



## **AGENDA & BUSINESS PAPERS**

Notice is hereby given, in accordance with the provision of the *Local Government Act 1993* that a meeting of Uralla Shire Council will be held in the Council Chambers, 32 Salisbury Street, Uralla.

## **ORDINARY COUNCIL MEETING**

**23 July 2024**

**Commencing at 4:00pm**



### **Statement of Ethical Obligations**

The Mayor and Councillors are bound by the Oath/ Affirmation of Office made at the start of the Council term to undertake their civic duties in the best interests of the people of Uralla Shire and to faithfully and impartially carry out the functions, powers, authorities and discretions vested in them under the *Local Government Act* or any other Act, to the best of their skill and judgement.

It is also a requirement that the Mayor and Councillors disclose conflicts of interest in relation to items listed for consideration on the Agenda or which are considered at this meeting in accordance with Council's Code of Conduct and Code of Meeting Practice.

Toni Averay

**General Manager**

**AGENDA**

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## 7 CONFIRMATION OF MINUTES

### 7.1 Confirmation of Minutes held 25 June 2024 Ordinary Meeting

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**Department:** General Manager's Office

**Prepared By:** Executive Assistant

**Authorised By:** General Manager

**Reference:** UINT/24/10509

**Attachments:** 1. Council Minutes 25 June 2024 [!\[\]\(17413706fd4997a1a4bdf85c6864eee1\_img.jpg\) !\[\]\(f419710cbe076aa30a9c6c031b5cbe84\_img.jpg\)](#)

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### RECOMMENDATION

That Council adopt the minutes of the Ordinary Meeting held 25 June 2024 as a true and correct record.



## **MINUTES of**

### **ORDINARY COUNCIL MEETING**

**Held on 25 June 2024 at 4:00pm**

#### **Attendance at Meeting:**

**Councillors:** Mayor R Bell (Chair)  
Deputy Mayor R Crouch  
Cr T Bower  
Cr S Burrows  
Cr L Doran  
Cr McMullen  
Cr T O'Connor  
Cr L Petrov  
Cr T Toomey (attended remotely from 4:30pm)

#### **Apologies:**

Nil

#### **Staff:**

Ms T Averay General Manager  
Mr M Raby Director Infrastructure & Development  
Dr R Abell Director Corporate & Community  
Mr M Ahammed, Manager Finance & IT  
Mr D Weiley, Manager Assets  
Mr S Vivers Acting Manager, Development & Planning  
Dr I Arah Manager Environment & Waste  
Ms W Westbrook, Executive Assistant

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25 JUNE 2024

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Audio of meeting - <https://urallashirecouncil.podbean.com/e/25th-june-2024-ordinary-meeting-of-uralla-shire-council/>

## ORDINARY COUNCIL MEETING MINUTES

25 JUNE 2024

**1 OPENING & WELCOME**

The Chair declared the meeting opened at 4:03pm.

**2 PRAYER**

The Chair recited the Uralla Shire Council prayer.

**3 ACKNOWLEDGEMENT OF COUNTRY**

The Chair read the acknowledgement of country.

**4 WEBCAST INFORMATION**

The Chair advised the meeting was recorded, with the recording to be made available on Council's website following the meeting and reminded the attendees from making defamatory statements.

**5 APOLOGIES & APPLICATIONS FOR LEAVE OF ABSENCE BY COUNCILLORS**

Cr Tara Toomey joining online through Teams around 4:30pm.

**6 DISCLOSURE & DECLARATIONS OF INTEREST/S**

Cr Leanne Doran declared non-significant non-pecuniary interest in relation to item 14.10, due to being a member of the Thunderbolt Festival Committee. .

**7 CONFIRMATION OF MINUTES****7.1 CONFIRMATION OF MINUTES HELD 21 MAY 2024 ORDINARY MEETING****RESOLUTION 01.06/24**

**Moved:** Deputy Mayor Robert Crouch

**Seconded:** Cr Sarah Burrows

**That Council adopt the minutes of the Ordinary Meeting held 21 May 2024 as a true and correct record.**

**For:** Crs Robert Bell, Robert Crouch, Tim Bower, Sarah Burrows, Leanne Doran, Bruce McMullen, Tom O'Connor and Lone Petrov

**Against:** Nil

**CARRIED 8/0**

## ORDINARY COUNCIL MEETING MINUTES

25 JUNE 2024

**8 URGENT, SUPPLEMENTARY, AND LATE ITEMS OF BUSINESS (INCLUDING PETITIONS)**

Nil.

