



BUSINESS PAPER

ORDINARY MEETING OF COUNCIL

To be held on

Wednesday, 26 April 2023
4pm

at

Armidale Council Chambers

Members

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

AGENDA

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15.2 Heavy Patching 2023 Contract Award - Confidential

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

15.3 Tender Recommendation - Waterfall Way Guard Rail Installation and Repair Contract

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

15.4 Shoulder Grading and Table Drain Cleaning Contract Recommendation

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

15.5 Tender Recommendation - Provision of Waste and Organics Collection Services

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

Ethical Decision Making and Conflicts of Interest

A guiding checklist for Councillors, officers and community committees

Oath or Affirmation of Office

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

Ethical decision making

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

Conflict of interest

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

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

The test for conflict of interest

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

Identifying problems

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

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

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

Local Government Act 1993 and Model Code of Conduct

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

Disclosure of pecuniary interests / non-pecuniary interests

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

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

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

Item: 5.1 **Ref:** AINT/2023/06819
Title: Minutes of Previous Meeting held 22 March 2023 **Container:**
ARC16/0001-8
Responsible Officer: General Manager
Author: Melissa Houtt, Executive Officer
Attachments: 1. Draft OCM Minutes - 22 March 2023

RECOMMENDATION:

That the Minutes of the Ordinary Council meeting held on 22 March 2023 be taken as read and accepted as a true record of the meeting.

Item:	7.1	Ref: AINT/2023/07449
Title:	Council Actions Report January 2022 - March 2023	Container:
	ARC16/0001-8	
Responsible Officer	General Manager	
Author:	Melissa Hault, Executive Officer	
Attachments:	1. Action Items Report - 26 April 2023 OCM	

1. Purpose

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

2. OFFICERS' RECOMMENDATION:

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

3. Background

This is a standard monthly report.

4. Discussion

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

5. Implications

5.1. Strategic and Policy Implications

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

5.2. Risk

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

5.3. Sustainability

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

5.4. Financial

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

6. Consultation and Communication

This report informs Councillors and the community and increases transparency.

7. Conclusion

The information is for noting only.

Item:	8.1	Ref: AINT/2023/07036
Title:	Debt Recovery Policy and Hardship Policy - Updated ARC17/1727-6	Container:
Responsible Officer	Chief Financial Officer	
Author:	Robert McGinness, Revenue Coordinator	
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:

- a. Receive this report in relation to the updated Debt Recovery Policy and updated Hardship Policy; and
- b. 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.

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.

Item:	9.1	Ref: AINT/2022/49006
Title:	Establishment of Leash-Free Areas in Guyra	Container: ARC22/5018
Responsible Officer	Chief Officer Planning and Activation	
Author:	Ian Chetcuti, Coordinator Regulation	
Attachments:	1. Guyra Leash Free - Facts Sheet 2. Guyra Leash Free - Summary of Submissions	

1. Purpose

The purpose of this report is to advise Council of the results of the public exhibition period of the two (2) proposed leash-free areas in Guyra and recommend that Council proceed with one of the leash-free areas at Lot 701 DP 94244 (South Guyra Park, Sandon Street South Guyra).

2. OFFICERS' RECOMMENDATION:

That Council:

- a. Note the submissions received regarding the two (2) proposed leash-free areas for Guyra.
- b. Endorse Lot 701 DP 94244 (South Guyra Park, Sandon Street South Guyra) as a leash-free area.
- c. Receive a further report on the need for a second leash-free area in Guyra, including Lot 7002 DP 94125 (Holts Park, Balblair Street, Guyra), once Lot 701 DP 94244 has been established and has been accessible to the public for a minimum of 12 months.

3. Background

At the October 2022 Ordinary Council Meeting, Council resolved to endorse two (2) preferred sites, being Lot 7002 DP 94125 and Lot 701 DP 94244 (Figures 1 and 2), as proposed leash-free areas for public exhibition. Due to requests from members of the community and the Christmas holiday period the exhibition period was extended through to 28 January 2023.

4. Discussion

A media release was published regarding the proposal and a fact sheet was developed and distributed to all properties in close proximity to the proposed sites (Attachment 1). Public information sessions were held at Guyra ARC Administration Building where a Council Officer was available to discuss the proposal and the preferred sites. During these sessions, two (2) persons attended.

Fourteen (14) submissions including one petition were received exhibition period (Attachment 2). The submissions raised the following matters:

- An extension of the submission period
- Money should be spent on other more urgent projects
- That the Balblair Street site was unsuitable
- Maintenance and car parking
- Areas should be available to all local residents not just dog owners
- One in favour of both proposed sites
- Leash Free areas would not be utilised by local residents



Figure 1: Lot 7002 DP 94125, Balblair Street, Guyra.



Figure 2: Lot 701 DP 94244, 191 Sandon Street, Guyra.

The petition contained 97 signatures (22 of which were not Guyra residents) which were opposed to the Lot 7002 DP 94125, Balblair Street, Guyra site only.

The two proposed sites were preferred due to a number of factors including:

- Proximity to existing services (water)
- Minimal site preparation works required
- Costs to establish
- Proximity to existing walking tracks and visitor parking areas
- Available ARC controlled land (both Crown and Council owned)
- Ease of maintenance
- Minimal impacts on existing public amenity

Given public submissions it is recommended that Council proceed with Lot 701 DP 94244 (South Guyra Park, Sandon Street South Guyra) as a leash-free area at this time and review the need for a second leash-free area once Lot 701 DP 94244 has been established and has been accessible to the public for a minimum of 12 months.

5. Implications

5.1. Strategic and Policy Implications

The establishment of leash-free areas in Guyra was contemplated as far back as the 2020/2021 Operational Plan but was not pursued.

