



BUSINESS PAPER

ORDINARY MEETING OF COUNCIL

To be held on

Wednesday, 26 March 2025
4:00 PM

at

Armidale Council Chambers

Members

Councillor Sam Coupland
Councillor Kay Endres
Councillor Paul Gaddes
Councillor Eli Imad
Councillor Susan McMichael
Councillor Todd Redwood
Councillor Dorothy Robinson
Councillor Rob Taber
Councillor Bradley Widders

AGENDA

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15.2	National Water Grid Fund (NWGF) 2025 Expression Of Interest (EOI) - Environmental Impact Statement (EIS) and Detailed Business Case	
	<i>(General Manager's Note: The report considers a funding application 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,</i>	

if disclosed, confers a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business).

15.3 Installation of Replacement Ozone Generator Units at the Armidale Water Treatment Plant (WTP)

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

16 Close of Ordinary Meeting

Item:	5.1	Ref: AINT/2025/04220
Title:	Minutes of Previous Meeting held 26 February 2025	Container:
	ARC16/0001-9	
Responsible Officer	General Manager	
Author:	Melissa Hoult, Executive Officer	
Attachments:	1. Draft OCM Minutes - 26 February 2025	

RECOMMENDATION:

That the Minutes of the Ordinary Council meeting held on 26 February 2025 be taken as read and accepted as a true record of the meeting.

Item:	7.1	Ref: AINT/2025/04223
Title:	Ethical Decision Making and Conflicts of Interest	Container:
	ARC16/0001-9	
Responsible Officer	General Manager	
Author:	Melissa Hoult, Executive Officer	
Attachments:	Nil	

1. Purpose

The purpose of this report is to guide Councillors in making ethical decisions and managing conflicts of interest in line with the *Local Government Act 1993*. It aims to maintain transparency, integrity and public trust in council operations by outlining their responsibilities and the process for declaring interests.

This report will be a standing item presented to each meeting as a reminder around conflicts of interest and the basis for declarations.

2. OFFICERS' RECOMMENDATION:

That Council note the report.

3. Background

This report outlines the ethical obligations for Councillors, reminding them of the Oath or Affirmation taken under the *Local Government Act 1993* when elected. It emphasises the importance of making ethical decisions by considering legality, consistency with policies, and potential conflicts of interest. This report also discusses two types of conflicts – pecuniary and non-pecuniary – and the steps to identify and disclose them to ensure transparency and integrity in council meetings. Councillors are advised to declare any interests at the earliest opportunity, with forms available for such disclosures. This helps maintain public trust and the integrity of their roles.

4. Discussion

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:	7.2	Ref: AINT/2025/04224
Title:	Council Actions Report October 2024 - March 2025	Container:
	ARC16/0001-9	
Responsible Officer	General Manager	
Author:	Melissa Hoult, Executive Officer	
Attachments:	1. Outstanding Actions Oct 2024 - Mar 2025 2. Action items completed since February 2025 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 October 2024. 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:	7.3	Ref: AINT/2025/04349
Title:	Councillor and Staff Interaction Policy	Container: ARC17/1770
Responsible Officer	General Manager	
Author:	Jessica Bower, Senior Executive Officer	
Attachments:	1. Councillor and Staff Interaction Policy - 26 March 2025 OCM	

1. Purpose

This purpose of this policy is to provide guidance and support for Councillors and council staff in the performance of their duties. It complements the Armidale Regional Council Model Code of Conduct and supports compliance with the 'Conduct and Interests' provisions in Part 4 of the Act.

OFFICERS' RECOMMENDATION:

That Council:

- a. Endorse the Councillor and Staff Interaction Policy for public exhibition for a period not less than 28 days, noting no substantial amendments have been recommended to the current policy.

2. Background

This updated Councillor and Staff Interaction Policy intends to govern a respectful, transparent and constructive relationship between Councillors and Council Staff, by articulating their different but complementary roles, defining reasonable expectations, and establishing clear and effective communication protocols that facilitate good governance and Council's optimum performance.

The creation and utilisation of the Councillor Request Register was an order contained in the Performance Improvement Order (PIO) issued by the Minister for Local Government in December 2020, which has proven to have contributed to effective and transparent communication between Councillors and staff.

3. Discussion

Under the *Local Government Act 1993* it is the responsibility of the Council to appoint the General Manager. The General Manager is then responsible for employing staff for the successful operation of the organisation. As Council does not employ the staff Council, or individual Councillors, cannot direct or manage staff and are responsible only for the performance of the General Manager.

Further to this, Councillors are prohibited under Section 76E of the Act from improperly directing or influencing Council Staff. A Councillor must not direct, or seek to direct, a member of Council staff:

- a. in the exercise of a delegated power, or the performance of a delegated duty or function of the Council; or
- b. in the exercise of a power or the performance of a duty or function exercised or performed by the member as an authorised officer under legislation; or Implications

- c. in the exercise of a power or the performance of a duty or function the member exercises or performs in an office or position the member holds under legislation; or
- d. in relation to advice provided to the Council or a special committee, including advice in a report to the Council or special committee.

Improper or undue influence can include:

- Disrespecting the professional opinion, skills or expertise of staff through intimidatory, bullying, harassing or disrespectful behaviour;
- Using rank or position to seek information outside the processes outlined in this Policy;
- Pressuring staff to make a decision outside the formal Council decision making processes;
- Pressuring staff to provide information, services or assistance to one person, group or part of the community over another, outside a formal decision of Council;
- Pressuring staff to make a decision to take action outside normal business process timeframes;
- Pressuring staff to change a recommendation in a Council Report.