**9 WRITTEN REPORTS FROM DELEGATES****9.1 ARTS NORTH WEST (ANW) STRATEGIC ADVISORY COMMITTEE (SAC) HELD 24 MAY 2024****RESOLUTION 02.06/24****Moved:** Cr Leanne Doran**Seconded:** Cr Tom O'Connor

That Council note the Delegate report Arts North West (ANW) Strategic Advisory Committee (SAC) held 24 May 2024.

**For:** Crs Robert Bell, Robert Crouch, Tim Bower, Sarah Burrows, Leanne Doran, Bruce McMullen, Tom O'Connor and Lone Petrov

**Against:** Nil

**CARRIED 8/0****9.2 MAYOR'S ACTIVITY REPORT - MAY 2024****RESOLUTION 03.06/24****Moved:** Mayor Robert Bell**Seconded:** Cr Sarah Burrows

That Council received the Mayor's Activity Report for May 2024.

**For:** Crs Robert Bell, Robert Crouch, Tim Bower, Sarah Burrows, Leanne Doran, Bruce McMullen, Tom O'Connor and Lone Petrov

**Against:** Nil

**CARRIED 8/0****10 PUBLIC FORUM**

Nil

**11 MAYORAL MINUTE**

Nil

**12 NOTICE OF MOTION/QUESTIONS WITH NOTICE**

Nil

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**13 REPORT OF COMMITTEES****13.1 MINUTES - BUNDARRA SCHOOL OF ARTS HALL AND COMMUNITY CONSULTATIVE S355 COMMITTEE MEETING - 29 MAY 2024****RESOLUTION 04.06/24****Moved:** Cr Leanne Doran**Seconded:** Cr Bruce McMullen**That Council:**

- 1. Receives the Minutes of the Bundarra School of Arts Hall and Community Consultative s355 Committee meeting held 29 May 2024.**
- 2. Notes the following amendments to the report and recommendations:**
  - a. Paragraph 1:**
    - i. Note the correct spelling of Committee member Theresa Layton; and**
    - ii. Delete the apology as the individual is not a Committee member.**
  - b. Paragraph 2:**
    - i. Amend the Recommendation to add: 'and provide a list of Bundarra projects to the Committee'.**
  - c. Paragraph 3:**
    - i. Amend the Recommendation to read: 'The installation of the light at the multi-purpose courts to be prioritised'.**
  - d. Paragraph 4:**
    - i. Amend the Recommendation to read: 'Council note that the Committee supports use of the Hall for all elections'.**
- 3. Notes the Committee's Recommendations which were tabled at the meeting as amended.**

**For:** Crs Robert Bell, Robert Crouch, Tim Bower, Sarah Burrows, Leanne Doran, Bruce McMullen, Tom O'Connor and Lone Petrov

**Against:** Nil

**CARRIED 8/0**

Cr Toomey connected online at 4:31pm

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## 13.2 URALLA LOCAL TRAFFIC COMMITTEE (ULTC) - MINUTES OF MEETING HELD 12 JUNE 2024

## RESOLUTION 05.06/24

Moved: Cr Bruce McMullen

Seconded: Deputy Mayor Robert Crouch

That Council receives the Minutes of the Uralla Local Traffic Committee (ULTC) meeting held 12 June 2024 and notes the decisions of the Committee.

For: Crs Robert Bell, Robert Crouch, Tim Bower, Sarah Burrows, Leanne Doran, Bruce McMullen, Tom O'Connor, Lone Petrov and Tara Toomey

Against: Nil

CARRIED 9/0

## 14 REPORTS TO COUNCIL

## 14.1 DA-14-2024 - SUBDIVISION (1 LOT INTO 2) - 38 QUEEN STREET URALLA

## RESOLUTION 06.06/24

Moved: Deputy Mayor Robert Crouch

Seconded: Cr Lone Petrov

1. That Council approve the Development Application (ref: DA-14-2024) for a Subdivision (1 Lot into 2 Lots) at Lot 7 DP1136988, land known as 38 Queen Street URALLA, subject to the conditions of consent in the attached Notice of Determination with an amendment to Condition (8) requiring detailed plans showing method of stormwater disposal to lawful point from within access handle.
2. That Council notes the submissions received in response to notification of the Development Application.