5.2. Risk

The Companion Animals Act 1998 requires Council to provide at least one off-leash area within the Armidale Regional Council LGA. The form of the off-lease area can be as broad as is indicated in section 13(6) which states:

A local authority can by order declare a public place to be an off-leash area. Such a declaration can be limited so as to apply during a particular period or periods of the day or to different periods of different days. However, there must at all times be at least one public place in the area of a local authority that is an off-leash area.

Whilst Armidale Regional Council has fulfilled its obligations under this Section by having five (5) leash free areas in Armidale, there is a demonstrable need for permanent leash-free areas in Guyra.

5.3. Sustainability

No sustainability considerations have been identified.

5.3. Financial

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

						Expenditure	
240210	Guyra leash-free areas	\$50,000	-	-	-	\$50,000	\$50,000

6. Consultation and Communication

The two (2) preferred sites were placed on public exhibition for no less than 28 days. A Fact Sheet was hand delivered to all residents within close proximity to the proposed sites. Four (4) drop in sessions were held at the Guyra Council Office.

7. Conclusion

At the October 2022 Ordinary Council Meeting, Council resolved to endorse two (2) preferred sites, being Lot 7002 DP 94125 and Lot 701 DP 94244 (Figures 1 and 2), as proposed leash-free areas for public exhibition. Following community submissions it is recommended that Council proceed with Lot 701 DP 94244 (South Guyra Park, Sandon Street South Guyra) as the Guyra leash-free area at this time and review the need for a second leash-free area once Lot 701 DP 94244 has been established and has been accessible to the public for a minimum of 12 months.

Item:	9.2	Ref: AINT/2023/06527
Title:	Public Exhibition of Conflict of Interest Policy for Council Related Development Applications	Container: ARC23/5819
Responsible Officer	Chief Officer Planning and Activation	
Author:	Kate Blackwood, Development Assessment Planner	
Attachments:	1. Draft Conflict of Interest Policy	

1. Purpose

The purpose of this report is for Council to endorse the Draft Conflict of Interest Policy For Council Related Development Applications (**Draft Conflict of Interest Policy**) for public exhibition. A further report will be presented to Council for consideration if any submissions received. If no submissions are received it is recommended that Council adopt the policy at the end of the exhibition period.

2. OFFICERS' RECOMMENDATION:

That Council:

- a. Endorse the Draft Conflict of Interest Policy for Council Related Development Applications and place it on public exhibition for a period of 28 days;
- b. Receive a further report following the public exhibition period in the event that submissions are received and/or the Draft Conflict of Interest Policy is proposed to be amended;
- c. Authorise the adoption of the Draft Conflict of Interest Policy in the event that no submissions are received and no changes are made to the draft policy.

3. Background

Recent changes to the NSW *Environmental Planning and Assessment Regulation 2021 (EP&A Regulation 2021)* require Councils to develop a conflict of interest policy for Council-related development applications.

On occasion, Council will prepare and lodge development applications to obtain consent to carry out development on land it owns, occupies or otherwise manages. An inherent conflict of interest therefore arises as the development application is being made to itself for determination as the consent authority under the *Environmental Planning and Assessment Act 1979*.

Council-related development applications are defined as:

A development application for which the council is the consent authority, that is –

- (a) Made by or on behalf of the Council, or*
- (b) For development upon land:*
 - i. of which the Council is an owner, a lessee or a licensee, or*
 - ii. otherwise vested in or under the control of Council.*

Under the new legislative requirements, Council-related development applications must be accompanied by a statement specifying how council will manage conflicts of interest that may arise in association with the application because council is the consent authority (a management

strategy) or a statement that council has no management strategy for the application. Furthermore, Council-related development applications must be publically exhibited on Councils website for minimum 28 days.

4. Discussion

Guidelines, published by the Department of Planning and Environment, included a sample conflict of interest policy and example management statement which has been used as a template for the Draft Conflict of Interest Policy (Attachment 1).

5. Implications

5.1. Strategic and Policy Implications

Advancing our Region Community Plan

Liveable Region – Goal 2 Proactive, responsible, and innovative regional planning that grows us sustainably

- Plan for and enable growth that supports a sustainable local economy.
- Ensure adequate and available housing to meet community needs.
- Preserve and enhance our architecture and heritage.
- Protect prime agricultural land and support future innovations and industries.

Strong region- Goal 2- Strong governance and leadership that supports our region to grow and prosper.

- Strong governance and leadership that supports our region to grow and prosper - Strategies: Provide a strong, transparent, sustainable, and responsive governance for our region.
- Manage public resources responsibly and efficiently for the benefit of the community.

5.2. Risk

Failure to adopt and implement a conflict of interest policy will mean that Council do not have the ability to determine development applications that meet the definition of council-related development.

5.3. Sustainability

No sustainability implications have been identified.

5.4. Financial

Financial implications because of the Draft Conflict of Interest Policy may include minor additional costs if there is an increased need to engage independent planning consultants in the assessment of applications or post approval phase (including private certifiers).

6. Consultation and Communication

Public exhibition of the Draft Conflict of Interest Policy on Councils website is recommended for a period of 28 days. If there are no changes to the Draft Conflict of Interest Policy or no submissions are received it is recommended that the policy be adopted at the completion of the

exhibition period. If a submission is received or the policy is proposed to be changed a further report is to be prepared for consideration by Council.

Once the policy has been adopted, council-related development applications must be exhibited for a minimum of 28 days to ensure transparency during the assessment process (NSW Environmental Planning and Assessment Act 1979, schedule 1, clause 9B).

7. Conclusion

The purpose of this report is for Council to endorse the Draft Conflict of Interest Policy for public exhibition. If no submissions are received it is recommended that Council adopt the policy at the end of the exhibition period.