Council's current adopted Councillor and Staff Interaction policy support Councillors in the conduct of their civic duties, and in conjunction with the Councillor Request Procedure assists with the management of effective timely communication and request tracking.

The document has been reviewed, with no substantial amendments recommended to the current policy. Changes are limited to:

- formatting/grammar
- updating staff titles
- removing a redundant Performance Improvement Order reference
- updates to Community Strategic Plan references
- reference to an absent attachment.

4. Implications

The NSW *Local Government Act 1993* (the Act) defines the roles and responsibilities of the Mayor and Councillors, and specifies that the General Manager is to direct staff in the performance of their duties. Interactions between Councillors and staff are necessary to facilitate well-informed decisions and the provision of Council services.

4.1. Strategic and Policy Implications

This Policy contributes to the delivery of the Advancing our Region Community Plan objective 'Strong Region' Goal 2: Strong governance and leadership that supports our region to grow and prosper.

Other relevant policies are the Code of Conduct and the Business Ethics Policy.

4.2. Risk

Continuous review and enhancements of policies gently shapes Council into the kind of place that is not only compliant but that is close to its roots, the community, and the people it serves.

4.3. Sustainability

Nil.

4.4. Financial

Nil.

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

5. Consultation and Communication

It is timely that the Councillor and Staff Interaction Policy be reviewed and adopted by the new Council to ensure clarity and understanding of the policy.

6. Conclusion

No substantial amendments have been recommended to the current policy.

Item:	9.1	Ref: AINT/2025/04010
Title:	DA-6-2025 - 66 Varley Court, Armidale - Dwelling	Container: DA-6-2025
Responsible Officer	Chief Officer Planning and Activation	
Author:	Emily Tischner, Senior Strategic Planner	
Attachments:	1. DA-6-2025 - 66 Varley Court ARMIDALE NSW 2350 - DA Section 4.15 assessment 2. DA-6-2025 - 66 Varley Court ARMIDALE NSW 2350 - Draft Conditions of Consent 3. DA-6-2025 - 66 Varley Court ARMIDALE NSW 2350 - Clause 4.6 variation request - Clause 4.6.pdf - 4. DA-6-2025 - 66 Varley Court ARMIDALE NSW 2350 - Architectural Plans	

1. Purpose

The purpose of this report is for Council to determine the development application for a dwelling house at 66 Varley Court, Armidale.

This application is required to be determined by Council, as it proposes a variation to a development standard under the *Armidale Regional Local Environmental Plan 2012*.

Under the Department of Planning, Housing and Infrastructures, *Guide to Varying Development Standards*, published November 2023, applications that propose a variation to development standards greater than 10% requires determination by Council.

2. OFFICERS' RECOMMENDATION:

That Council grant consent to Development Application DA-6-2025, subject to conditions outlined below and in attachment 2 of the report, for a dwelling house at 66 Varley Court, Armidale.

Draft Conditions of Consent for DA-6-2025

Compliance with Building Code of Australia and insurance requirements under the home building Act

1. It is a condition of a development consent for development that involves building work that the work must be carried out in accordance with the requirements of the *Building Code of Australia*.
2. It is a condition of a development consent for development that involves residential building work for which a contract of insurance is required under the *Home Building Act 1989*, Part 6 that a contract of insurance is in force before building work authorised to be carried out by the consent commences.
3. It is a condition of a development consent for a temporary structure used as an entertainment venue that the temporary structure must comply with Part B1 and NSW Part H102 in Volume 1 of the *Building Code of Australia*.
4. In subsection (1), a reference to the *Building Code of Australia* is a reference to the Building Code of Australia as in force on the day on which the application for the construction certificate was made.

5. In subsection (3), a reference to the *Building Code of Australia* is a reference to the Building Code of Australia as in force on the day on which the application for development consent was made.
6. This section does not apply—
 - a. to the extent to which an exemption from a provision of the *Building Code of Australia* or a fire safety standard is in force under the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*, or
 - b. to the erection of a temporary building, other than a temporary structure to which subsection (3) applies.

Reason: Prescribed condition under section 69 of the Environmental Planning and Assessment Regulation 2021.

Erection Signs

1. This section applies to a development consent for development involving building work, subdivision work or demolition work.
2. It is a condition of the development consent that a sign must be erected in a prominent position on a site on which building work, subdivision work or demolition work is being carried out—
 - a. showing the name, address and telephone number of the principal certifier for the work, and
 - b. showing the name of the principal contractor, if any, for the building work and a telephone number on which the principal contractor may be contacted outside working hours, and
 - c. stating that unauthorised entry to the work site is prohibited.
3. The sign must be—
 - a. maintained while the building work, subdivision work or demolition work is being carried out, and
 - b. removed when the work has been completed.
4. This section does not apply in relation to—
 - a. building work, subdivision work or demolition work carried out inside an existing building, if the work does not affect the external walls of the building, or
 - b. Crown building work certified to comply with the *Building Code of Australia* under the Act, Part 6.

Reason: Prescribed condition under section 70 of the Environmental Planning and Assessment Regulation 2021.

