
 - At the conclusion of the harmonisation period in 2024-2025, Council will have 9 rating categories/sub-categories as follows:

Rate Category	Rate Sub-Category
Residential	Armidale
Residential	Guyra
Residential	Non-Urban
Business	Armidale
Business	Guyra
Business	Non-Urban
Farmland	
Farmland	Intensive
Mining	

- The indicative average percentage change, including the rate peg for each rating category and sub-category that will occur in each rating year over the harmonisation period is estimated to be:

Former Guyra Shire Council categories/sub-categories:

Category	Sub Category	2022-2023	2023-2024	2024-2025	2025-2026
Residential	Guyra	2.53%	17.20%	18.54%	16.76%
Residential	Village	0.73%	8.21%	13.20%	10.27%
Residential	Non-Urban	5.58%	18.59%	7.14%	15.16%
Business	Guyra	2.15%	15.65%	16.56%	16.60%
Business	Village	10.65%	19.04%	-23.10%	10.61%
Farmland	Guyra	6.45%	25.46%	27.18%	17.83%
Farmland	Guyra Intensive	8.18%	16.79%	17.63%	16.95%

Former Armidale Dumaresq Council categories/sub-categories:

Category	Sub Category	2022-2023	2023-2024	2024-2025	2025-2026
Residential	Armidale	2.02%	17.37%	17.46%	16.99%
Residential	Armidale (Non-Urban)	2.07%	18.10%	20.90%	16.55%
Residential	Wollomombi	-4.52%	19.87%	-34.25%	7.88%
Residential	Ebor	1.47%	19.58%	-6.47%	10.21%
Residential	Hillgrove	1.73%	-3.71%	-14.21%	10.10%
Business	Armidale	1.56%	18.34%	17.38%	16.90%
Business	Non-Urban	-9.19%	14.58%	21.67%	17.81%
Mining	Armidale	4.92%	18.32%	18.11%	16.95%
Farmland-	Armidale	-0.70%	12.58%	5.02%	16.47%

- iii. Pursuant to Section 494 of the *NSW Local Government Act 1993*, Council make and levy the following Ordinary Rates:

Rate Category	Base Rate \$	Base Rate %	Ad Valorem
			Rate in \$
Residential			
Residential - Armidale	\$470	34.40%	0.4576
Residential - Guyra	\$240	37.52%	0.4334
Residential - Wollomombi	\$230	38.69%	0.842
Residential - Ebor	\$230	43.70%	0.42

Residential - Hillgrove	\$230	40.58%	0.4885
Residential - Non-Urban (Armidale)	\$230	16.47%	0.2973
Residential - Non-Urban (Guyra)	\$230	22.37%	0.3404
Residential - Village (Guyra)	\$215	49.09%	0.3118
Farmland			
Farmland - Armidale	\$1,000	25.75%	0.1361
Farmland - Guyra	\$1,000	23.24%	0.1073
Farmland - Intensive	\$1,150	14.18%	0.4721
Mining			
Mining	\$1,000	14.90%	6.453
Business			
Business - Armidale	\$880	15.45%	1.1873
Business - Guyra	\$410	37.06%	0.8961
Business - Non-Urban (Armidale)	\$190	18.35%	0.2193
Business - Village (Guyra)	\$190	37.98%	0.4422

- iv. Pursuant to Section 501 of the *NSW Local Government Act 1993*, Council make and levy the following annual charge for Water Supply Services:

Charge Description	Charge
Water Access Charge	\$338

The Water Access Charge will be applied as follows:

- Single Occupancy – a fixed service access charge will be applied per assessment.
- Multiple Occupancy (Strata) – a fixed service access charge will be applied per flat/unit.
- Multiple Occupancy (Community Title) – a fixed service access charge will be applied per flat/unit.
- Multiple Occupancy (Non-Strata) – a fixed service access charge will be applied per assessment.

- v. That pursuant to Section 502 of the *NSW Local Government Act 1993*, Council make and levy the following water usage charges for Water Supply Services:

Water Consumption Tariff	Stepped Consumption Tariff per Quarter	\$ per Kilotitre
Residential, Commercial and Untreated Water Consumption Stepped Tariff	0 to 100 kilolitres	4.20
	101 to 250 kilolitres	4.30
	above 250 kilolitres	4.60

Non-Rateable – Flat Rate	N/A	4.6
Intensive Horticulture – Treated Bulk Water Flat Rate	N/A	3.1

- vi. That pursuant to Sections 501, 502, 551 and 552 of the *NSW Local Government Act 1993*, Council make and levy the following rates and annual charges for Sewerage Supply Services:

Charge Description	Charge
Residential - Sewerage Access Charge	\$555.00
Vacant Residential - Sewerage Access Charge	\$555.00
Residential - Multiple Occupancy (each additional Occupancy)	\$555.00
Non-Residential - Sewerage Access Charge	
– Minimum Rate	\$555.00
– *Ad Valorem Rate upon connection	\$0.00305
Vacant Non-Residential - Sewerage Access Charge	\$555.00
Each Additional Urinal	\$102.00
Each Additional Water Closet	\$196.00

* The Non-Residential Ad Valorem Sewerage Access Charge will be the greater of the amount of the sewerage rate generated on the land using the ad valorem calculation or the Minimum Rate.

The Sewerage Access Charge will be applied as follows:

- Single residential properties will be charged a single residential sewerage access charge.
- Multiple occupancy residential complexes will be charged a single residential sewerage access charge plus a flat/unit charge for each additional residential flat/unit.
- Non-Residential properties will be charged the minimum amount while unconnected, upon connection properties will be charged the minimum amount or the ad valorem amount (whichever is greater), with additional charges for multiple water closets and urinals.
- Vacant properties within Council's sewerage service area will be charged a single vacant sewerage access charge.

- vii. That pursuant to Section 496 and 501 of the *NSW local Government Act 1993*, Council make and levy the following annual charges for Waste Management Services:

Charge Description	Charge
Domestic Waste Management	
– Domestic Waste Service	\$467.00
– Additional 140lt Waste Service	\$176.00
– Additional 240lt Organics Service	\$176.00

- Vacant Domestic Waste Management Charge	\$165.00
- Domestic Waste Service - 240lt (Guyra Only)	\$615.00
Commercial Waste Management	
- Commercial Waste Service (1 x 240lt red lid bin) – Collected Weekly	\$467.00
- Additional Commercial Bin (@full cost of Waste Service)	\$467.00
- Commercial Organics 240lt Service – Collected Weekly	\$176.00
- Commercial Organics 240lt Service – Collected 2 x Weekly	\$264.00
- Commercial Recycling Service – Collected Weekly	\$182.00
Rural Waste Management	
- Rural Waste Management Charge - former Armidale Dumaresq Council LGA	\$155.00
- Rural Waste Management Charge - former Guyra Shire Council LGA	\$155.00
Regional Landfill	
- Regional Landfill Levy	\$105.00
- Regional Landfill Operation Charge	\$77.00

A Vacant Domestic Waste Management Charge is to be levied on all rateable parcels of land within the domestic waste collection boundary, which do not have a dwelling and are zoned for residential use in the Local Environment Plan.

Multiple occupancy residential complexes (non-strata) will have a minimum number of full services equal to 50% of the number of flats. Therefore, a block of twelve (12) flats will have six (6) full services as a minimum.

A rural waste management charge will be levied on all rateable assessments which have a dwelling and do not receive a waste collection service.

The Regional Landfill levy and operation charge will be levied on all rateable and non-rateable assessments.

- viii. That pursuant to Section 501 of the *NSW Local Government Act 1993*, Council make and levy the following annual charge for drainage services:

Charge Description	Charge
Armidale Drainage Charge	\$50.00

This charge will be levied on all properties within the Armidale City drainage catchment area.

- ix. That pursuant to Section 496A of the *NSW Local Government Act 1993*, Council make and levy the following annual charge for stormwater management services:

Charge Description	Charge
Guyra Stormwater Charge	\$50.00

This charge will be levied on all properties in the township of Guyra.

That pursuant to Section 566(3) of the *NSW Local Government Act 1993*, Council set the maximum rate of interest payable on overdue rates and charges determined by the Office of Local Government at 9.0% per annum.

h. That Council:

- continues to endorse the sole supplier Procurement Strategy of The Dattner Group to continue to provide high level and specialist consultancy services and consistent approach to achieve Councils culture change objective as part of the “Restore and Thrive” Strategy.
- Endorses the Procurement Strategy in regard to The Dattner Group be endorsed under Section 55(i) of the Local Government Act 1993 (the Act) (that) an exception to the Act as endorsed for this contract where, because of extenuating circumstances, remoteness of locality or the unavailability of competitive or reliable tenderers a satisfactory result would not be achieved by inviting tenderers.
- Endorses the Procurement Strategy in regard to TechnologyOne Ltd be endorsed under Section 55(i) of the Local Government Act 1993 (the Act) (that) an exception to the Act as endorsed for this contract where, because of extenuating circumstances, remoteness of locality or the unavailability of competitive or reliable tenderers a satisfactory result would not be achieved by inviting tenderers.

3. Background

At the Extraordinary Council Meeting of 16 May 2023, Council placed the following draft Integrated Planning and Reporting documents on public exhibition for 28 days, as per *Local Government Act 1993*:

- Draft Operational Plan and Budget 2023-2024
- Draft Fees and Charges 2023-2024
- Draft Revenue Policy 2023-2024

As it was unknown as to the outcome of Council’s application to IPART regarding a Special Rate Variation, Council developed two scenarios for the Operational Plan and Budget to plan for the impending decision – Scenario 1, a Special Rate Variation budget (to accommodate a successful application of 50% (58.8% cumulative including rate peg implemented over three years from 2023-2024), and Scenario 2, Managed Decline (a baseline budget to accommodate a rejected application).

IPART have since advised Council that it was successful in its application for a rate rise of up to 50% (58.8% cumulative including rate peg) implemented in the Armidale Region from 1 July 2023, over three years. Therefore, Council has presented its final Integrated Planning and Reporting documents for the year 2023-2024 in line with the Scenario 1 – SRV, as outlined in the draft documents placed on public exhibition.

This rate rise will allow Council to maintain its assets and will assist Council to amend the operational budget shortfall, while allowing Council to return to a viable financial position and to leverage off this position to improve and grow our region.

4. Discussion

Special Rate Variation

In 2022, Council developed and presented its revised Integrated Planning and Reporting documents in line with its intention to apply for a 50% Special Rate Variation. This included a 'Restore and Thrive' strategy.

This strategy was designed to restore financial viability and mitigate future asset funding gaps, in a financially responsible way in the short-term, and prepare Council and the region to create the growth and activation that will solidify the Armidale Region as a vibrant and popular major regional centre. It recognised that Council had a major backlog in asset maintenance, and was operating with a budget deficit, and would have to need to substantially reduce its services without an increase in revenue.

From May 2022 to September 2022, Council undertook an extensive program of community engagement and presented the findings of the engagement, along with the findings of a 'Capacity to Pay' Report, to the Ordinary Council Meeting of 23 November 2022. At this meeting, Councillors endorsed to notify IPART of Council's intention to make an application for a 50% (58.8% cumulative including the rate peg) SRV to be implemented over three years, beginning in the 2023-2024 financial year.

Council's application to IPART was based on utilising the additional rate fund to:

- improve its financial sustainability by eliminating its general fund operating deficit;
- deliver the services outlined in its draft Integrated Planning and Reporting (IP&R) documents;
- meet its asset renewal funding requirements and appropriately manage the infrastructure backlog, and
- meet compliance obligations under the Local Government Act 1993 (LG Act) and other legislation.