Item:	10.1	Ref: AINT/2023/06282
Title:	Integrated Planning and Reporting - Delivery Program 2022-2026 and Operational Plan 2022-2023 Progress Report - March 2023 Container: ARC22/5145	
Responsible Officer	Chief Officer Corporate and Community	
Author:	Renata Davis, Principal Advisor - Corporate Planning	
Attachments:	1. IP&R Delivery Plan 2022-2026 and Operational Plan 2022-2023 Progress Report March 2023	

1. Purpose

The purpose of this report is to provide the Council, the community and other stakeholders with an update as to the progress of the delivery of Council's Operational Plan 2022-2023 and Delivery Program 2022-2026.

The attached document is a progress report based on the Operational Plan 2022-2023 and Delivery Program 2022-2026 as at 30 March 2023.

2. OFFICERS' RECOMMENDATION:

That Council note the status of the Operational Plan 2022-2023 and Delivery Program 2022-2026 Progress Report as at 30 March 2023.

3. Background

This Report informs the Council and the Community about the progress of Council's Operational Plan actions and how these actions work towards delivering the principal activities outlined in the Delivery Program. Ultimately, the goals of the Advancing Our Region Community Strategic Plan 2022-2032 are delivered as part of the Integrated Planning and Reporting Framework.

This report is in accordance with s404(5) *Local Government Act 1993*, which states that:

The general manager must ensure that regular progress reports are provided to the council reporting as to its progress with respect to the principal activities detailed in its delivery program. Progress reports must be provided at least every 6 months.

4. Discussion

Each of Council's relevant business areas have completed a progress report, based on status as at March 2023 of the strategic and operational tasks adopted in the Operational Plan 2022-2023. A progress report on the Delivery Program 2022-2024 is also included.

The full progress report is attached.

As noted in the previous progress report, Council has implemented a new software system to capture and report the progress of the suite of Integrated Planning and Reporting documents including the Advancing Our Region Community Plan, Delivery Program 2022-2026, and Operational Plan 2022-2023.

The progress of the Operational Plan projects and general operations is now demonstrated using four indicators:

- Progression status - Is the action progressing, not progressing, deferred, on hold, or completed?
- Progression % - What is the percentage of completion?
- Risk Indicator - Using a risk matrix, staff provide a score for each Action based on financial, schedule, technical, issues, resources and WHS factors. The individual factor scores are combined into an overall risk indicator score. The scores are: On track, Needs Attention or Off track.
- Comment - Officers provide context and detail about the action and its progress.

A dashboard summary is provided to demonstrate how Council is progressing across all the Operational Plan Actions and Delivery Program Initiatives.

5. Implications

5.1. Strategic and Policy Implications

This report and its recommendation/s are related to the following strategic directions of Council:

Advancing our Region Community Plan	<i>THEME AND GOAL</i>	Strong Region	Strong governance and leadership that supports our region to grow and prosper
	<i>STRATEGY</i>	S2.2	Ensure that strategic directions are informed by, and with, the community and are delivered in consideration of available resources
Delivery Program 2022-2026	<i>COUNCIL INITIATIVE/S</i>	S2.2.1	Implement the Integrated Planning and Reporting Framework in compliance with legislation

5.2. Risk

This reporting is a legislative requirement as per s404(5) *Local Government Act 1993*.

The Progress Report also assists in identifying and mitigating risks of projects including project delays, resource issues or regulation and compliance.

5.3. Sustainability

The Operational Plan supports financial and corporate sustainability by providing an annual works plan for the organisation, which supports the medium and long-term planning of the Delivery Program and Community Strategic Plan.

The Operational Plan also contains a number of actions and initiatives based on improved environmental sustainability to be delivered during the 2022-2023 financial year.

5.4. Financial

Budget Area:	All budget areas						
Funding Source:	All sources of funding						
Budget Ref: (PN)	Description	Approved Budget	Actual	Committed	Proposed	Total Forecast Expenditure	Remaining Budget
Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil

The budget status of each Operational Plan action is reported in the attached summary. Any funding shifts will be assessed and adjusted through the Quarterly Budget Reviews.

6. Consultation and Communication

The Operational Plan 2022-2023 was placed on public exhibition during May 2022, and a report on community feedback was reported to Council at the Ordinary Council Meeting of 29 June 2022.

The Delivery Program 2022-2026 was originally adopted in June 2022, and a revised version including further information regarding Council's Special Rate Variation application was adopted in January 2023. All Integrated Planning and Reporting Documents are available on Council's Website under "Council > Integrated Planning and Reporting".

7. Conclusion

This report is presented to Council to inform the community of Council's progress in delivering the Operational Plan 2022-2023 and Delivery Program 2022-2026 in line with the Integrated Planning and Reporting Guidelines. Progress reports are also reported separately to the Audit, Risk & Improvement Committee.

Item:	11.1	Ref: AINT/2023/05546
Title:	Request to Waive Fees for Supply of Gravel for Newara Aboriginal Corporation	Container: ARC16/0959
Responsible Officer	Chief Officer Assets and Services	
Author:	Belinda Ackling, Divisional Assistant Operations	
Attachments:	1. Newara Letter Requesting waive of fees for provision of gravel	

1. Purpose

That Council waives the fees for the supply and delivery of Gravel for the Nēwara Aboriginal Corporation

OFFICERS' RECOMMENDATION:

That Council waive the costs and charges for the Nēwara Aboriginal Corporation for the provision of gravel for construction of an access road to 328 Fleetwood Road up to a value of \$5,000 Excl. GST.

2. Background

The Nēwara Aboriginal Corporation own 328 Fleetwood Road, a block of land Nyambika Kyuna (the name of the block of Anaiwan bushland they bought back - meaning 'Our Country'. Nēwara is a registered charity which does vital work on a local level to revitalise our community's long dormant Anaiwan language.