Fulfilment of BASIX requirements

It is a condition of a development consent for the following that each commitment listed in a relevant BASIX certificate is fulfilled—

- 1. BASIX development,**
- 2. BASIX optional development, if the development application was accompanied by a BASIX certificate.**

Reason: Prescribed condition under section 75 of the Environmental Planning and Assessment Regulation 2021.

GENERAL CONDITIONS

1. Approved Plans and Documentation

The development must be carried out in accordance with the following approved plans and documents, except where the condition of this consent expressly requires otherwise.

Approved Plans				
Plan Number	Revision Number	Plan Title	Drawn By	Date of Plan
-	5	Floor Plan	S. Selby	28/11/2024
-	5	Elevations	S. Selby	11/11/2024
-	4	Site Plan	S. Selby	26/11/2024

Approved Documents			
Document Title	Version Number	Prepared by	Date of document
BASIX Certificate	Cert Number: 1775278S	PEM Group Co Pty Ltd	28/11/2024

In the event of any inconsistency between the approved plans and documents, the approved plans prevail.

In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.

Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

BEFORE RELEASE OF CONSTRUCTION CERTIFICATE

2. Structural Details

Prior to the issue of a construction certificate, structural drawings prepared by a suitably qualified structural engineer must be submitted to and approved by the Principal Certifier.

The plans must include details for:

- All reinforced concrete floor slabs and/or beams or raft slab (having due regard to the possible differential settlement of the cut and fill areas.
- Footings of the proposed structure.
- Structural steel beams/columns.
- All Footings/Slab design affected by water and/or sewer zone of influence

Reason: To ensure structural stability and safety

3. Developer Contributions

Section 7.12 Contributions

Prior to the issue of Construction Certificate, the applicant must pay a contribution as specified below (as calculated at the date of this consent) to Council in accordance with Armidale Regional Council Section 7.12 Contributions Plan 2018 (the plan) and the EP&A Act.

Proposed Cost of Development *	Levy Percentage	Total Contribution
\$696,000	1%	\$6,960

The total amount payable may be indexed at the time the payment is made, in accordance with the provisions of the plan. In order to make the payment, please go to Council's website, select "self-service" and click "application payments" under the "pay for it" section. Your reference number is:

Reason: To provide for the increased need in infrastructure and services

4. Long service Levy

Before the issue of a construction certificate, the long service levy, must be paid to the Long service Corporation under the Building Construction industry Long Service Payments Act 1986, Section 34, and evidence of the payment provided to the certifier.

Reason: To ensure the long service levy is paid.

5. PDP approval required

Approval from Council under the Plumbing and Drainage Act 2011 and Regulations 2012 and the Plumbing Code of Australia (NCC 2016) to carry out plumbing and drainage work defined as -

- Water Services (cold water, heated water, non-drinking water, fire-fighting water)
- Sanitary plumbing, and drainage
- Stormwater drainage (roof drainage, surface and subsurface drainage)

A Plumbing and Drainage Permit must be obtained by a licensed plumber prior to plumbing work commencing.

ADVICE: This is an online service for the plumbing industry - go to www.armidaleregional.nsw.gov.au

Reason: To ensure approval is obtained

6. Construction Certificate/PCA

Construction works approved by this consent must not commence until:

- a) a Construction Certificate has been issued;
- b) the NSW Planning Portal has been advised of the intention to commence work; and
- (ii) the specific Principal Certifying Authority (building inspector) that has been appointed to the project.

Documentation required under this condition must show that the proposal complies with all relevant development consent conditions and is not inconsistent with the approved stamped plans, the National Construction Code and the relevant Australian Standards.

Reason: Requirement of Section 6.6 and 6.7 of the Environmental Planning and Assessment Act 1979

BEFORE WORKS COMMENCE

7. Erosion and sediment controls in place

Before any site work commences, the principal certifier must be satisfied the erosion and sediment controls in the erosion and sediment control plan are in place. These controls must remain in place until any bare earth has been restabilised in accordance with 'Managing Urban Stormwater: Soils and Construction' prepared by Landcom (the Blue Book) (as amended from time to time).

Reason: To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.

DURING CONSTRUCTION

8. Procedure for critical stage inspections (NSW condition)

While building work is being carried out, the work must not continue after each critical stage inspection unless the principal certifier is satisfied the work may proceed in accordance with this consent and the relevant construction certificate.

Reason: To require approval to proceed with building work following each critical stage inspection.

9. Construction Matters

During construction of the development the following is to be adhered to:

- No building materials, soil or equipment is to be stored on Council property or roads without written consent from Council.

- Effective dust control measures are to be maintained.
- Materials must not be burned on site. All waste generated on site must be disposed of at Councils Waste Disposal Depot or Waste Transfer Station.
- A hoarding or fence must be erected between the work site and any public place if the work is likely to cause traffic (pedestrian or vehicular) obstruction or inconvenience. The erected hoarding is to comply with AS 4687 and be erected prior to any works or demolition in site.
- The uppermost layer of soil (top soil) is to be retained onsite, stockpiled and surrounded at its base with silt fencing to ensure topsoil is maintained in a usable condition. Stockpiles are to be limited to 3m high and should not be located in areas visually prominent from the streetscape.

Reason: To maintain public safety

10. Stormwater

Stormwater from:

- All roof areas;
- Surface water from paved and impervious areas; and
- Any overflow from tanks
- Is to be collected, controlled, and conveyed in a suitable manner to a legal point of discharge.