Following debate a DIVISION DECISION was called with the result recorded below:

For: Crs Robert Bell, Robert Crouch, Tim Bower, Sarah Burrows, Leanne Doran, Bruce McMullen, Tom O'Connor, Lone Petrov and Tara Toomey

Against: Nil

CARRIED 9/0

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## 14.2 TERRIBLE VALE ROAD CROSSING - REVIEW AND RECOMMENDATIONS

## RESOLUTION 07.06/24

Moved: Cr Leanne Doran

Seconded: Cr Tim Bower

That Council:

1. Notes its previous resolution of 26 September 2023 to fund the replacement of the Terrible Vale Culvert Crossing for an amount of \$340,000 through the LRCI 4 Part B grant.
2. Notes the more current staff advice that the Terrible Vale Project Culvert Crossing replacement cannot be undertaken within the available grant funding of \$340,000.
3. Notes that the alternate project, Rocky River Road, identified in Council's previous resolution of 26 September 2023 for the same funding of \$340,000 has largely been addressed by other funding sources.
4. Approves an amount of \$100,000 to be drawn from the LRCI 4 Part B Grant of \$340,000 for detailed investigation, design and quantity surveying, and the likely costings of a future replacement of the Terrible Vale Crossing.
5. Approves an amount of \$240,000 to be drawn from the LRCI 4 Part B Grant of \$340,000 for the purposes of undertaking remediation and improvement work to the existing Rocky River Culvert Crossing ('Post Office Gully'), including the installation of a safe pedestrian creek crossing at the same site.

**For:** Crs Robert Bell, Robert Crouch, Tim Bower, Sarah Burrows, Leanne Doran, Bruce McMullen, Tom O'Connor, Lone Petrov and Tara Toomey

**Against:** Nil

CARRIED 9/0

## 14.3 NEW WASTE SERVICE AREAS COMMUNITY ENGAGEMENT SESSIONS AND RECOMMENDATION

## RESOLUTION 08.06/24

Moved: Cr Leanne Doran

Seconded: Deputy Mayor Robert Crouch

That Council:

1. Notes the community submissions received during the consultation process which are included in NextCloud for privacy reasons.
2. Does not proceed with the creation of the proposed new waste service areas, with the exception of minor extended services for Hawthorn Drive and Rifle Range Road.
3. Considers any future new service areas only upon receipt of a joint community request with such requests to be agreed by at least 75% of ratepayers for any proposed new service route.
4. Confirms the intention to supply all future red lid and yellow lid bins to new customers directly to ensure and control the quality and uniformity of kerbside collection bins, and also to existing



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customers as damaged or failed bins are identified by staff, with the costs incorporated into the waste service charge.

5. Notes that the separate ongoing process regarding the incorporation of the remaining three 'opt out' properties (which all lie within existing Waste Service Areas) is still underway and will be advised to Council when complete.

**For:** Crs Robert Bell, Robert Crouch, Tim Bower, Sarah Burrows, Leanne Doran, Bruce McMullen, Tom O'Connor, Lone Petrov and Tara Toomey

**Against:** Nil

CARRIED 9/0

Cr Tara Toomey lost connection 5:03pm

#### 14.4 URALLA GROUNDWATER PROJECT - ALTERNATIVE WATER SOURCE INVESTIGATION

##### RESOLUTION 09.06/24

**Moved:** Cr Tom O'Connor

**Seconded:** Deputy Mayor Robert Crouch

**That Council:**

1. Notes the progress of the Groundwater Project and the reported expenditure of \$762,952.09 to complete Phases 1, 2, and 3.
2. Notes the recommended Phase 4 of the Groundwater Project and the detailed milestones, activities and approvals which would need be undertaken to complete the Groundwater Project.
3. Authorises the General Manager to write to the Department of Climate Change Energy and the Environment to seek approval for a revised set of milestones and activities to enable a shovel-ready project to be progressed for the delivery of groundwater into the reticulated potable supply, using the remaining grant funds for this purpose.
4. Approves the amount of \$737,047.91, to be drawn from the remaining Groundwater Project grant (totalling \$1,500,000) supplied by the Department of Planning, Industry, and the Environment, for expenditure on the Phase 4 activities listed in this report.
5. Notes that any future decision by Council to operationalise a groundwater supply is dependent upon the outcome of the Integrated Water Cycle Management Project.