The block requires construction of a gravel drive to allow access. Nēwara are only a relatively small non-profit Aboriginal community organisation with limited financial resources and with their current budget, they have limited resources to fund the construction of the access.

Nēwara have sought assistance and in-kind support from both JNC Pty Ltd and Council to develop the access as per the attached letter.

3. Discussion

Nēwara is proposing that Council provide with access to a nearby Council quarry/pit at no cost or a nominal fee. The in-kind support requested would allow Nēwara to have unrestricted access to Nyambika Kyuna and to grow their cultural connection with this land.

Approximately 260m³ of material has been sought from Council which would be sourced from the Warrane Gravel Pit. The total cost of material would \$5,980 Excl. GST and haulage from the pit would cost \$4,500 Excl. GST.

Council Capital works budget can accommodate the request for the supply component of the gravel to the value of \$5000.

4. Implications

4.1. Strategic and Policy Implications

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

Enriched Region – Community and Culture

- E2 – A proud, inclusive, and cohesive community that celebrates our region in all its diversity & culture
- E2.5.2 Access and promote funding opportunities that enhance community cohesiveness and inclusion

The proposal aligns with Council’s Community Grants and Sponsorship Policy:

Strategic Objective 1 Our People, Our Community:

- Community Outcome 1 Wellbeing - Community programs, services and facilities meet the needs of the community and provide a safe place to live.
- Community Outcome 2 Culture - Events and cultural activities provide the community with the opportunity to celebrate the unique culture and lifestyle of the region.
- Community Outcome 3 Diversity - Services are provided to ensure inclusiveness and support the vulnerable members of the community.

4.2. Risk

The support does come at a financial cost to Council. At approximately \$10,480, the impact of the cost is able to be absorbed by the Transport Capital budget and can be accommodated as part of Council operations.

The social impact of the proposal is high in that Council will enable Nēwara to be able to access and engage with the land as per their intentions.

With Council’s current financial position and current state of the road network, prioritisation of funds for Council’s assets and support in a limited capacity should also be considered. This would limit the impact to Council whilst providing some support to the Nēwara Aboriginal Corporation.

Failing to provide support in any kind would likely result in reputational risk to Council, and impact the Nēwara Aboriginal Corporation.

4.3. Sustainability

Not applicable.

4.4. Financial

The Transport operating budget has funds to cover the cost, however the costs will come at an impact to the capital works program.

Budget Area:	Transport						
Funding Source:	General Fund						
Budget Ref:	Description	Approved Budget	Actual	Committed	Proposed	Total Forecast Expenditure	Remaining Budget
270722	Road Upgrade Program	\$41,667	\$129	Nil	\$5000	\$5000	\$36,667

5. Consultation and Communication

The Nēwara Aboriginal Corporation have been in frequent contact with Council around their intentions for their newly acquired block of land. Additionally they have been clear on the limitations that the lack of access imposes on the land.

Following the endorsement of Council, the Nēwara Aboriginal Corporation will be notified by letter and called to arrange suitable time for the in-kind support from Council to be provided.

6. Conclusion

The provision of gravel to facilitate the access construction to 328 Fleetwood Road would allow the Nēwara Aboriginal Corporation to engage with the land they have bought back to continue their efforts to revitalize our community's long dormant Anaiwan language.

It is recommended that Council waives the costs and charges for the Nēwara Aboriginal Corporation for the provision of gravel for construction of an access to 328 Fleetwood Road up to a value of \$5,000 Excl. GST.

Item:	11.2	Ref: AINT/2023/06741
Title:	Public Exhibition 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. Council Report 29 June 2022 - Item 10.1 - Grids and Gates Policy2. Cattle Grid Ownership Reference Guide3. Council Report 26 May 2021 - Gates and Stock Grids on Council Roads - For Adoption (Post Public Exhibition)4. Adopted Minutes - 26 May 20215. Adopted Minutes - 29 June 2022	

1. Purpose

The purpose of this report is to inform Council of costs and implications relating to ownership of grids and gates on public roads, seek endorsement from Council to place the revised Policy - POL087 – Gates and Stock Grids on Public Roads on public exhibition for 28 days, and to confirm policy implementation options.

OFFICERS' RECOMMENDATION:

That Council:

- 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; and
- c) 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 consultation with landholders.

2. Background

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.

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 the 1st 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.

3. Discussion

As reported at the 21 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.

A revised version of the policy incorporating the legal advice has been prepared for public exhibition.

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.

4. Implications

4.1. 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

4.2. 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 it’s 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)*.

4.3. Sustainability

Environmental 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.

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

4.4. 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-selaed 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.

5. Consultation and Communication

Following the 29 June 2022 Ordinary Council Meeting Resolution, Policy POL087 – Gates and Stock Grids on Public Roads was referred to the Connected Region Key Pillar Working Group (CRKPWG); following a period of inaction by the Connected KPWG the Chair of the KPWG agreed to refer the policy to the Stronger Region Key Pillar Working Group (SRKPWG). The SRKPWG has not yet met to discuss the policy. Given the inaction, the General Manager asked the Chief Officer Assets and Services to address the matter and present it to the April 2023 OCM.

Further, Legal advice was sought and received regarding the policy and its alignment with relevant legislation.

It is proposed for the revised policy to go on public exhibition for 28 days before being brought back to Council for adoption.

Consultation will continue to determine the benefiting landholder for each grid and gate. Following any works required to make the grid and pavement in the vicinity of the structure serviceable, new permits will be provided accordingly.

6. Conclusion

The current Gates and Stock Grids on Council Roads Policy transition period is expected to conclude on the 30 June 2023. Legal advice regarding the policy has been sought and incorporated into a revised policy prepared for public exhibition.