Reason: to protect the site and adjoining properties from the effects of flooding

11. Discovery of relics and Aboriginal Objects

While site work is being carried out, if a person reasonably suspects a relic or Aboriginal object is discovered:

- a. the work in the area of the discovery must cease immediately;
- b. the following must be notified
 - i. for a relic – the Heritage Council; or
 - ii. for an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the *National Parks and Wildlife Act 1974*, section 85.

Site work may recommence at a time confirmed in writing by:

- a. for a relic – the Heritage Council; or

for an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the *National Parks and Wildlife Act 1974*, section 85.

Reason: to ensure the protection of objects of potential significance during works

12. Cut and Fill (if applicable)

While building work is being carried out, the principal certifier must be satisfied all soil removed from or imported to the site is managed in accordance with the following requirements:

(a) All excavated material removed from the site must be classified in accordance with the EPA's Waste Classification Guidelines before it is disposed of at an approved waste management facility and the classification and the volume of material removed must be reported to the principal certifier.

(b) All fill material imported to the site must be Virgin Excavated Natural Material as defined in Schedule 1 of the Protection of the Environment Operations Act 1997 or a material identified as being subject to a resource recovery exemption by the NSW EPA.

Condition reason: To ensure soil removed from the site is appropriately disposed of and soil imported to the site is safe for future occupants

13. Hours of Work

The principal certifier must ensure that building work, demolition or vegetation removal is only carried out between:

7am to 6pm on Monday to Friday AND 8am to 1pm on Saturday
(No work on Sundays and public holidays)

Unless otherwise approved within a construction site management plan, construction vehicles, machinery, goods or materials must not be delivered to the site outside the approved hours of site works.

Note: Any variation to the hours of work requires Council's approval.

Reason: To maintain the amenity of the locality

BEFORE OCCUPATION / WHEN WORKS ARE COMPLETED

14. Smoke Alarms

Prior to the issue of an occupation certificate, a smoke alarm/s must be installed and maintained within the entire building and be located in accordance with the National Construction Code. The alarm must be hard wired and comply with the Australian Standard 3786.

Reason: To comply with *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

15. Occupation Certificate

An Occupation Certificate must be obtained before the approved use commences, in accordance with the *Environmental Planning & Assessment Act 1979*.

ADVISING: Failure to obtain an Occupation Certificate is an offence under the legislation (Penalties do not apply to uses detailed in 109M and 109N; i.e. crown projects, or as detailed for certain temporary structures).

Reason: to ensure the health and safety of the building's occupants

16. PDP Completed

Before the issue of an Occupation Certificate, the Principal Certifier shall be provided with a copy of the Council Certificate issued to the Plumbing Contractor confirming that the contractor has had approval to do the work and has also had the required mandatory inspections completed and the required mandatory documentation submitted to the regulator as stipulated in the *Plumbing and Drainage Act 2011*

Reason: To ensure compliance with the *Plumbing and Drainage Act 2011*.

NOTE TO COUNCILLORS:

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

3. Background

The proposed development submitted for Council's consideration is for a dwelling house at 66 Varley Court, Armidale (**proposed development**).

The development application (**DA**) is required to be determined by Council due to the provisions set out in the Department of Planning, Housing and Infrastructures, *Guide to Varying Development Standards*, published November 2023, which specifies that for Local Development that seeks a variation to a development standard greater than 10% the application cannot be determined under delegated authority and must be determined by an elected Council.

The variation relates to the lot size of the subject site, which was lawfully created under a previous development application. The proposed dwelling house meets all other development standards under the *Armidale Regional Local Environmental Plan 2012 (ARLEP 2012)* and the Armidale Regional Development Control Plan.

4. Description of Proposal

Development application, DA-6-2025, seeks consent for the development of a single storey detached dwelling house at 66 Varley Court, Armidale. The subject site, is a regular shaped allotment, located on the southeastern side of Varley Court, and is clear of vegetation.

5. Discussion

The subject site, 66 Varley Court, Armidale was created under DA-41-2022, which granted consent for a 19-lot subdivision on land zoned R5 Large Lot Residential (Image 1). Of the 19 Lots created, 15 lots have an area of approximately 1 hectare. The subject site and area subject to DA -41-2022 is mapped under the ARLEP 2012 as Z1 having a minimum lot size for subdivision of 2ha (Image 2).



Image 1 – Land Zoning map showing the zoning of the subject site being R5 Large Lot

Residential



Image 2 – Lot size map showing the subject site, 66 Varley Court, Armidale mapped as Z1 – 2ha under the ARELP.

Clause 4.1 Minimum Subdivision Lot Size of the Armidale Regional Local Environmental Plan 2012, particularly Clause 4.1(2) specifies that any lots resulting from the subdivision of land are required to meet the minimum lot size as specified on the Lot Size Map. The subject site, as noted in Image 2, is mapped as having a minimum subdivision lot size of 2 hectares.

Despite Clause 4.1(2), there are additional provisions under Clause 4.1, that allow for the subdivision of land, below the minimum lot size as shown on the Lot Size Map, these are Clauses 4.1(3A) and 4.1(3B).