Council formally submitted its application to IPART on 3 February 2023. IPART then conducted its own public engagement and public submissions process before considering Council's application.

On 15 June 2023, Council was formally notified that it was successful in its application, and that a rate rise of up to 50% (58.8% cumulative including rate peg) over three years could be implemented from 2023-2024. The official final report from IPART and the Instrument under section 508A of the Local Government Act 1993 is attached to this report.

Operational Plan and Budget 2023-2024

The Operational Plan and Budget 2023-2024 details the works and services that Council intends to undertake during the next financial year. The actions contained in the Operational Plan have been compiled following extensive discussions and workshops with Council staff and Councillors and have been rigorously tested and balanced against the Year 2 Council Initiatives in the Delivery Program 2022-2026 and the goals and strategies of the Advancing Our Region Community Plan 2022-2032. Both the Advancing Our Region Community Plan 2022-2032

(Community Strategic Plan) and Delivery Program 2022-2026 have already been adopted by Council. The Operational Plan 2023-24 operationalises these plans.

The 2023-2024 Draft Budget is incorporated into the Operational Plan and details the proposed revenue and resourcing allocations to support Council's operational and capital activities.

The Draft Operational Plan and Budget 2023-2024 continues the "Revive and Thrive" Strategy developed as part of the Delivery Program 2022-2026.

Operating Budget Details

This year the detail of the operating budget was developed in two parts, the development of an income and expenditure base line and a detailed schedule of short-term operating projects. This will enable clarity of basic operating costs and transparency in tracking of the short-term operating projects. Council's project ledger is being restructured to enable this reporting. The detail of the operating budget is predominantly shown as short-term operational projects in the operational plan.

The Dattner Group was engaged to provide high level and specialist consultancy services and consistent approach to achieve Council's culture change objective as part of the "Restore and Thrive" Strategy. It is proposed to continue to engage The Dattner Group for this purpose. This is in line with the resolution of Council on 24 August 2022.

TechnologyOne Ltd has historically been engaged to provide a range of software solutions. ARC has been tasked with improving its information services to create efficiencies across the organisation. The success of ARC's strategic objectives to improve efficiencies is strongly linked to the better utilisation of the Enterprise Resource Planning (ERP) capability. ARC's systems and data require a 'back to basics' approach, consolidating and leveraging the systems that we have, with a focus on realising their potential for productivity gains. It is proposed to continue to engage TechnologyOne Ltd for this purpose.

Capital Budget

The 2023-2024 capital program was developed by identifying critical works, projects that are pre-existing commitments, grant dependent projects and a level of asset renewal expenditure that is consistent with Council's Special Rate Variation modelling.

In 2023-2024 council proposes to present two rounds of capital expenditure. Council has traditionally presented more capital projects than it has the capability and resources to deliver in a single year. By breaking capital projects into two rounds it is hoped that a more realistic capital works program is set whilst being prepared to undertake more capital work should timing and resourcing permit.

The first round includes estimated rollovers and new and ongoing works. The second round includes additional capital projects.

Details of proposed Plant and Fleet capital expenditure were not available when the detailed capital expenditure list was developed and are included as an attachment.

Revenue Policy 2023-2024 and Draft Fees and Charges 2023-2024

Council has included the Revenue Policy 2023-2024 and Fees and Charges 2023-2024, as required by the legislation. These documents outline the rates, charges and fees necessary to raise the funding required to support the budget position and funding of proposed activities outlined in the Operational Plan.

Ordinary Rates

Special Variation

Council has been successful in securing a permanent SRV of up to 50% (58.8% cumulative including rate peg) to be implemented over three years beginning 2023-2024. This includes increases of 16.67% in each of 2023-24 and 2024-25, and 16.66% in 2025-26 as determined by IPART. The instrument issued by IPART 15 June 2023 confirming this is attached to this report.

Rates Harmonisation

Since amalgamation of Armidale Dumaresq and Guyra Shire Councils in 2016 Council has been required to maintain two rating systems for the local government area. This was due to a four-year rate freeze imposed by the NSW Government. This meant that Council could not adjust rates beyond the rate peg in the first four years after amalgamation which saw different rates being paid in the former local government areas.

The rates path protection period ended on 30 June 2021 and was only applicable to Ordinary and Special Rates and did not apply to Annual Charges. From 1 July 2021 Council proceeded to harmonise the former Armidale Dumaresq and Guyra Shire Council rating structures, which means creating one rating structure for the Armidale Regional Council local government area.

Full harmonisation from 1 July 2021 would have caused some significant shifts in re-balancing rates between rating sub-categories. In recognition of this challenge, the Office of Local Government developed the Exposure Draft Bill *Local Government Amendment (Rates) Bill 2021* in order to provide legislative mechanisms to allow for gradual harmonisation of rating structures.

Council has taken up the gradual harmonisation of rates over four years due to the significant impact on some categories of ratepayers that immediate harmonisation would have.

The requirements for rates harmonisation are contained in the *Local Government Amendment (Rates) Bill 2021*. Rate harmonisation will continue to be implemented during 2023-2024 financial year.

Water Supply Charges

Charges for water supply services have been determined in accordance with the funding requirements needed to maintain the level of the water reserve. This is a consistent target set for water revenue each year.

For the 2020/2021 Financial Year, Council conducted consultation regarding the increase of consumption fees to cover lost revenue due to the reduction in consumption at that time and made significant changes. For the 2021/2022 Financial years, an additional correction was made to the access charge for the same reasons. Council advised in the 2020/2021 budget consultation, that if consumption rises above 2019/2020 levels, Council will consider a corresponding reduction of water charges – while ensuring the Water Reserve remains at a level needed to ensure our supply network remains fit for purpose. To date, the consumption has not returned to those levels however the cost to supply has continued to increase.

To address regional water security issues, Council has committed to undertake the raising of Malpas Dam Wall by 6.5m and acquire and develop the Oaky River Hydro Dam as an alternative water source. Prior to the drought which peaked in 2019, water security had not been considered as part of the Armidale Regional council's water strategy, hence no funding had been allocated towards those infrastructure needs.

The cost of water production is not immune to inflation and the proposed increase to the access charge at \$23, in line with CPI aims to address this. Whilst Council has flagged there is not the appetite to increase that the cost of water per kilolitre, additional revenue is still required to cover the rising cost of service provision.

As Council has made commitments to address water security and knowing that this will come at considerable cost, it is prudent for Council to plan for those costs and not undermine the success of those works.

As part of strategic planning currently underway, Council intend to look at water pricing which will include the considerations of fair allocation of costs as well as previously unfunded costs relating to water security. That planning is not yet complete and Council has inadequate information to make effective decisions in that space. For these reasons, at this time it is not proposed to reduce the levels of revenue but to take reasonable action to mitigate the increasing costs of water production and prepare for known impending capital investments addressing water security.

As such, the water access charge is proposed to be increased by \$23, in line with CPI, and water usage charges are proposed to be kept at the same level as 2021-2022.

Sewerage Supply Charges

Charges for sewerage supply services have been set at the level to operate and maintain the sewer reserve.

Waste Charges

Charges for waste collection have increased by CPI from the previous year.

Charges for rural waste management have been harmonised for the former Armidale Dumaresq Council and Guyra Shire Council areas with the charge for Guyra increasing by \$20.

Charges for the Regional Landfill are be applied to all properties in the region and consist of a landfill levy and an operation charge. After community consultation during the SRV process the Regional Landfill Levy will be progressively decreased.

Drainage Charges

Charges for drainage and stormwater will apply at the same level as the previous year.

5. Implications

5.1. Strategic and Policy Implications

Link to the Community Strategic Plan and Delivery Program

Community Strategic Plan – Strong Region

S2.1 Provide a strong, transparent, sustainable, and responsive governance for our region

S 2.1.1 Satisfy the Office of Local Government Compliance and Reporting Requirements.

S2.2 Ensure that strategic directions are informed by, and with, the community and are delivered in consideration of available resources.

S2.2.1 Implement the Integrated Planning and Reporting Framework in compliance with legislation.

S2.3 Manage public resources responsibly and efficiently for the benefit of the community.

S2.3.1 Provide high quality, targeted and sustainable services to the community that remain affordable.

S2.3.2 Maintain financial sustainability by meeting Performance Ratios and Fit for the Future Benchmarks, while ensuring sustainable cash reserves to support service levels and assets.

S 2.3.3 Deliver a Financial Improvement Program that determines the future efficiencies and revenue sources required to fund current and future service levels.

S2.3.4 Explore the need with the community to secure additional funding through changes to the rating system to provide the quality of services and facilities expected by our community. Options will include special rate variations and rating category restructures.

Having now received IPART's decision regarding ARC's application for a permanent Special Rate Variation, Council can proceed to implement its Delivery Program 2022-2026 including those Council Initiatives that were contingent on SRV funding being approved (marked accordingly in the document). This will allow Council to deliver the strategic initiatives that will help maintain our assets, grow the region and its prosperity, and improve Council's financial sustainability.

5.2. Risk

In preparing the Integrated Planning and Reporting documents, and Council's rating information, a number of risks have been identified, which have been addressed, as best is possible.

- Inflation – Inflation forecasts are variable and impacts are not consistent across Council's operations. E.g. construction costs have experienced price increases higher than the headline inflation rate.
- Wage indexation has been assumed at 3.5% for a full complement of staff. The *Local Government (State) Award 2017* pay indexation is due to expire in mid-2023-24 and negotiations will be undertaken with the Unions in due course. Whilst the final outcome of the wage negotiation is not yet confirmed it is likely to be 4.5%. As there are a number of vacant positions it is unlikely that additional funds will need to be allocated to employee costs.
- Reputational and political risk relating to the communication for the IPART decision and subsequent determinations of the impacts on baseline operations and proposed special operational and capital projects included in Budget Scenario 1 (SRV).
- Legislative risk - Council is required to place the draft IP&R documents on public exhibition for a minimum of 28 days, consider the public submissions, and present the final documents to Council for final adoption by 30 June 2023 as prescribed by the *Local Government Act 1993*. Not adopting the documents by 30 June 2023 would place Council in breach of this legislation.
- Financial risk – the making of the rates, Council's Fees and Charges and Revenue Policy are all required to be adopted by 30 June 2023 under the *Local Government Act 1993*. If these rates and charges are not in place by 1 July 2023, council's ability to collect revenue will be impacted.

5.3. Sustainability -

The development of the suite of IP&R documents presented for endorsement has considered the Principles of Sound Financial Management as outlined under Section 8B of the *Local Government Act 1993 (NSW)*.

Section 8B of the Act provides that Council spending should be responsible and sustainable, aligning general revenue and expenses.

5.4. Financial

6. Budget Area:	2023-2024 Draft Budget – Scenario One						
Funding Source:	General Fund, Water Fund, Sewerage Fund						
Fund:	Description	Approved Budget	Actual	Committed	Proposed Budget	Total Forecast	Remaining Budget
General	Operating Result	Nil			(\$3,862,696)	(\$3,862,696)	\$0
Water					\$1,332,422	\$1,332,422	\$0
Sewerage					\$2,054,892	\$2,054,892	\$0
Consolidated					(\$475,382)	(\$475,382)	\$0

7. Consultation and Communication

Under the provisions of the Act, the IP&R suite of documents must be exhibited for public comment for a period of 28 days. The public exhibition period was Wednesday, 17 May to Wednesday, 14 June 2023.

A 'Your Say' page was available to the public that outlined information about the public exhibition period and included links to all draft documents. Copies of the draft documents were also available at the front counters of Council's administration buildings in Armidale and Guyra.

All submissions received during the exhibition period are attached to this report along with Council's proposed responses to the submissions.