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 place the revised Policy POL087 – Gates and Stock Grids on Public Roads on public exhibition for 28 days to be adopted at a subsequent Council meeting.

Item:	13.1	Ref: AINT/2023/03353
Title:	Sports Council Committee - Minutes of the meeting held 7 February 2023	Container: ARC16/0330-2
Responsible Officer	Chief Officer Planning and Activation	
Author:	Amy Biggs, Sport & Recreation Development Officer	
Attachments:	1. Agenda - Sports Council - 7 February 2023 2. Minutes - Sports Council - 7 February 2023	

RECOMMENDATION:

That the Minutes of the Sports Council Committee meeting held on 7 February 2023 be noted and that Council:

- a) Note the committee's agreement to commit \$4,900 incl. GST towards the rectification of drainage issues at the front of the Moran Oval grandstand, to be funded from the Sports Council Sports Development Fund;

1. Purpose:

The purpose of this report is to provide Council with the agenda and minutes of the Sports Council committee meeting held on Thursday 7 February 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 7 February 2023 the Sports council considered and discussed multiple items:

- a) Project updates on sporting infrastructure development
Updates were provided to the committee regarding the Lynches road netball courts lighting installation and the Armidale Sportsground Indoor cricket training centre stage four projects, with completion of both projects expected by the end of March 2023.

The Armidale Sportsground carpark project was also discussed, with the committee advised that the previous tender process in 2022 was unsuccessful, and a Request for Quotation (RFQ) was being undertaken, closing on 16 February 2023. The estimated completion date of this project is not currently known.

b) Review of the Sports Council Priority List

The priority list allows the Council to transparently determine expenditure. Two projects previously funded were moved to the 'completed' list, being the purchasing of new soccer goals and the relocation of the long jump pits at Harris Park. One new project was reviewed by the committee, accepted and added to the Priority List; installation of a concrete pad with soft-pour at the front of the Moran Oval grandstand with a nominated value of \$4,900 incl. GST.

c) Naming Right Sponsorship – Armidale Sportsground

Currently there is no naming rights sponsorship in place for the Armidale Sportsground. The committee were informed of the Big Chill festival being held at the Armidale Sportsground in May 2023. The significance of this event was then discussed in regards to the benefit it provides for exposure to the site as a sponsorship opportunity for many local businesses.

d) Review of Sports Council Small Grants Funding Guidelines

The revision of the funding guidelines aimed to provide clarity for the sporting community regarding the eligibility criteria for applicants. The need for applicants to reside within the Armidale Regional Council Local Government was clarified in the wording change, along with the recent nation-wide change of the age of masters athletes from 35 to 30 years.

e) Sporting group strategic plans

The committee discussed ways in which local sporting clubs could be encouraged to develop strategic plans. The provision of these strategic plans to Council will provide vital information that will assist in the development of Councils Sport and Recreation Plan in the near future. The development of a simplified strategic plan template specific to the information Council requires was raised by committee members and agreed upon by all in attendance, along with the hosting of an information session for all sporting clubs to attend. Further details surrounding the aforementioned are to be investigated by Council staff.

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 - Advancing our Region Community Plan 2022-2032:

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 report with a full financial report to 31 January 2023 included. A summary of the financial position against Councils budget has been included below.

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

Budget Area:	Parks and Facilities (formerly Public and Town Spaces)						
Funding Source:	Player and Association Levies, Sports Council Reserve (Trust Account – Sports Development Fund)						
Budget Ref: (PN)	Description	Approved Budget	Actual	Committed	Proposed	Total Forecast Expenditure	Remaining Budget
240250 (Op)	Operational Revenue -Levies	\$42,840	\$37,537	Nil	Nil	\$37,537	\$5,303
240250 (Op)	Operational Expenditure	\$42,840	\$37,537	Nil	\$4,900	\$42,437	\$403
240386 (Cap)	Capital Revenue	Nil	Nil	Nil	Nil	Nil	Nil

- Levies of \$37,537 have been invoiced for the year to date 31 January 2023, as compared to the budget of \$42,840.

- Operating expenditure of \$6,650 for small grants and \$253 for materials has been incurred up to 31 January 2023 and the remaining balance of player levies of \$30,634 is allocated for transfer into the Reserve account for future priority projects.
- The total expenditure of \$37,537 matches the actual revenue received from Levies less allocations to small grant amounts and materials, and compares with the budgeted expenditure of \$42,840. This demonstrates the quarantining of player levies into a Trust Account Reserve for allocation towards the Sports Council priority capital projects, in accordance with Council's resolution at the 29 July 2021 Ordinary Council meeting.

Opening Balance of ARC Trust Account Reserve (Sports Development Fund) 30/06/2022	\$73,095
Add Newcastle Permanent Bank Account balance (to be transferred to ARC Trust Account)	\$885
Current balance at 31 January 2023	\$73,980
Add Forecast FY2023 Levies to be transferred 30 June 2023	\$30,634
Forecast Balance at 30 June 2023	\$99,714

The Sports Council committee recommends the expenditure of \$4,900 from the Sports Development Fund (current balance \$73,980). In line with the forecast invoicing and revenue, this expenditure would leave the Sports Development fund with a forecast balance at 30 June 2023 of \$99,714.

7. Conclusion

It is recommended that Council note the minutes of the Sports Council Committee meeting held on Tuesday 7 February 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:	13.2	Ref: AINT/2023/05781
Title:	Access Advisory Committee - Minutes of meeting held 23 February 2023	Container: ARC16/0524-3
Responsible Officer	Chief Officer Corporate and Community	
Author:	Aimee Hutton, Coordinator Libraries, Museums and Visitor Information Centre	
Attachments:	1. Minutes - Armidale Regional Council Access Advisory Committee - 23 February 2023 2. Terms of Reference - Access Advisory Committee - FINAL	

RECOMMENDATION:

That the Minutes of the Access Advisory Committee meeting held on 23 February 2023 be noted.