Clause 4.1(3A) is as follows;

(3A) Land in zone R5 Large Lot Residential may be subdivided to create lots of –

(a) At least 1 hectare, or

(b) For land to which Guyra Local environmental Plan 2012 applied immediately before the commencement of the Armidale Dumaresq Local Environmental Plan 2012 (Amendment 16) – at least 4,000m²

Clause 4.1(3B) is as follows;

Subclause (3A) applies only if the consent authority is satisfied each lot is, or will be, serviced by a water reticulation system and sewerage system.

The lots created under DA-41-2022 were lawfully created under Clause 4.1(3A) and Clause 4.1(3B) as council was satisfied that the development meet the requirements of Clause 4.1(3B).

Though the lots were legally created under Clause 4.1(3A), the *Armidale Regional Local Environmental Plan 2012*, does not recognise the applicability of this Clause, under *Clause 4.2A Erection of dwelling houses or dual occupancies on land in certain rural, residential and conservation zones*.

Clause 4.2A, applies to land in the R5 Large Lot Residential zone. The objectives of Clause 4.2A are as follows;

- (a) To minimise unplanned rural residential development,*
- (b) To enable the replacement of lawfully erected dwelling houses and dual occupancies in rural and conservation zones.*

Of particular importance is Clause 4.2A(3)(a) which states:

(3) Development consent must not be granted for the erection of a dwelling house or dual occupancy on land to which this clause applies, and on which no dwelling house or dual occupancy has been erected, unless the land –

(a) is a lot that is at least the minimum lot size shown on the Lot Size Map in relation to that land

Despite the lawful creation of the subject lot under Clause 4.1(3A), for a dwelling house to be erected on a lot in the R5 Large Lot Residential Zone under Clause 4.2A(3)(a) the lot must meet the minimum lot size as shown on the Lot Size Map.

The subject site is mapped as having a minimum lot size of 2ha, however the subject site only has an area of 1 hectare, as per the provisions under Clause 4.1(3A).

There are currently no provisions under Clause 4.2A that recognise and permit the erection of a dwelling house or dual occupancy, on lots created under Clause 4.1(3A).

Permissibility

The proposed development is permissible on the subject site in the R5 Large Lot Residential Zone, under the land use table, however because the subject site is 1 hectare, the proposed development represents a 50% variation to the development standard as the standard requires the subject site to be 2ha for a dwelling to be erected.

As the proposed development results in a variation to a development standard, consideration must be given to the proposed development under *Clause 4.6 Variations to development standards* to determine whether the variation in this instance is acceptable.

Additionally, the application must be considered by Council, as variations to development standards over 10% cannot be considered under delegated authority by Council staff.

Consideration under Clause 4.6 Variation to development standards

(1) The objectives of this clause are as follows—

- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
- (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

Clause 4.6(3) specifies that development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied that the applicant

has demonstrated that –

- (a) *Compliance with the development standard is unreasonable or unnecessary in the circumstances, and*
- (b) *There are sufficient environmental planning grounds to justify the contravention of the development standard.*

The applicant has provided a request under Clause 4.6 to vary the development standard, Clause 4.2A(3)(a) (attachment 3). The request attached by the applicant provides reasonable justification that compliance with the development standard in this instance is unnecessary and there are sufficient environmental planning grounds to justify the contravention.

Given the subject site is the result of an approved subdivision for the purpose of enabling rural residential development, the requirement for consideration under Clause 4.6 is only necessary as the *ARLEP 2012* does not adequately accommodate the provisions under Clause 4.1(3A) in Clause 4.2A.

6. Implications

6.1 Strategic and Policy Implications

Amending the Armidale Regional Local Environmental Plan 2012

Council is currently working on a Planning Proposal to address this anomaly that currently exists under ARLEP 2012, whereby a lot can be lawfully created under Clause 4.1(3A) below the minimum lot size as shown on the applicable Lot Size Map for the land, but a dwelling is currently not permitted on the lot under Clause 4.2(3).

This planning proposal will be seeking an amendment to the ARLEP 2012 to amend Clause 4.2A to include an additional provision that recognises any lot created under Clause 4.1(3A) as a lot that meets the provisions under Clause 4.2A for the erection of a dwelling house or dual occupancy.

Council has spoken to the Department of Planning, Housing and Infrastructure (DPHI) regarding this matter and seeking to expedite the Planning Proposal to rectify this current anomaly. DPHI has advised of their preferred approach to amend Clause 4.2A to recognise a lot created under Clause 4.1(3A) of ARLEP 2012.

Despite Council's request for consideration of such an amendment under section 3.22 '*Expedited amendments of environmental planning instruments*' of the EPA Act, DPHI has advised that an amendment of this nature would be considered a standard planning proposal with a consultation period of 20 working days.

This will remove the requirement for applicants to provide justification under Clause 4.6 and will remove the requirement for applications to be determined by Council.

Reporting and Monitoring

The Department of Planning, Housing and Infrastructures, '*Guide to Varying Development Standards*', sets out Council's reporting obligations where an applicant seeks to vary a development standard.

When determining a DA, a consent authority must complete the relevant fields in the NSW Planning Portal for the variation request. Section 90A of the EP&A Regulation now requires councils to provide reasons for approving or refusing a contravention of a development

standard through the NSW Planning Portal as soon as practicable after the determination of the DA.

A publicly available online register of all DAs with variation requests lodged and determined is available on the NSW Planning Portal. Councils are required to maintain their online variations register for variations determined before 1 November 2023.