Regarding the Special Rate Variation, Council undertook an extensive program of community engagement from May 2022 to September 2022. A summary of this engagement is can be viewed in the business papers from the Ordinary Council Meeting of 23 November 2022.

8. Conclusion

On 15 June 2023, IPART notified Council that it was successful in its application for a Special Rate Variation rate peg of up to 50% (58.8% cumulative including rate peg to be implemented over three years). Subsequently, Council presents the final Integrated Planning and Reporting documents and the making of the rates for the 2023-2024 financial year for Council consideration and adoption.

Item:	9.1	Ref: AINT/2023/06595
Title:	Review of Property Addressing & Naming our Roads & Places Policy and Register of Pre-Endorsed Road and Places Names	Container: ARC23/5697
Responsible Officer	Chief Officer Planning and Activation	
Author:	Kylie Steel, Property Addressing & NAR Officer	
Attachments:	1. Property Addressing and Naming our Roads and Places Policy (Reviewed April 2023) 2. Register of Pre-Endorsed Road/Place Names (Reviewed April 2023) (attachment to Property Addressing and Road Name Policy)	

1. Purpose

The purpose of this report is to seek Council's endorsement to place on public exhibition the reviewed *Property Addressing and Naming our Roads and Places Policy* (**Policy**) and the seek submissions (with supporting documentation) for the *Register of Pre-Endorsed Road and Places Names* (**Register**). A further report will be presented to Council following the exhibition and consultation period.

2. OFFICERS' RECOMMENDATION:

That Council:

- a. Endorse the reviewed *Property Addressing and Naming our Roads and Places Policy* for public exhibition for a period of 28 days.
- b. Seek submissions for the reviewed Register of Pre-Endorsed Road and Place Names for a period of 28 days.
- c. Receive a further report once the submission period closes to consider any submissions received.

3. Background

The Policy and Register were previously adopted by Council on 26 May 2021 (Item 202/21).

3.1 *Property Addressing and Naming our Roads and Places Policy* - the objectives of the Policy are:

- that property addressing complies with *NSW Address Policy and User Manual* (AUM) based on Australian Standard (AS:NZS:4819:2011);
- to ensure local road and place naming complies with relevant legislation, policy and guidelines;
- to ensure property addressing and road names do not risk public and operational safety, or cause confusion for emergency response, transport access, communication and mail services;

- to provide a consistent approach to property addressing, local road and place naming;
- to promote the selection of road and place names that have local indigenous, historical, community, botanical or zoological associations;
- to provide the local community and developers with the information on Council's requirements for property addressing, road and place naming.

3.2 *Register of Pre-Endorsed Road and Places Names* - the pre-endorsed road names were included in the former POL071 - *Local Place Naming Policy* commenced on 24 January 1995. A review was conducted in 1997 to include Aboriginal place names and World War Service names and in 2005 to add names from the former Dumaresq Shire Council's Honour Roll.

The Register has not been reviewed since 2005 and does not yet incorporate Guyra Shire Council's Honour Roll, Ex-Servicemen, Aboriginal names and names of Guyra residents representing Education, Culture and History.

4. Discussion

Following the Organisation Restructure, the Policy has been reviewed to reflect the Policy's alignment under the Planning and Activation division and to add information to Item 5.2.2 and add new Item 5.2.4 for retrospective address issues.

The Register has been updated to remove names already in use or no longer adhering to updated AUM.

The Register needs to incorporate names from Guyra Shire Council's Honour Roll, their World War Ex-Servicemen, Aboriginal place names and people associated with Education, Culture and History.

Council is also seeking to add new name and word suggestions (with supporting documentation) from the community. The Guyra information and community suggestions will be checked against the AUM to ensure they meet the following criteria:

- a. Road names shall be written in standard Australian English or a recognised format of an Australian Aboriginal language local to the area of the road.
- b. Road names shall be easy to pronounce, spell and write, and preferably not exceed three words (including the road type) or 25 characters. An exception to this is in the use of Aboriginal names when it is accepted that a traditional name may at first appear to be complex but will, over time, become more familiar and accepted by the community.
- c. Diacritical marks (refer to the AUM for symbol examples) are not to be used in Australian English names, and shall be omitted from names drawn from languages that use such marks.
- d. The following types of punctuation as used in Australian English shall not be included as part of a road name: period (.), comma (,), colon (:), semi-colon (;), quotation marks (""), exclamation mark (!), question mark (?), ellipsis (...), hyphen (-), dash (/), ampersand (&

- and parenthesis (()). For surnames or other names that include a hyphen, the hyphen shall be omitted when used for a road name.
- e. An apostrophe mark shall not be included in road names written with a final 's', and the possessive 's shall not be included e.g. St Georges Terrace not St George's Terrace. Apostrophes forming part of an eponymous name shall be included (e.g. O'Connor Road).
 - f. A road name shall not include a preposition e.g. Avenue of the Allies.
 - g. Road names shall not include the definite article (The) as the first or sole name element of a road name e.g. The Esplanade or The Northern Road is not acceptable.
 - h. A road name shall not be abbreviated or contain an abbreviation, initial or acronym e.g. Mount, not Mt except that St shall be used for Saint.
 - i. For the purposes of consistency, names starting with Mc or Mac shall not have a space included between the Mc or Mac and the rest of the name.
 - j. A road name shall not include Arabic numerals e.g. 3 or 4th or Roman numerals e.g. IV or X. Where numbers are included in a road name they shall be written in full e.g. Fifth Avenue, Ten Mile Road.
 - k. A road name shall have the same spelling as any name from which it is derived.
 - l. A road name shall not include initials e.g. J Jones Road is not acceptable.
 - m. Commemorative Names – the names of people who are still alive shall not be used because community attitudes and opinions can change over time. It is also not appropriate to use nicknames as an alternative to an official name.

Any suitable submissions will be presented to Council for endorsement and inclusion in the *Register of Pre-Endorsed Road and Place Names*.

The pre-endorsed names affiliated with either the former Armidale Dumaresq Council area or the former Guyra Shire Council area should be used in their respective former areas. These areas are determined through the use of the 'Old ADC & GSC LGA Boundary' layer on Council's GIS mapping system.

5. Implications

5.1. Strategic and Policy Implications

- **Operational Plan & Budget 2022/2023**

Enriched Region – Goal 1 – Access to the services and support that facilitates quality of life.

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

E1.3.3 Undertake regulatory controls that maintain community order including Companion Animal Regulation, parking management, building compliance and development assessment certification.

- **Delivery Program 2022-2026**
 Enriched Regional – Goal 1 – Strategy: Access to the services and support that facilitate quality of life.
 E1.3 Foster safety and security within our community and support the provision of basic needs.
- **Advancing our Region Community Plan 2022 – 2032**
 Enriched Region – Community & Culture
 E1.3 Foster safety and security within our community and support the provision of basic needs.
- **Asset Management Plan – Transport 2023**
 PILLAR P5: Enriched Region – Community and Culture
 Goal 1 – Access to the services and support that facilitates quality of life.
 E1.3.3 Undertake regulatory controls that maintain community order including Companion Animal Regulation, parking management, building compliance and development assessment certification.

5.2. Risk

The Policy itself does not present a significant risk to Council or the community; however, there may be risks to individuals if a property is not assigned a property address in accordance with the *NSW Address Policy and User Manual* and the *Australia/New Zealand Address Standard (4819:2011)*.

5.3. Sustainability

No sustainability considerations have been identified.

5.4. Financial

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

6. Consultation and Communication

The *Property Addressing and Naming our Roads and Places Policy* and the *Register of Pre-Endorsed Road and Place Names* will be placed on public exhibition for a period of 28 days, seeking submissions from the community. Council will also consult with the following organisations for submissions to the Register:

- Armidale Regional Aboriginal Advisory Committee
- Armidale & District Historical Society
- Guyra & District Historical Society
- Guyra & District Chamber of Commerce
- Council's Heritage Advisor

- University of New England
- National Parks & Wildlife Service

7. Conclusion

The public exhibition of the Policy and Register will invite the community's input into the revision of the existing Policy and Register. Once the exhibition period is finished a further report will be presented to Council.

Item:	9.2	Ref: AINT/2023/10162
Title:	Armidale Local Environmental Plan 2012 - Planning Proposal 22 - Schedule 5 Environmental Heritage Housekeeping Amendment Container: ARC23/5894	
Responsible Officer	Chief Officer Planning and Activation	
Author:	Jesse Dick, Development Officer	
Attachments:	1. Planning Proposal No. 22 – Housekeeping Amendment to Schedule 5 Environmental Heritage & Associated Heritage Maps	

1. Purpose

The purpose of this report is to seek approval from Council to forward the Planning Proposal (PP) for minor housekeeping amendments to Schedule 5 – Environmental Heritage of the Armidale Regional Local Environmental Plan (**ARLEP2012**) to the Department of Planning and Environment (**DPE**) with a request for a Gateway Determination and to commence the necessary actions resulting from that determination.

OFFICERS' RECOMMENDATION:

That Council:

- a. Endorse the Planning Proposal to undertake housekeeping amendments to Schedule 5 – Environmental Heritage and the associated Heritage Maps of the *Armidale Regional Local Environmental Plan 2012* to correct minor errors and mis-descriptions.
- b. Forward the endorsed Planning Proposal to the *NSW Department of Planning and Environment* with a request for Gateway Determination and exhibit the proposal in accordance with that determination.
- c. Seek authorisation from the *NSW Department of Planning and Environment* for Council to be the local plan-making authority.

2. Background

PP No. 22 (**Attachment 1**) intends to correct numerous errors within Schedule 5 – Environmental Heritage of ARLEP 2012 and the associated Heritage PDF Maps. The issues are considered to be minor in nature and largely relate to;

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

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

3. Discussion

If an LEP is to be amended or a new one created, the change is made through the preparation of a PP which explains the intent of the proposed change(s) and the justification for the LEP amendments.

Figure 1 provides an outline of the process required to prepare/amend an LEP. We are at stage 2 of the process, as outlined below.



Figure 1: Planning Proposal Process

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

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

Amending Schedule 5 – Environmental Heritage

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

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

The proposed changes to Schedule 5 are shown in Part 2 of Attachment 1.

Amending the Heritage Maps

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

The proposed changes to the Heritage Maps are shown in Part 4 of Attachment 1.

Council must now decide whether to support the PP and forward to DPE for Gateway Determination. If supported, the amendment to Schedule 5 of ARLEP 2012 and the associated Heritage Maps will correct errors and mis-descriptions that presently impact on the accuracy of the LEP and any associated planning advice, or planning reports that may be generated. Council's statutory Section 10.7 Planning Certificates are also impacted by the errors which presents a legislative and regulatory risk at the present time.

4. Implications

4.1. Strategic and Policy Implications

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

4.2. Risk

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

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

However there is an indirect Legislative and Regulatory Risk if the proposed changes to Schedule 5 and the associated Heritage Maps are not adopted, as the current information contained within ARLEP 2012 is incorrect, thus impacting on planning advice and the provision of Section 10.7 Planning Certificates.

4.3. Sustainability

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

4.4. Financial

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

5. Consultation and Communication

No formal public consultation has been carried out in relation to this matter as a result of the nature of the PP. Consultation may be required at a later stage in order to complete this amendment to ARLEP 2012, however this will be stipulated by DPE should it issue a Gateway Determination in relation to the PP and specify that public exhibition is required.

6. Conclusion

This report recommends that the PP be forwarded to DPE with a request for a Gateway Determination. The Gateway Determination will specify any government agencies to be consulted, the terms of community consultation/public exhibition, any further specialist studies to be undertaken, and whether or not Council may exercise its local plan-making delegations. Once all of these matters have been addressed, a further report will be presented to Council.