1. Purpose:

This report is to provide Council with the minutes of the Access Advisory Committee meeting held on 23 February 2023.

2. Background

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

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

3. Report:

At the meeting held on 23 February 2023, the committee discussed the following items: -

- The final Terms of Reference for the Access Advisory Committee were endorsed by the committee.
- The progress of the Active Transport Strategy – an updated was provided by Council's Belinda Ackling.
- The tactile path markers in the Beardy Street Mall. Concerns were raised about their compliance to standards.
- The reinstatement of the Access Business Awards.
- Confirmation of the committee membership.
- Planning for the 'Adopt a Disability Day' in December 2023.

- The lift in the Armidale CAB and the lack of accessibility when the lift is out of order.

4. Strategic Directions:

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

5. Relevant Legislation

Not Applicable

6. Financial Implications

Not Applicable

7. Conclusion

That Council note the minutes of the Access Advisory Committee meeting held on 23 February 2023.

Item:	13.3	Ref: AINT/2023/06303
Title:	Traffic Advisory Committee - Minutes of the meeting held 4 April 2023	Container: ARC16/0168-8
Responsible Officer	Manager Water & Wastewater	
Author:	Graham Earl, Technical Officer Engineering	
Attachments:	1. Agenda - Traffic Advisory Committee - 4 April 2023 2. Minutes - Traffic Advisory Committee - 4 April 2023	

RECOMMENDATION:

That in relation to the report "Armidale Regional Council Traffic Advisory Committee Minutes – 4 April 2023", that Council:

- a) Endorse the requested road closures of Taylor Street from Dumaresq Street to Donnelly Street and Kirkwood Street between Taylor Street and Douglas Street from 7.30am until 6pm on Sunday 4 June 2023 for the Jack Vallance Memorial Junior Football (Soccer) Carnival.

- b) Endorse change of parking layout in Dangar Street between Barney Street and Rusden St, Armidale adjacent to the emergency vehicle access in for St Marys School, be changed from a Bus Zone to No Parking.

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, 7 March 2023 which details recommendations to Council for consideration and adoption.

2. Discussion

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

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

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

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

3. Report:

At its meeting on 4 April 2023 the TAC considered two items requiring endorsement;

- a) Special Event Traffic Management Plan – SUFL Carnival (known as Jack Vallance Memorial Carnival).

Jack Vallance Carnival (formally Sport UNE Football League) will be hosting its annual Junior Football (Soccer) carnival on Sunday 4 June 2023. It is anticipated that there will be approximately 90 – 120 teams playing on the day with ages of the players ranging from 5 years to 17 years of age.

Jack Vallance Carnival have requested the closing of Taylor Street from Dumaresq Street to Donnelly Street and Kirkwood Street between Taylor Street and Douglas Street from 7.30am until 6pm. Trained RFS personnel will man road closure barriers. No residential houses will be affected by the road closure. Alternate routes are available to all houses in the area.

St. John's Ambulance officers will be available on the day as organised by Association, Mobile and landline phones will be onsite.

- b) Proposed Changes to Parking Layout – Dangar Street at St Marys School, Armidale.

The current parking arrangement in Dangar St at this location is a Bus Zone that operates from 8:00am to 9:30am School Days, and is then unrestricted parking for the remainder of the time. The first 2 marked parking bays are designated as No Parking for the morning and afternoon School Zone times to allow parents to set down and take up children. For the remaining time they are designated as 1 hour parking.

After discussion with the bus operator the bus no longer stops at this location in the morning.

The current layout is confusing to motorists and is difficult to enforce. Therefore, it is proposed that as the Bus Zone is no longer required, the existing Bus Zone and 2 No Parking spaces be adjusted. The Bus Zone to be converted to a full time No Parking zone and the 2 marked parking bays to 1 hour parking consistent with the adjacent parking. The No Parking zone will allow parent to drop-off and pick-up children without interfering with other parking arrangements.

4. Strategic Directions:

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

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

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

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

Connected Region – Transport and Technology

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

- C2. Transport and technology that enable connectivity both locally and outside the region
 - C2.1 Provide access to public and private transport services that link our community to our local towns and villages, other regions, our local attractions, and lifestyle infrastructure.

5. Relevant Legislation

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

6. Financial Implications

TfNSW Block Grant.

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

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

Budget Area:	Roads and Parks – Traffic Facilities						
Funding Source:	Traffic Facilities Block Grant						
Budget Ref: (PN)	Description	Approved Budget	Actual	Committed	Proposed	Total Forecast Expenditure	Remaining Budget
210713	Item (b)	\$119,000	\$61,888.28	\$4,295.01	\$200.00	\$66,383.29	\$52,616.71

Item (a) - The full cost for the installation of the traffic guidance scheme by Council staff is \$453.19 including GST to be paid in full by the Jack Vallance Carnival.

7. Conclusion

That Council note the minutes of the Traffic Advisory Committee (TAC) meeting held on Tuesday, 4 April 2023 and the recommendations to Council be considered for adoption.

Item:	13.4	Ref: AINT/2023/06377
Title:	Audit, Risk and Improvement Committee - Minutes of the meeting held 7 March 2023	Container: ARC23/5778
Responsible Officer	Chief Officer Corporate and Community	
Author:	Simone Mooketsi, Manager Governance and Strategy	
Attachments:	1. Minutes 7 March 2023 Audit, Risk and Improvement Committee Meeting	

1. Purpose

The purpose of this report is to provide Council with Minutes of the Audit Risk and Improvement Committee (ARIC) meeting held on 7 March 2023.