6.2 Risk

Nil.

6.3 Sustainability

Nil.

6.4 Financial

Nil.

7. Consultation and Communication

In accordance with Council's Community Participation plan the development application was not notified or advertised. As the Development application is for the purpose of a single storey dwelling house on land created for the purpose of a residential development it is not considered necessary to notify the development application to neighbouring properties.

8. Conclusion

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

It is recommended that Council grant consent to Development Application DA-6-2025 subject to conditions because:

- The proposed development for a dwelling house is permissible in the zone, and meets all other development standards under the ARLEP 2012 and development controls under the Armidale Regional Development Control Plan.
- The subject site was lawfully created under DA-41-2022 and was created with the intended purpose of permitting a dwelling house.
- The applicant has provided sufficient justification that compliance with the development standard under Clause 4.2A in this instance is unnecessary.
- The requirement for consideration under Clause 4.6 is only a result of the ARLEP 2012 not adequately addressing all provisions.
- Council will be seeking to amend the ARLEP to rectify the matter and remove the requirement for consideration under Clause 4.6.

Item:	10.1	Ref: AINT/2025/03934
Title:	Endorsement of the Advancing our Region Community Plan 2025-2034	Container: ARC24/9343
Responsible Officer	Acting Chief Officer Corporate and Community	
Author:	Nicole Tarrant, Corporate Planning Administration Officer	
Attachments:	1. Community Plan 2025-2034 2. Formal Submissions Report 3. Formal Feedback Redacted	

1. Purpose

The purpose of this report is to present the public submissions received and endorse the final document of the Advancing our Region Community Plan 2025-2034 (Community Plan) which is required to be prepared under the Integrated Planning and Reporting Framework (IP&R).

2. OFFICERS' RECOMMENDATION:

That Council:

- a. Endorse the Advancing our Region Community Plan 2025-2034 pursuant to the requirements of the *Local Government Act 1993 (NSW)*;
- b. Note that community submissions received during the public exhibition period (Wednesday 11 December 2024 to Friday 7 February 2025) are attached to this report.

3. Background

Each term Council is required within six months of election (i.e. by 30 June 2025) to:

- Review the Community Plan; and
- Establish a new delivery program to cover the principal activities of the council for the four-year period commencing 1 July 2025.

The Community Plan sets out the vision and goals for our region. It is a 10-year plan that aims to clearly identify the community's main priorities and future aspirations, and the strategies required to achieve them.

It has been guided and informed by more than 1,800 contributions from our community, through a program of community engagement. The goals and strategies of this Plan are guided by the feedback that was received and ensures that the future directions of the community align with its aspirations.

The Community Plan articulates the aspirations of the community and is owned by the community which must be placed on public exhibition for a period of at least 28 days and submissions received must be considered by Council prior to endorsement.

4. Discussion

The draft Advancing our Region Community Plan 2025-2034 was placed on public exhibition for the required 28-day public exhibition period (from Wednesday, 11th December 2024 to Friday 7th February 2025), in line with relevant legislation.

A program of community engagement was undertaken during the public exhibition period and is detailed in the attached summary report.

The summary report also lists the formal public submissions received, along with a Council response to each submission, and a list of changes to the documents during and, in response to, the public exhibition period.

All formal public submissions are attached in full with personal contact details redacted.

5. Implications

5.1. Strategic and Policy Implications

Link to the Community Strategic Plan and Delivery Program

Community Strategic Plan – Leadership for the Region

- L2 – Council exceeds community expectations when managing its budget and operations.
- L2.3 – Council's strategic planning documents are integrated in a way which delivers community outcomes while effectively managing budgets, asset management and workforce planning.
- L2.3.1 – Develop and review Integrated Planning and Reporting Framework in line with statutory requirements.

6. Consultation and Communication

The Community Plan, referred to and titled the “Advancing our Region Community Plan 2025 - 2034” for the Armidale Region was developed through an extensive program of community engagement which included:

From 10 October 2024 to 29 October 2024, Council undertook a community consultation process, asking the community about what they want to see for their region by 2034, what they love about their region and what needs to be improved. The feedback received was used in the review of our Community Plan.

Public consultation comprised of pop-up stalls held in Ebor, Ben Lomond, Hillgrove, Guyra, and Armidale.

A summary of the engagement is attached to this report along with all formal public submissions.

7. Conclusion

This report recommends that Council endorses the Advancing our Region Community Plan (Community Plan) 2025-2034.

Item:	11.1	Ref: AINT/2025/04035
Title:	Fairview Estate Drainage	Container: ARC23/5897
Responsible Officer	Acting Chief Officer Assets and Services	
Author:	Simon Porter, Coordinator Design and Resourcing	
Attachments:	Nil	

1. Purpose

The purpose of this report is to classify the land purchased at Fairview Estate under council resolution 202/24, Lot 16 DP 1229593, 6 Elaine Close, Black Mountain, as Operational Land pursuant to division 1 of the Local Government Act 1993.

2. OFFICERS' RECOMMENDATION:

That Council:

- a. Place the recently purchased at 6 Elaine Close, Black Mountain, on public exhibition for a period of 28 days with the proposal to classify it as Operational Land
- b. Adopt the classification as Operational Land should no submissions be received.

3. Background

Fairview Estate subdivision was approved by the then Guyra Shire Council in January 2014. Construction of the subdivision was completed, and the infrastructure handed over to the Council in 2016. Since this time, the lots have been sold and some houses have been built.