Item:	9.3	Ref: AINT/2022/49972
Title:	Planning Agreement with Enerparc Australia Pty Ltd associated with the Tilbuster Solar Farm	Container: ARC20/4376
Author:	Daniel Boyce, Chief Officer Planning and Activation	
Attachments:	1. Tilbuster Planning Agreement and Explanatory Note	

1. Purpose

The purpose of this report is to seek Council approval to enter into a Planning Agreement (**PA**) with the Developer of the Tilbuster Solar Farm and publicly notify the Draft PA and explanatory note.

2. OFFICERS' RECOMMENDATION:

That:

- a. Council agrees to publicly notify, for a minimum period of 28 days, the Planning Agreement (**PA**) between Council and the Developer of the Tilbuster Solar Farm which proposes that the Developer make the following contributions:
 - i. A lump sum payment of monetary contributions of \$1,529,000 for public purposes determined by Council; and
 - ii. Provision of funding for community engagement process to co-design the benefit sharing strategy for the Community Benefit Fund.
- b. The General Manager is authorised to do all things necessary to arrange the public notification of the **PA**.
- c. Following the public exhibition period, a report be presented to Council for further consideration, if any submissions are received.
- d. Council agrees to enter into the **PA** if no submissions are received during the public exhibition period, without any further report to Council being required, and the Council delegates to the General Manager the authority to execute all documents and do all other things necessary to enter into the **PA** on behalf of Council, and to effect the registration of the **PA** on the title to the land to which it applies.

3. Background

The development of a 150 MW solar farm, energy storage facility and associated infrastructure on Lot 3 Deposit Plan (**DP**) 800611, Lot 1 DP 225170 and Lot 1 DP585523 (**the Tilbuster Solar Farm**) was lodged with the NSW Government and exhibited from 21 October 2020 until 18 November 2020.

At the October 2021 Ordinary Council Meeting (**OCM**) Council resolved to accept the general terms of a Planning Agreement (**PA**) offered by the Developer of the Tilbuster Solar Farm (390/21). The **PA** provides a lump sum payment of \$1,529,000, to be paid to Council on commencement of construction of the development.

The Tilbuster Solar Farm was approved subject to conditions on 3 March 2022 by the Director, Energy Assessments under delegation from the Minister for Planning and section 4.38 of the *Environmental Planning and Assessment Act 1979* (**the Act**).

4. Discussion

The PA is an agreement between the Council and the Developer under section 7.4 of the Act that is entered into in connection with the Development Consent granted to Development Application SSD9619. Council has agreed to the general terms of the PA (390/21) and is now required to endorse the Draft PA and explanatory note (Attachment 1) for public exhibition.

The purpose of the PA is to secure off-site benefits for the community so that Tilbuster Solar Farm delivers a net community benefit for the Armidale Region. The PA promotes the public interest by securing the provision of monetary contributions to secure off-site benefits for the community so that development delivers a net community benefit.

5. Implications

5.1. Strategic and Policy Implications

T1.1 Attract new job creating investment to the region: Leverage our status as a Renewable Energy Zone to attract new engine room industries and negotiate community benefit sharing arrangements that deliver a long-term dividend for the region (T1.1.4)

The PA aligns with the above strategic direction set by Council as part of the new Delivery Program.

5.2. Risk

Legal, Legislative and Regulatory Risk: Entering into a planning agreement presents some legal, regulatory and legislative risk however given Council solicitors have reviewed the draft planning agreement the risk is considered minimal and manageable.

5.3. Sustainability

Entering into a Planning Agreement will provide funding for community projects.

5.4. Financial

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

6. Consultation and Communication

If endorsed by Council the PA and explanatory note will be publicly notified in accordance with the Act.

7. Conclusion

At the October 2021 OCM Council resolved to accept the general terms of a PA offered by the Developer of the Tilbuster Solar Farm (390/21). The PA provides a lump sum payment of \$1,529,000, to be paid to Council on commencement of construction of the development. The purpose of the PA is to secure off-site benefits for the community so that Tilbuster Solar Farm delivers a net community benefit for the Armidale Region. This report recommends the PA and explanatory note be publicly notified in accordance with the Act and that Council agree to enter

into the PA if no submissions are received during the public exhibition period, without any further report to Council being required.

Item: 10.1 **Ref:** AINT/2023/11514
Title: Community Small Grants allocation of funds 2022-2023 Financial Year
Container: ARC16/0443-7
Responsible Officer: Chief Officer Corporate and Community
Author: Kylie Giles, Manager Community Services
Attachments: Nil

1. Purpose

The purpose of this report is to provide Council with the details to support the allocation of funds within the Community Small Grant Program for the 2022-2023 financial year.

2. OFFICERS' RECOMMENDATION:

That Council approve the distribution of \$20,000 budgeted under the 2022-2023 Community Small Grants Program for the following organisations:

Grant Recipient	Program Delivery	Grant \$ (max \$3000.00)
Bald Blair P & C	Yoga Wellbeing get together's	\$3000.00
Armidale Pipe Band	Recruit and train new drumming corps	\$3000.00
St Marks UNE	Extended family foster children holiday camp	\$3000.00
ZONTA Club of Armidale	Young Women making a difference program	\$2975.00
Bangladesh Cultural Society	Annual Cultural Program	\$2750.00
Armidale Spinners and Weavers	Replacement of display cabinets for community events	\$2000.00
Armidale Crafty Quilters	Hire of Kent House	\$1500.00
Helping Children and Families Association	Recruitment and training of volunteers and services to additional families	\$1000.00
Guyra Campdraft Committee	Guyra Campdraft 2023	\$775.00
TOTAL	9 ORGANISATIONS	\$20000.00

a.

3. Background

The Community Small Grants Program supports groups and services within our local government area to address identified needs while promoting social inclusion and community connections.

The Community Small Grants Program opened on the 20th of April 2023 and closed on the 21st May 2023. Twenty-one (21) applications were received with a total request pool of \$55,000 received by close of the round. This round committed \$20,000.00, with a maximum allocation of \$3,000 per application. This provision was an increase from the usual \$2,000 limit per

application, due to the usual two rounds of grants being combined into the one opportunity for this financial year.

4. Discussion

Applications must detail the benefits to the ARC LGA community. In doing so, they demonstrate this by outlining the aims and objectives of the project/activity and identify who the target population is.

There were nine successful recipients covering a good cross section of the regional LGA, with representation in Armidale, Guyra, and the Bald Blair areas. The successful applicants represent service provision to young children and families, foster care children, Young Women, musical participation, mental health/wellbeing, art and craft groups, disability/access, as well as multicultural programs and sporting activities.

5. Implications

5.1. Strategic and Policy Implications

The Community Small Grants Program aligns to Councils current Delivery Program, Community Plan and Operational Plan and Budget.

1. Advancing our region- Community plan 2022-2023
2. Delivery Program 2022-2026
 - E2.5 Creating an inclusive and cohesive community that celebrates differences and similarities
 - E2. 6 Encourage, support and promote community groups and volunteers in their invaluable contributions to community life.

The Community Small Grants Program aims to:

- Provide local community groups financial support to implement or continue programs and initiatives that are considered beneficial to the Armidale Regional Council Local Government Area (ARC LGA).
- Support, foster and encourage collaboration between groups and organisations within the ARC LGA.
- Support and or contribute towards the goals outlined in Council's Community Strategic Plan.
- Provide seed-funding support for programs, which have specific and long-lasting benefits to the community.
- Foster equal access opportunities to all community groups.
- Encourage inclusion and social enrichment through contribution to the local community.

5.2. Risk

Reputation Risk: Due to the high number of applications, it was not possible to fund all grant applications which may see a level of dissatisfaction from unsuccessful applicants. The selection panel having a clear understanding of the selection criteria and process and using this to justify their selection decisions helps mitigate this.

5.3. Sustainability

\$20,000 has been allocated for the Community Small Grants program in the 2022-2023 annual budget. No funds have been expended from this allocation to date. The 2023-2024 Community Small Grants Program will see a revised and streamlined process. This will include going paperless and the move to a fully on-line application process.

5.4. Financial

Budget Area:	Community Services 2022-2023						
Funding Source:	Council Funded						
Budget Ref: (PN)	Description	Approved Budget	Actual	Committed	Proposed	Total Forecast Expenditure	Remaining Budget
	Community Small Grant Program	\$20,000	\$20,000	0.00	\$20,000	\$20,000	0.00

6. Consultation and Communication

Notification: A media release was issued and information provided on the council website and social media pages. Community groups that had previously requested to be notified when this grant round opened were contacted directly, via email and phone and provided with the details of the round opening.

The assessment panel: The panel consisted of three representatives, including:

- 1 x Councilor representative
- 2 x Council Officers

All assessed the applicants against the selection criteria and program guidelines. Applicants were advised of the assessment panel meeting and that a report of recommendations would be considered at an Ordinary Council Meeting, following which notification of outcomes would be provided in writing to all applicants.

7. Conclusion

This report to Council outlines the 2022-2023 Community Small Grants panel recommendations for expenditure of the costed twenty thousand dollars with in this approved budget item. It further outlines the Community Organisation's recommended to receive this financial allocation and each allocated amount. The selection panel reached a unanimous decision regarding the suitability of the nine successful applicants and were in agreeance for the allocation of this round of Community Small Grants.

Item:	10.2	Ref: AINT/2023/11541
Title:	Aboriginal Advisory Committee Report	Container: ARC16/0605
Responsible Officer	Chief Officer Corporate and Community	
Author:	Kylie Giles, Manager Community Services	
Attachments:	1. Minutes - Armidale Regional Aboriginal Advisory Committee - 06 June 2023	

1. Purpose

This report is to provide Council with the minutes of the Aboriginal Advisory Committee meetings held on 6 June 2023

2. OFFICERS' RECOMMENDATION:

That Council note the Minutes of the Aboriginal Advisory Committee meeting held on 6 June 2023

3. Background

The primary responsibilities of the Aboriginal Advisory Committee are to: -

- develop and implement strategies which reflect mutual respect, awareness and dignity in services for and to Aboriginal people;
- promote the status of Aboriginal people in the Armidale Regional Council local government area;
- facilitate positive relationships between Council and the local Aboriginal community;
- provide an information exchange forum on local initiatives and issues;
- provide advice on issues related to Aboriginal Community Development;
- promote mutual awareness and respect for the cultures of both the Aboriginal and non-Aboriginal communities;
- increase the Council's and the public's awareness of the needs of the Aboriginal community;
- actively participate in and promote significant events;
- inform, monitor and evaluate Council's Reconciliation Plan

The Committee representatives include various community representatives working within local Aboriginal services, or representing the needs of Aboriginal people, across the region, along with and ARC Councillor and ARC's Aboriginal Community Development Officer.

4. Discussion

At the meeting on the 6 June the Committee discussed the following items:-

- The acceptance of the new Terms of Reference for the Aboriginal Advisory Group
- Jeff Siegal reported on the recent Armidale Reconciliation Bridge walk and its success- stating other councils are replicating this event.

- Nelle Blair advised the Council of the joint NAIDOC Week being held in Guyra with the Guyra Pre-School and Long Day Care Centre, on the 4 July 20213

5. Implications

Not Applicable

5.1. Strategic and Policy Implications

E2 Goal: A proud, inclusive and cohesive community that celebrates our region in all its diversity and culture

E2.3: Celebrate our local Aboriginal history and traditions, and support cultural understanding and development

5.2. Risk

There are no risks associated with this report

5.3. Sustainability

The implementation of the Terms of Reference for the Aboriginal Advisory Committee will ensure the sustainability of decisions and recommendations of the Group moving forward. With the addition to the Terms of Reference of a clear and set membership decisions and recommendations will be able to be made and minuted in a far more timely and informed way.