2. OFFICERS' RECOMMENDATION:

That Council note the Minutes of the ARIC meeting held on 7 March 2023.

3. Background

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

Specifically, the Committee will assist the Council to:

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

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

The ARIC will meet at least quarterly.

COMPOSITION AND TENURE

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

Members (Voting)

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

Attendees (non-voting)

- The General Manager, or delegate
- Executive Leadership Team (ELT)
- Internal Auditor/ Chief Audit Executive (Note - delegated to the Manager Governance & Strategy).

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

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

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

4. Discussion

Minutes of the ARIC meeting held on 7 March 2023 are attached for information. Minutes of the ARIC meeting held on 22 November 2022 are attached for information.

A summary of the meeting outcomes is:

- There needs to be strong focus on closing out the open cyber-security audit items and Council should consider undertaking an assessment against the 'Essential Eight' maturity model following completion of planned changes and improvement to IT systems.
- Judy Malpas and Delex Xavier of O'Connor Marsden presented the Fraud Prevention Internal Audit Report. The audit was conducted between October and December 2022.

The audit reviewed fraud prevention processes pertaining to:

1. Timesheets (including overtime and allowances)
2. Leave Management
3. Credit Cards
4. Fuel Cards.

The audit did not identify any active fraud and the recommended management action items have been accepted and are being implemented to strengthen fraud prevention at Council.

- The Internal Audit Report including recommendations and draft management responses was attached for the Committee's review and noting.
- The findings of the internal audit undertaken by the Governance Team of fuel card usage were noted by the Committee and the implementation of the agreed management actions are in progress.
- The positive findings of the cultural audit were noted by the Committee and the positive outcome commended. The positive impact on the cultural changes at Council and the impact this has had on delivery of services and governance were discussed at length, including the positive impact on risk management culture. The Committee advised the organisation has transformed in a positive way since the commencement of the cultural change journey and congratulated the General Manager on the progress achieved to date.

- The outcomes of the workplace health and safety (Work Cover) self-assessment were noted by the Committee. Council is developing a plan to address the 22 action items which will be presented to a future meeting of the Committee.
- The Committee noted the terms of reference of the Records Management and Privacy Audit which is currently underway. The audit report will be presented at the next ARIC meeting.
- The Committee noted the Internal Audit Plan for 2023-2024.
- The Committee noted the terms of reference for the upcoming Procurement Audit.
- The Committee noted the status of the outstanding audit recommendations.
- Council informed the Committee of upcoming external accreditations and these will be reported to future ARIC meetings, further strengthening the risk management, quality and audit functions.
- The status of the risk management roadmap implementation was noted by the Committee.
- The Committee noted the minutes of the ICT Steering Committee and sought clarification regarding the role of the committee in oversight and decision making regarding cyber security matters. This clarification was provided verbally at the meeting. Additional detail on the governance arrangements will be provided at the June 2023 meeting to demonstrate to ARIC how the governance arrangements are maturing.
- The Committee sought clarification from Council regarding the oversight of climate change risk and the governance and reporting mechanisms which the changing committee structure. Clarification of the governance arrangements will be provided at the June 2023 meeting.
- The Committee noted the:
 - a) 2022-2023 Second Quarter Budget Review.
 - b) the proposed revised 2022-2023 budget produces an unrestricted cash forecast of \$4.993 million
 - c) the proposed revised 2022-2023 operating surplus/ (deficit) budget as per the table below:

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

d) the amendments adopted by Council at the 22 February 2023 to the 2022/23 budget in accordance with the Quarterly Budget Review Statement for the period 1 October 2022 to 31 December 2022 tabled in the attachments.

- The Committee noted the status of the operational plan and the application for the Special Rates Variation.
- The Committee queried the payment of superannuation payments to Committee members.

5. Implications

5.1. Strategic and Policy Implications

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

5.2. Risk

Amongst others, ARIC will advise whether:

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

5.3. Sustainability

N/A

5.4. Financial

N/A

6. Consultation and Communication

N/A

7. Conclusion

Minutes of the 7 March 2023 meeting of ARIC are provided for noting by Council.

Item:	13.5	Ref: AINT/2023/06510
Title:	Traffic Advisory Committee - Minutes of meeting held 7 March 2023 Container: ARC16/0168-8	
Responsible Officer	Manager Water & Wastewater	
Author:	Belinda Ackling, Divisional Assistant Operations	
Attachments:	Nil	

RECOMMENDATION:

That in relation to the report “Armidale Regional Council Traffic Advisory Committee Minutes – 7 March 2023”, that Council:

- a) Endorse the temporary road closures of Faulkner Street Armidale from Dumaresq Street to Beardy Street and the connecting intersections with Moore Street, East Mall and Rusden Street roundabout for the Armidale 2023 Anzac Day March and Commemoration Service to be held on Tuesday 25 April 2023.
- b) Endorse the rolling road closure of Bradley Street Guyra from MacKenzie Street to the Southern side of the Hall will allow the crowd to gather outside the Soldier’s Memorial Hall at 163 Bradley Street for the service for the annual Anzac Day Dawn Service will occur on Tuesday, 25 April 2023 between 5.30 am and 7.00 am, in accordance with the provided traffic control plan.
- c) Endorse the rolling road closures of Bradley Street from MacKenzie Street to the Southern side of the Hall will allow the crowd to gather outside the Soldier’s Memorial Hall at 163 Bradley Street for the annual Anzac Day March held on Tuesday, 25 April 2023 between 10.00am and 12.30pm, in accordance with the provided traffic control plan.
- d) That Council note the endorsement of the temporary road closure of Canambe Street between Dumaresq and Kirkwood Street for the Armidale & New England Show that was held from 6:30pm Thursday 2 March until 10pm on Sunday 5 March 2023.
- e) Note the requested road closures and route options for the 2023 Autumn Festival Parade Route of :
 - i. Dangar and Faulkner Street Armidale including Tingcombe Lane, from Barney Street to Rusden Street be closed from 7am for the staging of the Autumn Festival Parade.
 - ii. Faulkner Street between Dumaresq and Kirkwood Streets will be closed from 7am and remain closed for the duration of the Autumn Festival Parade.
 - iii. Route Option A –
The closure of Faulkner Street Armidale, from Barney Street to Kirkwood Street disassembling in Faulkner between Civic and Curtis Park.
 - iv. Route Option B –
The closure of Faulkner Street Armidale, from Barney to Rusden Street, turning left into Rusden Street, right into Dangar Street following into Moore Street, left into Faulkner disassembling in Faulkner between Civic and Curtis Park.