Unfortunately, Fairview Estate has historical drainage issues which Armidale Regional Council (ARC) are now rectifying as part of the Fairview Estate Drainage project in the Operational Plan.

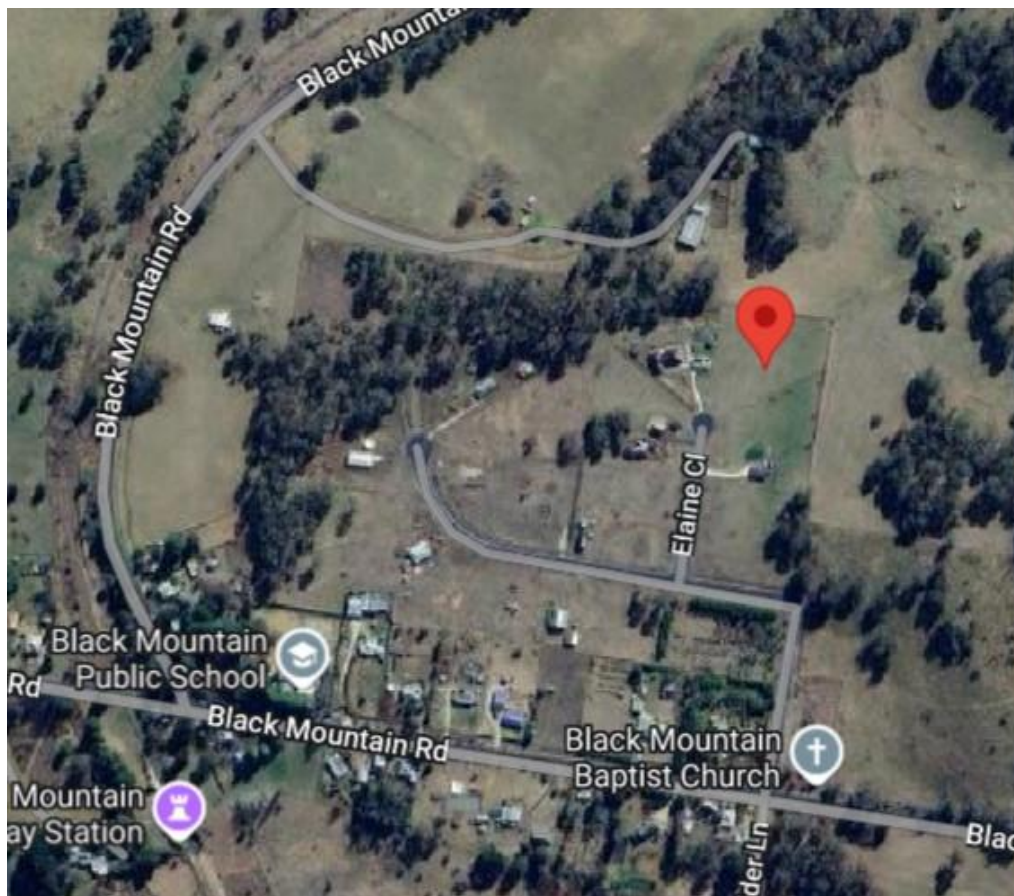
4. Discussion

Number 6 Elaine Close was purchased in January 2025 under council resolution 202/24 for the purpose of facilitating construction of the drainage upgrade works in Fairview Estate and formalising an easement over the property prior to resale. The property purchase and subsequent resale is aimed at reducing the impact to existing landowners, limit the extent of works and avoid potential compensation payable by council to the affected landowners.

However, before works can commence, the land is required to be classified as Operational Land.

Location reference of the lot is as follows;

Satellite view;



Street plan view;



5. Implications

5.1. Strategic and Policy Implications

Initial funding for the investigation and preliminary works was included in the Operations Plan and Budget 2023- 2024. Additional funding for works has been budgeted in this financial year Operational Plan under the following item:

C1.1.2 Undertake stormwater improvements in Bishops Crescent, Black Mountain, Kurrawatha Ave, Guyra Urban areas, and;

Redesign and implement satisfactory drainage including land dealings - Black Mountain Subdivision Upgrade.

5.2. Risk

If the land is not classified as Operational within three months of purchase, it automatically becomes Community Land. The Community Land classification means that the land could then technically be used by the general public.

5.3. Sustainability

Nil.

5.4. Financial

Budget Area:	Assets and Services Transport Division						
Funding Source:	General Fund						
Budget Ref: (PN)	Description	Approved Budget	Actual	Committed	Proposed	Total Forecast Expenditure	Remaining Budget (contingency)
	C1.1.2 Storm Water Improvements	1,405,000	\$205,00	\$885,000	\$1,145,000	\$1,145,000	\$55,000.00

The works have been estimated to cost \$885,000 to build the infrastructure, an additional cost of \$205,000 plus conveyancing and tax was required for the purchase of 6 Elaine Close.

The cost of purchasing the land is considered a short-term expenditure that will be returned upon future sale of the land. Assuming resale of the property in two years' time, it is estimated that Council will incur a total cost of \$11,343.00 for the purchase and resale of the property. This cost includes losses due to stamp duty and conveyancing fees.

6. Consultation and Communication

The classification of 6 Elaine Close as Operational Land is to be put on public notice for a period of 28 days.