**For:** Crs Robert Bell, Robert Crouch, Tim Bower, Sarah Burrows, Leanne Doran, Bruce McMullen, Tom O'Connor and Lone Petrov

**Against:** Nil

CARRIED 8/0

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## 14.5 QUARTERLY BUDGET REVIEW APRIL 2023-24 (QBRs)

## RESOLUTION 10.06/24

Moved: Cr Tom O'Connor

Seconded: Cr Tim Bower

That Council receives the third quarter budget review summary for the 2023/24 financial.

For: Crs Robert Bell, Robert Crouch, Tim Bower, Sarah Burrows, Leanne Doran, Bruce McMullen, Tom O'Connor and Lone Petrov

Against: Nil

CARRIED 8/0

## PROCEDURAL MOTION - BREAK

## RESOLUTION 11.06/24

Moved: Cr Leanne Doran

Seconded: Cr Lone Petrov

The Chair called for a short break at 5:20pm

For: Crs Robert Bell, Robert Crouch, Tim Bower, Sarah Burrows, Leanne Doran, Bruce McMullen, Tom O'Connor and Lone Petrov

Against: Nil

CARRIED 8/0

Cr Tara Toomey regained connection 5:31pm

## PROCEDURAL MOTION - RETURN

## RESOLUTION 12.06/24

Moved: Cr Leanne Doran

Seconded: Cr Bruce McMullen

The Chair reconvened the meeting after a short break at 5:35pm.

For: Crs Robert Bell, Robert Crouch, Tim Bower, Sarah Burrows, Leanne Doran, Bruce McMullen, Tom O'Connor, Lone Petrov and Tara Toomey

Against: Nil

CARRIED 9/0

## ORDINARY COUNCIL MEETING MINUTES

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## 14.6 MONTHLY FINANCE REPORT FOR MAY 2024

## RESOLUTION 13.06/24

Moved: Cr Tom O'Connor

Seconded: Cr Bruce McMullen

That Council receives the attached Monthly Finance Report for May 2024.

For: Crs Robert Bell, Robert Crouch, Tim Bower, Sarah Burrows, Leanne Doran, Bruce McMullen, Tom O'Connor, Lone Petrov and Tara Toomey

Against: Nil

CARRIED 9/0

## 14.7 LOANS AS AT 31 MAY 2024

## RESOLUTION 14.06/24

Moved: Cr Sarah Burrows

Seconded: Cr Leanne Doran

That Council notes the loan position as of 31 May 2024 totalling \$1,323,327.

For: Crs Robert Bell, Robert Crouch, Tim Bower, Sarah Burrows, Leanne Doran, Bruce McMullen, Tom O'Connor, Lone Petrov and Tara Toomey

Against: Nil

CARRIED 9/0

## 14.8 INVESTMENTS AS AT 31 MAY 2024

## RESOLUTION 15.06/24

Moved: Cr Tom O'Connor

Seconded: Cr Sarah Burrows

That Council notes the cash position as of 31 May 2024 consisting of:

- cash and overnight funds of \$1,331,988;
- term deposits of \$22,250,000; and
- total convertible funds of \$23,581,988 (including restricted funds).

For: Crs Robert Bell, Robert Crouch, Tim Bower, Sarah Burrows, Leanne Doran, Bruce McMullen, Tom O'Connor, Lone Petrov and Tara Toomey

Against: Nil

CARRIED 9/0

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**14.9 LOCAL GOVERNMENT REMUNERATION TRIBUNAL'S DETERMINATION FOR MAYOR AND COUNCILLORS REMUNERATION FOR 2024/2025****RESOLUTION 16.06/24****Moved:** Deputy Mayor Robert Crouch**Seconded:** Cr Lone Petrov**1. That Council:**

- i. Approves the annual fee for the Mayor at the maximum rate of \$29,500 effective 1 July 2024, making the payment to the Mayor \$29,500 + the fee adopted for Councillors; and
- ii. Approves the annual fee for Councillors at the maximum rate of \$13,520 effective 1 July 2024; and
- iii. Approves the payment of the Mayoral fee to the Deputy Mayor whenever the Deputy Mayor stands in for the Mayor for a period in excess of 1 week (7 days) effective 1 July 2024, and deducts this from the Mayoral allowance.