5.4. Financial

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

There are no cost associated with the provision of this report.

6. Consultation and Communication

The Aboriginal Advisory Committee comprises of 6 member organisations and 6 individual community members- who each have voting rights. Other organisations and individual are able to attend and contribute to discussions. Meetings are held bi-monthly.

7. Conclusion

That Council note the minutes of the Aboriginal Advisory Committee meeting held on the 6 June 2023.

Item:	11.1	Ref: AINT/2023/11368
Title:	Kempsey Road Status Report	Container: ARC20/4322
Responsible Officer	Chief Officer Assets and Services	
Author:	Glenn Spires, Manager Design & Deliver	
Attachments:	Nil	

1. Purpose

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

2. OFFICERS' RECOMMENDATION:

That Council note information within report regarding the Kempsey –Armidale Road Restoration Project following the Steering Committee held Thursday 8 June 2023.

3. Background

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

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

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

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

1. **Natural Disaster Recovery Works (Milestone 1)** (ch72.95km - ch116.00km) comprising restoration of a 43km section of the Kempsey-Armidale Road and a 5.1km long section of Lower Creek Road, Lower Creek, to their pre-disaster conditions;
2. **"Improvement Works" Projects** comprising of the following three projects:
 - a. **Blackbird Flat (Milestone 2)** - Fixing Local Roads, Round 3 Location 1 Blackbird Flat Cutting (ch73.50km-ch74.05km) and includes sealing this section of pavement;
 - b. **Flying Fox (Milestone 3)** - Fixing Local Roads, Round 2 Location 3 Flying Fox Cutting (ch86.30km-ch88.15km) and includes sealing this section of pavement; and
 - c. **Big Hill (Milestone 4)** - Restart NSW, three curves on Big Hill, sites 3 and 4 ch112.888km - 113.193km, and site 12 ch108.563km – ch108.723km) – with these three curves being constructed as unsealed pavements

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

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

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

Stage 2 – ECI - IN PROGRESS

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

At the completion of the ECI phase the Contractor will have completed the 30% detailed design of these four projects and provided to enable the Kempsey-Armidale Road Natural Disaster Recovery Collaborative Design & Construct (D&C) Contract to commence based on having provided:

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

Stage 3 – Early Works Contract - NOT STARTED

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

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

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

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

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

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

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

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

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

The Kempsey Road Steering committee comprises of the following members:

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

(V) = Voting Member

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

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

4. Discussion

At the KRSC meeting held Thursday 8 June 2023, the client-side Project Director - Sean Sample provided the following update:

Initial cost estimates provided by SWC in a commercial workshop held 23rd May 2023 have provided KARRP with an indication of potential Target Outturn Cost (TOC). The meeting has provided guidance to the team as to the assessment and administration activities required to be undertaken when the TOC is received.

SWC have issued a 2nd EOT Letter requesting an extension to 21 August 2023. This is currently under consideration by the Project Team.

Council has provided initial feedback on the draft funding Deed to TfNSW.

The survey and fact sheet distributed to the Community in April received a large amount of negative feedback resulting in an open letter being issued to SWC by the Lower Creek Local Community Committee (LAC) requesting a meeting with Council.

A meeting between Council, SWC and the LAC was subsequently held on 24 May 2023 to provide a general project update as well as to address the concerns and issues raised. This meeting was generally considered to have been successful with several issues able to be clarified.

A community meeting was also held on Saturday 3 June 2023, again to provide a general project update as well as to address the concerns and issues raised by the community.

A meeting was held with Oven Mountain Pumped Hydro Scheme to discuss alignment of project and planning pathways and share risks associated with each project.

A number of new staff commenced on the project over the last few weeks including the Project Director – Sean Sample, Senior Project Manager – Brett Freeman, and Commercial Manager Graham Dowdell. The additional resources mark an important milestone with these resources now expected to remain on the project for the remainder of its lifespan.

5. Implications

5.1. Strategic and Policy Implications

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

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

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

5.2. Risk

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

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

Safety

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

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

Quality

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

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

Environmental

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

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

A Review of Environmental Factors (REF) has been undertaken as part of the project, has been audited by third party and new being revised. The REF nominates the known environmental risks with the project and outlines the obligations Council and the contractor have to administer and mitigate those risks.

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

Financial Risk

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

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

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

With over \$400M being delivered over four years, the volume of cash flow has the ability to distort and or hide important financial ratios that indicate Council's operational financial performance. Appropriate segregation of funding management and reporting is required to ensure the cash flow does not mask underlying issues.

Reputational

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

The greatest challenge with reputational risk is that whilst the touch points are centred on the project, Council's reputation extends with most of those involved beyond the project. For

instance, Council is dealing with TfNSW on the project, but also deals with TfNSW as part of the Road Maintenance Council Contract (RMCC) which is work Council completes on other roads within the LGA.

Resourcing (People, skills, systems and tools)

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

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

5.3. Sustainability

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

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

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

5.4. Financial Performance

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

OVERALL BUDGET SUMMARY (EXCL. GST)				
	Budget \$	Contracts / Commitment s \$	Actuals (to month end) \$	Comments
Approved Budget / Commitments				
KAR AGRN898 Re-construction of Six , Drainage Structures (EPARW2)	\$6,412,752.24 inc Corn Patch \$5,545,650.00 6 Curves only	\$172,869.24	\$4,668,699.29	Nearing Completion
KAR AGRN898 Interim Fund (EPARW4)	\$568,457.89	\$0.00	\$568,457.89	Closed

KAR AGRN1012 Interim Fund (EPARW4)	\$1,204,742.11	\$25,719.80	\$989,632.15	Open
KAR AGRN1012 Emergency Works Only	\$14,500,000.00	\$0.00	\$10,518,551.89	Closed
KAR AGRN1012 Main Recovery Works (EPARW3) ECI/Early Works-1	\$408,000,000.00	\$1,445,266.24	\$3432,019.08	Open
KAR FLR (R2) – Flying Fox Cutting (Improvement Works)	\$4,984,930.00	-	\$162,056.51	Open
KAR FLR (R3) – Blackbird Flat (Improvement Works)	\$2,996,000.00	-	\$120,897.58	Open
KAR FCR –Big Hill Projects (Improvement Works)	\$4,671,083.00	-	\$341,173.37	Open
Total Funding	\$442,470,863.00	\$1,643,855.28	\$20,801,487.76	

Expenditure to Date

The total expenditure to date is \$27,730,433.52

Overall Forecast

TBA following submission and acceptance of ECI submission by Seymour Whyte Constructions Pty Ltd.

Forecast to Complete

TBA following submission and acceptance of ECI submission by Seymour Whyte Constructions Pty Ltd.

6. Consultation and Communication

A survey and fact sheet distributed to the Community in April received a large amount of feedback resulting in an open letter being issued to SWC by the LAC requesting a meeting with Council.

A meeting between Council, SWC and the LAC was subsequently held Wednesday 24 May 2023 to provide a general project update as well as to address the concerns and issues raised. This meeting was generally considered to have been successful with several issues able to be clarified.

A community meeting was also held on Saturday 3 June 2023, again to provide a general project update as well as to address the concerns and issues raised by the community.

7. Conclusion

It is recommended that Council note information within report regarding the Kempsey – Armidale Road Restoration Project following the Steering Committee held Thursday 8 June 2023.

Item:	11.2	Ref: AINT/2023/11904
Title:	Adoption of Gates and Stock Grids on Public Roads Policy Container: ARC16/0652	
Author:	Alex Manners, Chief Officer Assets and Services	
Attachments:	<ol style="list-style-type: none">1. POL087- Gates and Stock Grids on Public Roads2. Council Resolution 34/23 Exhibition of Gates and Stock Grids on Public Roads - Council - 26 April 20233. Gates and Stock Grids on Public Roads - Submission - Jock Menzies4. Gates and Stock Grids on Public Roads - Submission - Trevor and Jillian Foley5. Gates and Stock Grids on Public Roads - Submission - Andrew Cameron	

1. Purpose

The purpose of this report is Council to adopt the revised policy POL087 - Gates and Stock Grids on Public Roads following public exhibition and to confirm policy implementation.

2. OFFICERS' RECOMMENDATION:

That Council;

- a) Adopt the Policy POL087 – Gates and Stock Grids on Public Roads; and
- b) Note implementation of the policy through the commencement of removal of obsolete grids and gates and the issue of new permits in accordance with the *Roads Act (1993)* following appropriate notification to landholders.

3. Background

Ordinary Council Meeting 26 May 2021

Council adopted the Grids and Gates Policy at the 26 May 2021 Council meeting, to come in to effect from 1 July 2021. The adopted Policy had a 12-month implementation timeframe from 1 July 2021 to 1 July 2022 for:

- Council staff to determine ownership of existing grids and gates on Council roads where ownership is uncertain. At the end of that period, Council may remove a grid or gate where ownership has not been clarified; and
- Existing grid and gate owners to upgrade, repair, remove or replace non-compliant grids and bring them into compliance with the policy as approved on 26 May 2021. All associated costs were to be the responsibility of the grid or gate owner.

Upon adoption of the Policy at the 26 May 2021 meeting (attached for your reference with covering report), Council undertook engagement activities with landowners who may be affected by the implementation of the Policy as approved. During this engagement a number of questions arose from landowners relating to responsibilities for maintenance and public liability insurance.

As a result of these queries, Council undertook additional review of the Policy and determined that changes to the Policy are required.

Considering feedback from landowners and Council's insurer, Council staff delayed the determination of grid ownership which in turn impacted the implementation of the existing policy.

Ordinary Council Meeting 29 June 2022

At the 29 June 2022 Council meeting, Council resolved to:

- a. Refer POL087 – Gates and Stock Grids on Public Roads and public feedback to the Connected Region Key Pillar Working Group to discuss and make comment on proposed grid ownership, maintenance liabilities and transition options;
- b. Extend the ownership nomination period for an additional 12 months for Council staff, in consultation with the relevant working group, to determine ownership of existing grids and gates on Council roads where ownership is uncertain.
- c. Extend the current transition period for an additional 12 months from 1 July 2022 for existing grid and gate owners to upgrade, repair, remove or replace non-compliant grids and bring them into compliance with the updated policy POL087, noting all associated costs are currently the responsibility of the grid or gate owner as per the policy.

As reported at the 26 May 2021 Council meeting, there is a need to harmonise the policy on grids and gates on public roads of the former Armidale-Dumaresq and Guyra Shire Councils.

In the former Guyra Shire Council area, there were 80 stock grids on public roads. The property owner was responsible for installation and maintenance of the grid and associated signs plus maintenance of the road for a distance of 20 metres on both sides of the grid.

In the former Armidale-Dumaresq Council area, there were 205 stock grids on public roads. The owner was required to pay for the installation of a grid, but Armidale Dumaresq Council was responsible for maintenance of the road and the grid.

Where grids were found to be no longer required, they were removed from the road by Council, and in some cases given to the landowner if they wanted to reuse them on their own land.

In the preparation of the Policy as adopted by Council on 26 May 2021, consultation was undertaken with by GHD on behalf of Council on the draft policy with the Armidale and Guyra branches of the NSW Farmers' Association.

Following adoption at the 26 May 2021 Council meeting, a large amount of public feedback on the policy and its implementation has been received. Grid and gate condition and ownership has not yet been determined for all grids and gates.