7. Conclusion

Should council endorse the recommendation of this report, then number 6 Elaine Close, Black Mountain will be classified as Operational Land following the public notice period, subject to consideration of community feedback (if provided).

Item:	13.1	Ref: AINT/2025/04187
Title:	Traffic Advisory Committee - Minutes of the meeting held 4 March 2025	Container: ARC16/0168-9
Responsible Officer	Acting Chief Officer Assets and Services	
Author:	Claire Butcher, Transport Administration Officer	
Attachments:	1. Agenda - Traffic Advisory Committee - 4 March 2025 2. Minutes - Traffic Advisory Committee - 4 March 2025	

RECOMMENDATION:

That in relation to the Traffic Advisory Committee Meeting held 4 March 2025, that Council:

- a) Note the Minutes of the Traffic Advisory Committee meeting held 4 March 2025.
- b) Endorse the requested road closures for the 2025 Autumn Festival held 4 and 5 April 2025 including:
 - i. Faulkner Street between Dumaresq and Kirkwood Streets to be closed from 7am Friday 4 April 2025 and remain closed for the duration of the Autumn Festival and reopened from 7pm Saturday 5 April 2025.
 - ii. Dumaresq Street between Faulkner and Dangar Streets to be closed at 11.30am reopening at 7pm Saturday 5 April 2025.
 - iii. Dangar and Faulkner Street including Tingcombe Lane, from Barney Street to Rusden Street to be closed from 7am to approximately 2pm Saturday 5 April 2025, for the staging of the Autumn Festival Parade.
- c) Endorse the additional rolling road closures to facilitate the Autumn Festival Street Parade from 11.30am onwards to the conclusion/passing of the parade 2pm Saturday 5 April 2025.
 - i. Dangar Street between Barney and Moore Streets
 - ii. Moore Street
 - iii. Faulkner Street between Moore and Dumaresq Streets
 - iv. Dangar Street between Dumaresq and Kirkwood Streets
 - v. Beady Street between Marsh and Faulkner Street
- d) Endorse The Campus to City Canter which will commence at Sport UNE from 8am concluding at Civic Park by 10am, 5 April 2025. Traffic management to be in place at the affected Intersections of:
 - i. Elm Avenue
 - ii. Niagara Street
 - iii. Markham Street
 - iv. Dangar Street

- e) Endorse the use of Armidale Regional Council local roads only for the Austin Page College Coast Run Friday 22 August 2025, in accordance with the submitted Traffic Management Plan, and subject to any special conditions required by NSW Police.
 - i. Council to be provided copies of required approvals from Transport for NSW, Bellingen, Coffs Harbour and Clarence Valley Councils for the use of respective roads under their management.
- f) Endorse the closure of Bradley Street between McKenzie Street and Moore St, Guyra Saturday 4 October for Troutfest 2025 from 7:00am to 3:00pm.

1. Purpose:

This report is to provide Council with the agenda, minutes, and action list of the Traffic Advisory Committee (TAC) meeting held Tuesday 4 March 2025 which details and 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 held Tuesday 4 March 2025, the TAC considered three items.

Special Event Transport Management Plan the Armidale Autumn Festival 2025

The Armidale Autumn Festival is an Armidale institution that commenced in the 1990s. Originally, the festival was owned and operated by individuals and community groups' in-conjunction with Council support. Some years ago, Council became the main owner and operator of the festival, now in partnership with a committee of community stakeholders.

The street parade plays a pivotal role in the success of the festival and provides a high level of community participation. The return of the Campus to City Canter also provides additional community participation from our more active members of the community.

Special Event Transport Management Plan - Austin Page College Coast Run 2025

The Austin Page College Coast Run is an event organised by Austin Page College to raise money for the Children's Medical Research Institute.

It is in its 46th year, and involves around 40 students from Austin Page College, running in relay from Armidale to Coffs Harbour over two days.

The 46th Annual Austin Page College Coast Run is being held over two consecutive days commencing at Austin Page College, Armidale, Friday 22 August 2025, and concluding at the Coffs Harbour Jetty, Saturday 23 August 2025.

Special Event Traffic Management Plan - Guyra TroutFest 2025

The Troutfest is an annual event that attracts anglers from all over the state to participate in a fishing competition over the October long weekend.

The festival will have street stalls and exhibits to encourage visitors to the area by highlighting the region and its attractions. The festival will also promote community engagement and enjoyment.

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

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).

Funding Source:	Engagement & External Relations						
Budget Ref: (PN)	Description	Approved Budget	Actual	Committed	Proposed	Total Forecast Expenditure	Remaining Budget
210713	Autumn Festival Road closure	\$56,000	\$0	\$0	\$17,000	\$17,000	\$39,000
	Austin Page College Coast Run 2025						
	Guyra TroutFest 2025						

The cost for the Armidale Autumn Festival has been included in the 2023/24 Budget for \$56,000. The road closure is expected to cost \$17,000 in resources and signage using external contractors Ahoy Traffic Management.

All costs for the Austin Page College Coast Run 2025 will be borne by the organisers with no cost to Council.

All costs for the Guyra TroutFest 2025 will be borne by the organisers with no cost to Council.

7. Conclusion

That Council note the minutes of the Traffic Advisory Committee (TAC) meeting held Tuesday, 4 March 2025 and the recommendations made to Council be endorsed.