- f) Endorse the Special Event Transport Management Plan for the Armidale Cycling Club's 2023 Weekly Race and the use of the Armidale Regional local roads, of Boorolong Road, Dangarsleigh Road/Enmore Road, Bundarra Road and Long Swamp Road.

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, 7 March 2023 which details recommendations to Council for consideration and adoption.

2. Discussion

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

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

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

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

3. Report:

At its meeting on 7 March 2023 the TAC considered five items requiring endorsement;

- a) Special Event Traffic Management Plan - Armidale Anzac Day March 2023

Anzac Day is a recognised National event held on 25 April each year, the event is supported by Council and under Police escort.

The Dawn Service will not include a march. Participants will be bussed to Central Park from the Ex Serviceman's Club for the ceremony start at 5.30am and conclude at 7am.

The Main Anzac March and Service will start to gather at 10.30am in Faulkner Street and head up to Central Park where the service will start at 11am and conclude at 12.30pm.

- b) Special Event Transport Management Plan - Guyra Anzac Day March 2023

Anzac Day is a recognised National event held on 25 April each year, the event is supported by Council and under Police escort. Anzac Day Dawn Service is to be held between 5.30 am and 7.00 am. The road closure of Bradley Street from MacKenzie Street to the Southern side of the Hall will allow the crowd to gather outside the Soldier's Memorial Hall at 163 Bradley Street for the service

The main march and service is between 10.00am and 12.30pm. The road closure of Bradley Street will allow the march to assemble and then proceed from Ollera Street to the Soldier's Memorial Hall at 163 Bradley Street.

c) Special Event Transport Management Plan - Armidale & New England Show 2023

The Armidale and New England Show is held annually at the Armidale Showground. The event utilises two sites split across Canambe Street. An annual road closure is required to facilitate the safe and efficient operation of show activities. The TAC received the road closure application after the February TAC meeting and not processed in time to present the closure to Council.

The TAC resolved for Council to note the endorsement by the TAC for the temporary road closure of Canambe Street between Dumaresq and Kirkwood Street for the Armidale & New England Show that was held from 6:30pm Thursday 2 March until 10pm on Sunday 5 March 2023.

d) Special Event Transport Management Plan The Armidale Autumn Festival 2023

The Armidale Autumn Festival has been a long held festival and tradition that over the years has evolved into a celebration of civic pride. The parade is a key part of the festival and two different routes are being considered for 2023 pending resources and budget. This report requests endorsement of two options.

e) Special Event Transport Management Plan - Armidale Cycling Club Weekly Road Races 2023.

The Armidale Cycling Club conducts weekly road races using Boorolong Road, Dangarsleigh Road/Enmore Road, Bundarra Road and Long Swamp Road within the Armidale Regional LGA. This series of events has been conducted over many years without any issues, no road closures are required.

4. Strategic Directions:

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

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

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

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

Connected Region – Transport and Technology

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

5. Relevant Legislation

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

6. Financial Implications

TfNSW Block Grant.

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

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

Budget Area:	Tourism and Events						
Funding Source:	City Services - Events						
Budget Ref: (PN)	Description	Approved Budget	Actual	Committed	Proposed	Total Forecast Expenditure	Remaining Budget
210713	Item (a), (b)	\$247,633	\$176,641	Nil	\$2,840.00	\$179,481	\$68,152

Item (c) – The full cost for the installation of the traffic guidance scheme by Council staff was \$561.37 including GST was paid in full by the Armidale Show Society.

Item (d) – The full cost of the road closures and traffic control to support the Autumn Festival Parade is fully funded under the event budget.

Item (e) – There is no financial cost to Council.

7. Conclusion

That Council note the minutes of the Traffic Advisory Committee (TAC) meeting held on Tuesday, 7 March 2023 and the recommendations to Council be considered for adoption.

Item: 14.1 **Ref:** AINT/2023/07371
Title: Water Charges, Water Security and Willingness to Pay **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 on Notice as provided by Cr Robinson.

2. OFFICERS' RECOMMENDATION:

That Council note the response to the Questions on Notice submitted by Cr Robinson.

Question:

Water charges and water security will be of considerable interest to many residents during the consultation on willingness to pay by PWA.

Please provide the information below for a) residential and b) commercial and c) institutional users of treated water in Armidale for either the last 4 quarters, or the last financial year, whichever is easier.

Quarterly Consumption (kL)	Number of users	Mean consumption per quarter
0-10		
10-20		
20-30		
30-40		
40-50		
50-60		
60-70		
70-80		
80-90		
90-100		
100-120		
120-140		
140-160		
160-180		
180-200		
200-250		
250-300		

300-350		
400+		

Please also summarise usage of untreated water, estimated losses from leaking supply pipes and usage on parks and gardens.

Background Support Information:

Nil

General Manager's Comment:

Resourcing and timing challenges have not allowed for the collation and analysis of this response to be delivered in the manner required. Staff will provide a response to the May 2023 OCM.