Following the feedback, legal advice was sought to:

- a) Conduct a legal review of Gates and Stock Grids on Public Roads (adopted on 26 May 2021) (the Policy) to consider whether it is consistent with relevant legislation including the *Roads Act (1993)*, *Roads Regulation (2018)*, *Dividing Fences Act (1991)* and *Local Government Act (1993)*.
- b) Answer the following questions:
 - i. Who has ownership of grids when they are installed on roads for which Council is the roads authority;
 - ii. Who is liable in relation to maintenance and repairs to the grids; and

- iii. Who is liable in the instance that damage is caused by the grids.

The advice is included as a confidential annexure to the report.

In summary, the advice provided is as follows:

- a) Council's Policy is generally consistent with the *Roads Act (1993)*, *Roads Regulation (2018)* and other legislation. However, there are amendments to the Policy which should be made to ensure the Policy is fully consistent with legal requirements.
- b) In relation to the specific questions asked by Council, we provide the following advice:
 - i. Council retains ownership of grids when they are installed on roads for which Council is the roads authority;
 - ii. In relation to liability for maintenance and repairs:
 - a. The occupier of the land is liable in relation to maintenance and repairs to public gates and grids installed pursuant to Part 9 Division 2 of the *Roads Act (1993)* (a permit granted for a public gate or by-pass);
 - b. The person who has a right to control, use or benefit from the public gate or grid is liable to carry out maintenance and repairs in relation to public gates and grids installed pursuant to Part 9 Division 2 of the *Roads Act (1993)* (a permit granted for a public gate or by-pass), or Part 9 Division 3 (a consent granted for other works and structures).
 - iii. If damage is caused by the grids it is the responsibility of the persons noted above to attend to the maintenance and repair of the grid.

From the advice it is clear that the structures in the roadway should be treated similar to other structures for which Council grants approvals under Section 138 of the *Roads Act (1993)* such as retaining walls, signage and other structures.

The legal advice regarding ownership does not cite reference to any legislation. The legislated process for application for permit, installation and maintenance obligations being the responsibility of the benefiting landholder all point to the ownership of the structure being that of the benefiting landholder.

4. Discussion

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

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

During the exhibition period, the policy was placed on public exhibition on Council's Have Your Say Website.

Further, in accordance with the Council resolution at the OCM held 26 April 2023, the policy was referred to Cr O'Connor on 2 May 2023, the Chair of the Connected Regional Key Pillar Working Group to arrange the community engagement sessions.

During the Council's 28-day public exhibition period, three submissions were received. All three have had preliminary letters sent acknowledging their submissions and these submissions have been referred to the Chair of the Connected Regional Key Pillar Working Group.

Lack of consultation was mentioned multiple times as well as implementation concerns.

One submission nominated that the only mechanism for harmonisation was for Council to adopt the ownership and maintenance of all grids in the Local Government Area. It is not recommended for Council to commit to take on the maintenance of these assets as it would be in contravention to Section 142 of the *Roads Act (1993)*.

Two of the three submissions questioned the liability for accidents associated with the structures being maintained by landholders and the current state of the assets.

The cost impost to landholders was flagged as a high concern as well as ongoing costs and standard of maintenance. One submission made suggestion that Council make provision for the maintenance and charge a fee to the landholder for that work.

It should be noted that this mechanism is proposed under the policy as part of section 5.1.2 - *"Council can undertake maintenance of the grid and adjacent road pavement if nominated by the grid owner. See current Council fees and charges. Costs will be charged to the grid owner"*.

Further, for new grid installations, it is proposed under part 4.2 of the policy that *"Council can provide and install a grid (including associated pavement works) if nominated by the applicant. See current Council fees and charges. Costs will be billed to the grid owner and are to be paid prior to construction"*.

One submission raised concerns over the imposition of a Special Rate Variation and the implementation of the policy as a reduction in service.

The submissions nominated fencing as an alternative to stock grids being cost prohibitive. It is clear that the most cost-effective solution is dependent on the length of fencing required and the type of fencing used. The cost of fencing per kilometre ranged from \$12,500 to \$20,000 between the submissions.

The responses flagged changing the fencing arrangements would raise some logistical challenges including separation of stock from water. These are valid concerns and should weigh into the cost benefit analysis for individual landholders to inform their decision to fence road reserve or install and retain grids.

A common theme was the location of constructed roads not aligning with the cadastral road alignment. This is prevalent throughout NSW and this policy and report does not seek to address this.

Constructively one submission recommended to stage the implementation over a number of financial years. This is a practical way to spread the costs of any required upgrades and or replacements. It is proposed that as the policy is implemented, that reasonable timeframes for reconstruction and upgrades are negotiated with individual landowners that does not exceed 24 months.

During the public exhibition period, minor formatting was undertaken by Council staff.

During the 28 days public exhibition, the opportunity to run concurrent community engagement sessions in line with the public exhibition period was provided to the Chair of the Connected Region key pillar working group in accordance with the Council resolution. Despite prompts, this community engagement has not occurred.

As no other community engagement has occurred, no further changes can reasonably be expected to be incorporated into the Policy and it is presented for Council for adoption.

Following adoption of the policy POL087 – Gates and Stock Grids on Public Roads, implementation of the policy is proposed through the commencement of removal of obsolete grids and gates and the issue of new permits in accordance with the Roads Act (1993) following appropriate notification with landholders.

Implementation

Inspections have been conducted on the majority of identified gates and stock grids to confirm condition and determine likely landholders that gain benefit from the structures in accordance with the actions nominated as part of the report to council at its 26 May 2021 Council meeting.

The cost to remove a grid and or gate including some minor remediation has been estimated at approximately \$3,000 Excl. GST. It is proposed that for grids and gates with no clear or nominated beneficiary or are no longer required, the removal of gates and grids will be incorporated into the unsealed road maintenance program.

For grids and gates where, beneficiary landholders have been identified and are still required, new and current permits will be issued in accordance with the policy.

In the former Guyra Shire Council Area, following the issue of a permit, no further action will be required.

In the former Armidale-Dumaresq Council area – a program of repairs and maintenance will agree to leave all grids and associated pavement in a serviceable state prior to handover to the benefiting landowner in accordance with the report to council at the May 2021 Council meeting.

It is not proposed to commit to upgrades and or replacements (capital works) of any grids or gates. Following the completion of any required works to make the structure serviceable, the ongoing maintenance of the structure and the roadway 20m either side of the grid will be the liability of the permit holder.

5. Implications

5.1. Strategic and Policy Implications

Reviewing and implementing the policy aligns with Advancing Our Region - Your Community Plan 2022-2032 and with Council Delivery Program 2022-2026 as part of:

Connected Region – Transport and Technology

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

Strong Region – Engagement and Responsibility

- S2. Strong governance and leadership that supports our region to grow and prosper

- S2.3 Manage public resources responsibly and efficiently for the benefit of the community
 - S2.3.5 Manage our assets responsibly to ensure greater lifespan and usability and to reduce financial burden

5.2. Risk

Economic Risk

The cost to replace a gate has been estimated at approximately \$5000 Excl. GST and the cost to replace a grid has been estimated at \$25,000 Excl. GST. The total current replacement cost for the grids in the Armidale Regional Council LGA is estimated to be approximately \$7.125M and the useful life of a grid or gate is estimated to be between 15 and 40 years.

The annual cost for maintenance activities associated with grids and pavement either side is unknown at this time, but the change in practice will reduce costs to Council's maintenance operations.

In accordance with the *Roads Act (1993)*, the cost for maintenance and repair for grids and gates lies with the permit holder – the landowner who has benefit for the grid. The economic risk to Council is low with regards to this.

There exists a risk that future drainage maintenance and mowing costs along some roads could increase due to adoption of fencing rather than grids by land owners.

There will be ongoing costs to Council in the form of inspections for which costs are not recoverable, but are important for Council to complete in its role as the Local Roads Authority.

Reputation Risk

The delay in implementing the policy has created frustration amongst landowners and over the proposed and potential outcomes. Components of the policy and its implementation are likely to be unpopular with affected landholders.

More broadly, the revised policy and implementation will ensure Council is consistent with legislation and other LGAs.

Operational Risk

Operationally, the implementation addresses the current operating conditions and maintenance liabilities. Failing to act on the proposed recommendations will extend these liabilities.

Legislative and Regulatory Risk

Legal advice has confirmed the revised policy aligns with the *Roads Act (1993)* and the *Roads Transport (General) Regulation (2018)*.

5.3. Sustainability

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

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

5.4. Financial

The implementation of the policy and ownership, maintenance and transition outcomes will likely have a financial impact unable to be determined at this time but it is estimated at approximately \$60,000 as part of the 2022/2023 financial year.

Budget Area:	Construction and Maintenance – Internal Customers						
Funding Source:	General Fund						
Budget Ref: (PN)	Description	Approved Budget	Actual	Committed	Proposed	Total Forecast Expenditure	Remaining Budget
270400	Rural Un-sealed Roads Planned Maintenance	\$2,106,075	\$1,636,986	\$21,776	\$60,000	\$1,718,762	\$387,313

Council could also will see a cost estimated to be \$3,000 Excl. GST per grid to remove unclaimed grids from the road network. Council’s current expenditure on grid maintenance will remain unchanged until the end of the transition period at approximately \$8,300/per month adjusted for CPI.

6. Consultation and Communication

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

The community engagement sessions auspice by Cr O’Connor, the Chair of the Connected Key Pillar Working Group which were expected to run concurrently with the 28 day public exhibition, have not occurred.

Following adoption of the policy POL087 – Gates and Stock Grids on Public Roads, the policy will be placed on Council’s website.

Consultation will continue to determine the benefiting landholder for each grid and gate and the commencement of removal of obsolete grids and gates and the issue of new permits in accordance with the Roads Act (1993) following appropriate consultation with landholders.

7. Conclusion

The current policy POL087 – Gates and Stock Grids on Public Roads transition period is expected to conclude on the 30 June 2023. The policy has been revised and was placed on public exhibition for 28 days receiving only three submissions.

Council staff have completed the majority of inspections required to determine grid and gate condition and ownership. Staff have proposed an implementation pathway incorporating issue of new permits in accordance with the *Roads Act (1993)* appropriate consultation with landholders.

It is proposed that Council adopt Policy POL087 – Gates and Stock Grids on Public Roads and that Council note the implementation of the policy including the issue of new permits will commence immediately.

Item:	13.1	Ref: AINT/2023/11227
Title:	Sports Council Committee - Minutes of the meeting held 6 June 2023 Container: ARC16/0330-2	
Responsible Officer	Chief Officer Planning and Activation	
Author:	Chaise Doran, Sport and Recreation Development Officer	
Attachments:	1. Minutes - Sports Council - 6 June 2023 2. Agenda - Sports Council - 6 June 2023	

RECOMMENDATION:

That the Minutes of the Sports Council Committee meeting held on 6 June 2023 be noted and that Council:

- a. Note the Minutes of the Sports Council Committee meeting held on 6 June 2023;
- b. Note the committee's decision to seek community support towards the extension of the Active Kids program.

1. Purpose:

The purpose of this report is to provide Council with the agenda and minutes of the Sports Council committee meeting held on Tuesday 6 June 2023 which details recommendations to Council for consideration and adoption.

2. Background

In order to provide recommendations for the development of sport and recreation in the Armidale Local Government Area, the Sports Council has been developed to comprise of individuals from diverse sporting groups and backgrounds.

The Sports Council provides a link between Council and the sport and recreation community, providing key community engagement with regards to the development of sports infrastructure. The Committee provides ongoing support and advice relating to sports and recreation in the community.

3. Report

At its meeting on 6 June 2023, the Sports council considered and discussed:

- a) Active Kids Vouchers – Request for support of program initiative from Sports Council members
- b) Review the Sports Council Priority List
- c) Sporting group strategic plans and ARC Sport and Recreation Plan

Further details about these items below.