**For:** Crs Robert Bell, Robert Crouch, Tim Bower, Sarah Burrows, Leanne Doran, Bruce McMullen, Tom O'Connor and Lone Petrov

**Against:** Cr Tara Toomey

**CARRIED 8/1****14.10 DRAFT OPERATIONAL PLAN AND BUDGET 2024-2025****RESOLUTION 17.06/24****Moved:** Deputy Mayor Robert Crouch**Seconded:** Cr Tom O'Connor**That Council:****1. Notes the two written submissions and agrees that:**

- a. The suggestions contained within each submission will not be included in the Draft Operational Plan and Budget 2004-2025; and
- b. Each suggestion be acknowledged and the author provided with an update from the relevant officer within 28 days of this meeting.

**2. Adopts the Draft Operational Plan and Budget 2024-2025 with the following amendments:**

- a. Delete reference to the proposed Internment Industry Levy from Part 4, Fees and Charges, Cemeteries, noting that commencement of the Levy for Uralla Shire Council has been deferred from 1 July 2024 until 1 July 2025;
- b. Approve the following donation amounts to support community capacity building and include this table in the Operational Plan:

Service Group	Donation 2024-2025
Arts North West	\$5,106
Australia Day Activities	\$2,500

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Bush Bursary	\$3,000
Lanterns Festival	\$3,000
NIAS	\$2,100
Pre-school rent	\$22,677
Rotary Art Show	nil
School Presentation Nights	\$1,080
Street Stall (including overheads)	\$12,785
Thunderbolts Festival	\$12,000
Youth Services & NAIDOC	Plus in-kind support \$7,267 (in addition, administration costs \$7500)
Other Shire events & Community Grant Funds	\$1,000
<b>TOTAL</b>	<b>\$72,515</b>

- c. Reduce the provision for Workers Compensation insurance from \$656,228.00 to \$436,387.75 to reflect the premium reduction advised by StateCover Mutual, a positive impact of \$219,840.00; and
- d. Include a contingent liability of \$250,000 to cover potential additional expenses for the New England Weeds Authority (NEWA), in addition to Council's budgeted annual contribution.

**For:** Crs Robert Bell, Robert Crouch, Tim Bower, Sarah Burrows, Leanne Doran, Bruce McMullen, Tom O'Connor and Lone Petrov

**Against:** Cr Tara Toomey

CARRIED 8/1

#### 14.11 TABLELANDS COMMUNITY SUPPORT - QUALITY AUDIT AGAINST AGED CARE QUALITY STANDARDS

##### RESOLUTION 18.06/24

Moved: Cr Leanne Doran

Seconded: Cr Tom O'Connor

That Council:

- i. Notes the current status of non-compliance by Uralla Shire Council (the identified service provider) against the Aged Care Quality Standards will remain current until evidence of compliance is received by the Aged Care Quality and Safety Commission.
- ii. Notes Tablelands Community Support has revised their Plan for Continuous Improvement with actions to remediate non-compliance and that this plan has been endorsed by the Aged Care and safety Commission.
- iii. Notes the date for Tablelands Community Support to remediate the non-compliance is 31 August 2024.
- iv. Notes the risks to Uralla Shire Council as the *identified service provider*.
- v. Notes the attached documents:
  - a. Performance Report from the Commission
  - b. Plan of Continuous Improvement Notice Direction
  - c. Revised Plan of Continuous Improvement
  - d. Notice of Direction with no immediate action

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**For:** Crs Robert Bell, Robert Crouch, Tim Bower, Sarah Burrows, Leanne Doran, Bruce McMullen, Tom O'Connor, Lone Petrov and Tara Toomey

**Against:** Nil

CARRIED 9/0

## 14.12 REGISTER RESOLUTIONS ACTIONS STATUS AS AT 19 JUNE 2024

## RESOLUTION 19.06/24

**Moved:** Cr Sarah Burrows

**Seconded:** Cr Lone Petrov

That Council notes the Resolution Actions Status Report as at 19 June 2024.