- a) The committee discussed the impact that the cessation of the vouchers would have on the local junior sporting community, being that many families would no longer be able to afford to register their children in local sport.

Chair S. McMillan requested council staff to email all Sports Council members and sporting contacts to request their support of the program and contact Adam Marshall

- b) The priority list allows the Council to transparently determine expenditure. While no changes were made to the priority list, committee members discussed the need to develop a lighting plan across our Local Government Area.
- c) The Sports Council committee and associated Council staff have requested that local sporting clubs create a strategic plan for their organisations and once completed share them with Council, however very few plans have been received.

A. Biggs advised that she had been in contact with NSW Office of Sport representative Gaylene Ryan who informed her that uptake of the 'game plan' platform has been very low.

The committee discussed alternate ways to encourage local sporting clubs and organisations to create strategic plans.

The committee recommended the following ideas;

- Advise clubs to contact their Sports Development Officers and request a template strategic plan. These Development Officers may also be able to offer assistance to clubs to complete their strategic plans.
- Send a letter to clubs advising that this is their opportunity to express to their opinions to have them considered by Council for inclusion in the soon to be updated Sport and Recreation Plan.

A. Biggs informed the committee that Council will engage a recreational planning consultant to update the Sport and Recreation Plan following the completion of Councils Housing Strategy.

4. Strategic Directions:

The function of the Sports Council is to provide advice and recommendations relating to Sports and Recreation on the strategic direction of the Armidale Regional Council. The activities align with Council's adopted Community Strategic Plan 2017-2027:

Liveable Region Places & Spaces

- L1 Public spaces and infrastructure that facilitate health, community connections and opportunities
 - L1.4 Enhance and maintain sporting facilities to meet the needs of our local community and neighbouring regions, and to entice regional, state, and national events
 - L1.5 Enhance and maintain recreation spaces to offer quality of life, entertainment and family-friendly activities to residents and visitors

Strong Region Engagement & Responsibility

- S1 an informed and actively engaged community, that builds partnerships and shapes its future

- S1.1 Help the community to be informed and have input into decisions about its region and future
- S1.3 Empower the community and our leaders to make positive change and to unify the region
- S2 Strong governance and leadership that supports our region to grow and prosper - Strategies:
 - S2.1 Provide a strong, transparent, sustainable, and responsive governance for our region
 - S2.2 Ensure that strategic directions are informed by, and with, the community and are delivered in consideration of available resources
 - S2.4 Make open and transparent decisions that are informed by stakeholders, leading practices, systems, and technologies

5. Relevant Legislation

- Section 355 of the *Local Government Act 1993*
- *Local Government Regulation (General) 2021*

6. Financial Implications:

Detailed financial implications for recommendations to Council are included within the Sports Council Agenda and Minutes reports, if relevant. A summary of the financial position against Council budget has been included below.

Note the financial figures below refer to the 2022/23 Financial Year.

Budget Area:	Public & Town Spaces – Sports Council Administration						
Funding Source:	Player and Association Levies, Sports Council Reserve (Trust Account)						
Budget Ref: (PN)	Description	Approved Budget	Actual	Committed	Proposed	Total Forecast Expenditure	Remaining Budget
240250 (Op)	Operational Revenue - Levies	42,840	37,758	Nil	Nil	37,758	5,082
240250 (Op)	Operational Expenditure	42,840	7,880	Nil	29,878	37,758	5,082
240386 (Cap)	Capital Revenue & Expenditure	Nil	Nil	Nil	Nil	Nil	Nil

7. Conclusion

It is recommended that Council note the minutes of the Sports Council Committee meeting held on Tuesday 6 June 2023 and recommendations to Council be considered for adoption.

Item:	13.2	Ref: AINT/2023/03353
Title:	Sports Council Committee - Minutes of the meeting held 12 April 2023	Container: ARC16/0330-2
Responsible Officer	Chief Officer Planning and Activation	
Author:	Chaise Doran, Sport and Recreation Development Officer	
Attachments:	1. Agenda - Sports Council - 12 April 2023 2. Minutes - Sports Council - 12 April 2023	

RECOMMENDATION:

That Council:

- a. Note the Minutes of the Sports Council Committee meeting held on 24 March 2022;
- b. Note the budget allocated to fixing any damages incurred at Armidale Sports Ground following the Big Chill festival.
- c. Note the committees support for Armidale and District Cricket Association to reallocate funds from two projects into the Armidale Cricket Clubhouse project only.

1. Purpose:

This report is to provide Council with information regarding the agenda and minutes of the Sports Council meeting held on 12 April 2023.

2. Background

In order to provide recommendations for the development of sport and recreation in the Armidale Local Government Area, the Sports Council has been developed to comprise of individuals from diverse sporting groups and backgrounds.

The Sports Council provides a link between Council and the sport and recreation community, providing key community engagement with regards to the development of sports infrastructure. The Committee provides ongoing support and advice relating to sports and recreation in the community.

3. Committee Report:

At its meeting on 12 April 2023, the Sports Council discussed:

- a) The Big Chill Festival
- b) Armidale Spring Games
- c) Moran Oval Native Title extinguishment/exemption process
- d) RAMS Rugby League Park/Harris Park sporting precinct plans
- e) Request for reallocation of committed Sports Council Funds for Sportsground projects

Further details about these items is included below.

- a) The events team have listened to the concerns of the sporting clubs regarding the event being held at the Sportsground and have planned the event accordingly.

A budget has been allocated for grass patching and staff resources should there be any damage to the venue following the event.

The Big Chill event being held at the Sportsground provides multiple benefits and creates opportunities for the venue including; liquor and security management plans for the Sportsground having been developed and approved for future use, additional grant funding opportunities to develop infrastructure, and sponsorship and naming rights exposure for the venue.

- b) Grant funding for the event was paid to the involved sporting clubs for 2 years of delivery of the event. Last year's event (the first of two years) had a poor outcome. The events team will determine the funds paid to the clubs and provide them again with their contractual agreements under the funding framework.

- c) The Moran Oval precinct is made up of multiple user groups and requires strategic plans from all involved parties in order to formulate a master plan and plan of management.

To date, Armidale Blues Rugby Union are the only group to provide a strategic plan, and as such the formulation of the Master Plan/Plan of Management is significantly delayed. This delay results in being unable to apply for extinguishment of Native Title for the entire Moran Oval venue.

S. Drake advised that as a result of the delay, it is recommended that a request for exemption for Armidale Blues Rugby Club amenities development is applied for.

S. Drake advised a meeting will be arranged with Armidale Blues Rugby Club representative M Fittler and Armidale Regional Councils S. Drake, T. Bower (Manager Parks and Facilities) and A. Biggs (Coordinator Parks).

- d) S. Drake advised that considerations for the development of Master Plans of Harris Park will include the potential inclusion of RAMS Rugby League Park, however given it is currently privately owned by RAMS Rugby League Club, funding cannot be committed to the development of that venue.
- e) Armidale District Cricket Association have requested that funds allocated to two projects previously supported (\$15,000 to Sportsground replacement of electronic scoreboard & \$10,000 to extension of Sportsground Clubhouse) be committed to the Armidale Sportsground Clubhouse project only, and any funds not expended be returned to the Sports Council Development Fund.

4. Strategic Directions:

The function of the Sports Council is to provide advice and recommendations relating to Sports and Recreation on the strategic direction of the Armidale Regional Council. The activities align with Council's adopted Community Strategic Plan 2017-2027:

Liveable Region Places & Spaces

- L1 Public spaces and infrastructure that facilitate health, community connections and opportunities
 - L1.4 Enhance and maintain sporting facilities to meet the needs of our local community and neighbouring regions, and to entice regional, state, and national events
 - L1.5 Enhance and maintain recreation spaces to offer quality of life, entertainment and family-friendly activities to residents and visitors

Strong Region Engagement & Responsibility

- S1 an informed and actively engaged community, that builds partnerships and shapes its future
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- S2 Strong governance and leadership that supports our region to grow and prosper - Strategies:
 - S2.1 Provide a strong, transparent, sustainable, and responsive governance for our region
 - S2.2 Ensure that strategic directions are informed by, and with, the community and are delivered in consideration of available resources
 - S2.4 Make open and transparent decisions that are informed by stakeholders, leading practices, systems, and technologies

5. Relevant Legislation

- Section 355 of the *Local Government Act 1993*
- *Local Government Regulation (General) 2021*

6. Financial Implications:

Detailed financial implications for recommendations to Council are included within the Sports Council Agenda and Minutes reports, if relevant. A summary of the financial position against Council budget has been included below.

Note the financial figures below refer to the 2022/23 Financial Year.

Budget Area:	Public & Town Spaces – Sports Council Administration						
Funding Source:	Player and Association Levies, Sports Council Reserve (Trust Account)						
Budget Ref: (PN)	Description	Approved Budget	Actual	Committed	Proposed	Total Forecast Expenditure	Remaining Budget

240250 (Op)	Operational Revenue - Levies	42,840	37,758	Nil	Nil	37,758	5,082
240250 (Op)	Operational Expenditure	42,840	6,903	Nil	30,855	37,758	5,082
240386 (Cap)	Capital Revenue & Expenditure	Nil	Nil	Nil	Nil	Nil	Nil

7. Conclusion

It is recommended that Council note the minutes of the Sports Council Committee meeting held on Tuesday 12 April 2023 and recommendations to Council be considered for adoption, including approval to utilise funds from the Sports Development Fund as recommended by the committee.

Item:	13.3	Ref: AINT/2023/11371
Title:	Traffic Advisory Committee - Minutes of meeting held 6 June 2023 Container: ARC16/0168-8	
Responsible Officer	Chief Officer Assets and Services	
Author:	Belinda Ackling, Divisional Assistant Operations	
Attachments:	1. Minutes - Traffic Advisory Committee - 06 June 2023 2. Agenda - Traffic Advisory Committee - 6 June 2023	

RECOMMENDATION:

That in relation to the report "Armidale Regional Council Traffic Advisory Committee Minutes – 6 June 2023", that Council;

- a) Endorse the road closure of Moore Street, Armidale from Dangar Street to Faulkner Street from 6:00am to 8:00am on Thursday 14 September 2023, to provide a safe location for a short gathering where participants will be provided with breakfast.

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, 6 June 2023 which details recommendations to Council for consideration and adoption.

2. Discussion

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

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

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

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

3. Report:

- a) Special Event Transport Management Plan - National Police Memorial Wall to Wall Ride 2023

The National Police Memorial Wall to Wall Ride is an annual event that is used by the Police to raise awareness of police lives lost while undertaking their duties.

The ride will be stopping overnight in Armidale on 13 September 2023

The Police have requested that Moore Street, Armidale be closed from 6:00am to 8:30am on Thursday 14 September to enable the participant to enjoy breakfast in the police precinct.

There will be approx. 100-150 participants mostly and their motorbikes gathered in the street for breakfast that will be provided by the Lions Club.

4. Strategic Directions:

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

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

Connected Region – Transport and Technology

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

5. Relevant Legislation

- *Roads Act (1993)*
- *Road Transport (Safety and Traffic Management) Regulations (1999)*
- *Road Rules (2008)*, and
- A guide to the delegation to Council for the Traffic (Guidelines)

6. Financial Implications

TfNSW Block Grant.

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

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

Budget Area:	Roads and Parks						
Funding Source:	Parks and Reserves - Events						
Budget Ref: (PN)	Description	Approved Budget	Actual	Committed	Proposed	Total Forecast Expenditure	Remaining Budget
240350	Install Traffic Control	\$258,700	Nil	Nil	\$291	\$291	\$258,409

7. Conclusion

That Council note the minutes of the Traffic Advisory Committee (TAC) meeting held on Tuesday, 6 June 2023 and the recommendations to Council be considered for adoption.

Item:	13.4	Ref: AINT/2023/11955
Title:	KPWG - Minutes of meetings held March 2023 - June 2023 Container: ARC16/0001-8	
Responsible Officer	General Manager	
Author:	Melissa Hault, Executive Officer	
Attachments:	<ol style="list-style-type: none">1. Growing Region KPWG 21 March 20232. Growing Region KPWG 4 April 20233. Enriched Region KPWG 6 April 20234. Growing Region KPWG 18 April 20235. Enriched Region KPWG 19 May 20236. Growing Region KPWG 6 June 2023	

RECOMMENDATION:

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

- Growing Region KPWG meeting held 21 March 2023
- Growing Region KPWG meeting held 4 April 2023
- Enriched Region KPWG meeting held 6 April 2023
- Growing Region KPWG meeting held 18 April 2023
- Enriched Region KPWG meeting held 19 May 2023
- Growing Region KPWG meeting held 6 June 2023

1. Purpose

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

2. Background

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

3. Report

At its meeting held 21 March 2023, the Growing Region KPWG considered:

Airport café

- Contract/lease is being sent to Tattersalls Hotel from Property Law & More.

Community Business Forums

- Dates for early May to be scheduled in.

- One meeting to be held at the Airport Conference room and the other meeting to be held in Town Hall.

Airport Precinct

- Dan Boyce presented the airport investigation areas within the catchment.
- Dan discussed the desktop analysis done by New England Surveying which looked at all constraints.
- Group discussed maximum extent of precinct.

Shelley McGuiness from RM Consulting Group gave a presentation on their Horticulture Feasibility Study.

At its meeting held 4 April 2023, the Growing Region KPWG considered:

Airport Café

- Contract/Lease has been issued to Tattersalls Hotel. Council is awaiting return of contract from Tattersalls Hotel.
- Airport Café opening date will be delayed.

Airport Precinct

- Airport Master Plan being developed which will include the precinct.
- Airport Landing System (SBAS) will be revisited in 2025 – 2028.

Access & Attractions

- There has been planning work done on Dangar Falls which will be presented at next meeting.
- Brand and strategy to be shelved until outcome of SRV.
- Tourism video from Autumn Festival presented to group. Video will be distributed within the week.
- Primary tourist attractions roads have been identified by this group and is on the key list with the roads team.
- Recommendation from this group, as part of the budget process, that the Activation and Precincts team to ensure tourist attractions are a strong focus.

Community Business Forums

- Mall Activation Business Forum – Cr Gaddes to chair.
- Dates to be advised. Will be held in May.
- Dan to seek events calendar for the Mall.

At its meeting held 6 April 2023, the Enriched Region KPWG considered:

UNE & Hospital Collaboration – Update

- Hospital staff (locums) are utilising UNE college accommodation.
- UNE and hospitals to continue to communicate and share resources to address challenges.

Childcare Availability

- UNE are continuing efforts to increase childcare spaces at Yarm Gwanga Childcare. 287 children are currently on their waiting list.
- Healthcare workers are already being prioritised at most childcare centres.

ACTION:

- Aimee to investigate options for the coordination of wrap around childcare and linking child carers, au pairs, nanny's, etc. with health professionals.

Concierge Proposal Update

- Aimee has reached out to Big Sky Relocations a couple of times to discuss them providing concierge services in Armidale for health professionals. No response has been received to date.
- Attract, Connect, Stay may still be an option for Armidale. It would require strong community support.

ACTIONS:

- Cheyenne to reach out to Big Sky Relocations and ask them to contact Aimee.
- Aimee to contact Attract, Connect, Stay again to discuss how they could support the region in attracting health care professionals.

Open Discussion – Other challenges/opportunities

- There are international doctors available and interested in moving to Australia. Testing to obtain Australian registration is difficult for many and can be a barrier.
- There appears to be a 'metro bleed' with most doctors choosing to move back and settle in metro areas.
- It would be advantageous for hospitals and general practice to build a stronger relationship.
- Councillors suggested taking a motion to the upcoming Local Government Conference.
- An award review is currently being undertaken with a view to increasing remuneration for health professionals.
- There has been an increase in crime and vandalism, directed towards the hospital and hospital accommodation. This has been reported to the Police, but unfortunately has been negatively received by health workers who are new to the area or visiting.
- A lack of access to primary care has also been having an impact on palliative care. Doctors have not been available to sign off on death certificates.
- It has been noted that people are moving to the area, attracted by cheaper rents. The hospital is finding that many have complex health needs which are putting additional pressure on the health system.
- The hospital has noted an increase in sexually transmitted infections in young people due to them not being able to see a GP.
- A doctor has been assigned to the refugee health service to accommodate the increase in refugees locally.
- A short video highlighting the region, the lifestyle and the benefits of living here could be used to help attract new health professionals to the area.

ACTIONS:

- Through Dr Jen Williams, UNE could offer support to overseas doctors, including English language support if required.
- Dr Jen Williams has also advised that an 'Adjunct' title through UNE is a possibility if that is of interest to any new doctors.
- Aimee asked Lisa to send through sexual health key messaging which could be shared through Council networks.

- Aimee to discuss with NOVA, the possibility of working with local practice managers to identify challenges and work together to address them.
- Where possible our region should be celebrated to an overseas audience to support the attraction of overseas doctors.
- Aimee asked if there are details of new appointments within the health network that can be promoted to the region.

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

- **Airport Café**
 - Darren Schaefer has been in touch with the real estate handling the lease seeking feedback from the vendor.
 - Contract signing pending.
- **Airport Precinct**
 - Macroplan provided a workshop with all councillors. Presentation from workshop to be placed on BigTinCan.
 -
- **Business Forums**
 - Scheduled for end of May in NOVA.
 - Group is working on who the target audience is.

At its meeting held 19 May 2023, the Enriched Region KPWG considered:

Childcare Shortages

Feedback provided in the Agenda was noted.

Advice was sought from Armidale and District Family Day Care about whether they could link nannies with health care professionals, particularly for care outside of normal hours.

Feedback included: -

- *Armidale and District Family Day Care used to provide this service but it was discontinued due to a lack of demand.*
- *Anyone providing child care through them would need to hold an early childhood qualification and complete their compulsory training.*
- *Alternative is child care by private arrangement. Only legal if it is one carer to one child/family. Family will not be able to claim any childcare subsidy. Fees would have to be by agreement with the carer directly. Not covered by any insurance.*
- *Currently there are 8 family day carers in Armidale and 7 in Guyra. They are actively trying to attract more carers in Armidale to meet the demand during usual hours. May be difficult to attract carers willing to work outside of normal hours.*

Action: Nannying opportunities can be shared with students on internal UNE message boards. Lisa, Anne and Jen can discuss what childcare is being sought by health professionals and how to share these with students interested in providing childcare and what platforms are suitable at UNE as requests arise.

Attract, Connect, Stay

Aimee spoke with Dr Cath Cosgrave on the Attract, Connect, Stay program and how it could be applied in Armidale. Feedback was presented for consideration.

Main Considerations for the successful launch of a Community Connector Program:-

- Formation of Working Group including key stakeholders is essential. Recommendation is for this to sit outside of Council. Council to be included as a stakeholder.
- Formation of a Steering Group which would include wider members and users of the service.
- Has been run in other areas through the business chamber or the community can create a new incorporated association.
- Getting the Governance structure right is difficult but very important to get right.
- Structure to be matched to the needs of our community.
- Funding required is approx. \$150,000 per annum. Grant funding and community donations can be unsustainable and result in long term failure.
- Best model would be to have 2 x community connectors and 1 community connector in training.
- Don't start until at least 12 months funding has been secured.
- User pay pricing schedule to make the program sustainable long term.
- Dr Cath Cosgrave can do a Q&A with the group or for a few, a half day presentation.
-

Open Discussion

- Dr Connor has connected with Ross Murray at NOVA to discuss bringing practice managers together to discuss issues and possible solutions. It was agreed that Dr Connor should continue with this discussion to see if a group can be brought together.
- It was agreed that there are opportunities to promote the New England region to health professionals interested in relocating. A short video of the area would be good to share and attach to recruitment advertisements. Aimee agreed to explore what footage Council already had a whether we could bring together a short video relatively quickly.
- Aimee shared information on Big Sky Relocations and the services they could offer to relocating health professionals. Aimee will share the contact details of Big Sky Relocations with the group.
- Dr Williams suggested Council could be involved in health conferences, promoting our region as a region of choice and one to be considered for any health professionals interested in relocating.
- It was suggested that Regional NSW may be able to support and assist with some of the proposed actions. It was agreed that Aimee would reach out to Regional NSW to discuss and possibly invite them to our next meeting.
- Aimee to reach out to Visions 2030 to let them know what this group has been discussing, to foster a collaborative approach to this issue.
- Jacinda shared that vacancy rates had recently returned to a more standard level, so finding appropriate rentals for new residents had become a little easier.

Actions:

- Dr Connor to progress discussions with NOVA about facilitating a local health working group, initially targeting practice managers.
- Aimee to speak with other Council departments about producing a short promotional video of the region.
- Aimee to share details of Big Sky Relocations with the group.
- Aimee to explore Council's involvement in future health conferences.

- Aimee to meet with Regional NSW.
 - Aimee to contact Visions 2030, Maria Hitchcock.

At its meeting held 6 June 2023, the Growing Region KPWG considered:

Cr Redwood and Council Officer Denise Palmer provided an update on the Destination NSW Tourism Conference that they attended. Points to note from the conference were;

- 73% of tourists are after sustainable tourism
- Tourists are seeking Indigenous run tourism
- There is not a lot of State funding due to government change
- QR codes for experiences/tours are popular

Council Officer Sonia Bruon provided an update on the land around some of our natural attractions and uses permissible on the land.

Item:	14.1	Ref: AINT/2023/11890
Title:	Question for Which Notice Has Been Given - Cr Robinson Container: ARC16/0025-7	
Responsible Officer	General Manager	
Author:	Dorothy Robinson, Councillor	
Attachments:	Nil	

1. Purpose

The purpose of this report is to provide a response to submitted "Questions for Which Notice Has Been Given" provided by Cr Robinson.

2. OFFICERS' RECOMMENDATION:

That Council note the response to the Questions for which Notice has been Given provided by Cr Robinson.

3. Oaky Dam Valuation

Now that ARC is committed to purchasing Oaky dam, is there any reason why, in the interests of transparency and accountability, the valuation cannot be made public, either before or after the final payment is made?

Background Support Information

Nil.

General Manager's Comment

As per the Mayoral Minute date 14 December 2022 that sought to finalise the purchase of Oaky Dam, the Oaky River Dam Valuation Report was available to Councillors and presented as a confidential report; this was due to it containing commercial in confidence information and proprietary knowledge; this has not changed in the preceding period.

The valuation report was provided to Councillors so they could satisfy themselves that the best and final offer (BaFO) as put forward by Council and subsequently accepted by Essential Energy, was consistent with the valuation report received from The Stable Group.

Making the full report public serves no purpose; it is accepted that all Councillors would have undertaken their own due diligence ahead of the 14 December 2022 meeting of council, read the Mayoral Minute and the valuation report and satisfied themselves that the price offered was fair and reasonable based on the valuation report.

Notwithstanding personal views around the need or otherwise for the Oaky Dam, Councillors will feel comfortable in advancing the storyline to the community around having had all of the required information to allow for an informed decision to be made around the purchase.