**For:** Crs Robert Bell, Robert Crouch, Tim Bower, Sarah Burrows, Leanne Doran, Bruce McMullen, Tom O'Connor, Lone Petrov and Tara Toomey

**Against:** Nil

CARRIED 9/0

## 15 CONFIDENTIAL MATTERS

## RESOLUTION 20.06/24

**Moved:** Cr Tom O'Connor

**Seconded:** Cr Sarah Burrows

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 10A(2) of the *Local Government Act 1993*:

## 15.1 New England Weeds Authority Update

This matter is considered to be confidential under Section 10A(2) - d(i) and f of the *Local Government Act 1993*, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and details of systems and/or arrangements that have been implemented to protect council, councillors, staff and Council property.

**For:** Crs Robert Bell, Robert Crouch, Tim Bower, Sarah Burrows, Leanne Doran, Bruce McMullen, Tom O'Connor, Lone Petrov and Tara Toomey

**Against:** Nil

CARRIED 9/0

## ORDINARY COUNCIL MEETING MINUTES

25 JUNE 2024

**RESOLUTION 21.06/24****Moved:** Cr Sarah Burrows**Seconded:** Cr Lone Petrov**That Council return to Open Session of Council.**

**For:** Crs Robert Bell, Robert Crouch, Tim Bower, Sarah Burrows, Leanne Doran, Bruce McMullen, Tom O'Connor, Lone Petrov and Tara Toomey

**Against:** Nil

**CARRIED 9/0****16 COMMUNICATIONS OF COUNCIL DECISIONS**

The Chair communicated the Council decisions from the closed session.

**RESOLUTION 223.06/24****Moved:** Cr Tim Bower**Seconded:** Cr Leanne Doran**That resolutions of Closed Session of Council become the resolutions of Open session of Council.**

**For:** Crs Robert Bell, Robert Crouch, Tim Bower, Sarah Burrows, Leanne Doran, Bruce McMullen, Tom O'Connor, Lone Petrov and Tara Toomey

**Against:** Nil

**CARRIED 9/0****15.1 NEW ENGLAND WEEDS AUTHORITY UPDATE****RESOLUTION 21.06/24****Moved:** Cr Tim Bower**Seconded:** Cr Leanne Doran**That Council notes the confidential advice in this report.**

**For:** Crs Robert Bell, Robert Crouch, Tim Bower, Sarah Burrows, Leanne Doran, Bruce McMullen, Tom O'Connor, Lone Petrov and Tara Toomey

**Against:** Nil

**CARRIED 9/0**

**17 CONCLUSION OF MEETING**

The meeting was closed at 6:40pm.

Council Minutes confirmed by **Mayor Robert Bell** on ....../....../2024: **Resolution 00.00/24**

UNCONFIRMED



## 8 URGENT, SUPPLEMENTARY, AND LATE ITEMS OF BUSINESS (INCLUDING PETITIONS)

## 9 WRITTEN REPORTS FROM DELEGATES

### 9.1 Mayor's Activity Report - June 2024

**Department:** General Manager's Office

**Prepared By:** Mayor

**Authorised By:** Mayor

#### LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK

**Goal:** 4. We are an independent shire and well-governed community

**Strategy:** 4.1. Informed and collaborative leadership in our community

#### SUMMARY

Mayor's Activity Report outlines activities conducted during the month of June 2024.

#### RECOMMENDATION

That Council receives the Mayor's Activity Report for June 2024.

#### REPORT

DATE	COMMITTEE/MEETING/EVENT	LOCATION
3 Jun 2024	Mayor & GM Catch Meeting	Uralla
4 Jun 2024	Energy Co Meeting	Online
4 Jun 2024	Councillor Workshop <ul style="list-style-type: none"> <li>Renewables Confidential presentation</li> <li>Waste &amp; Recycling Renewables</li> </ul>	Uralla
5 Jun 2024	2AD Interview	Online
5 Jun 2024	Red4NE Meeting	Uralla
5 Jun 2024	Meeting with New State Member Brendan Moylan	Uralla
5 Jun 2024	Meeting Uralla Golf Club	Uralla
6 Jun 2024	Meeting Uralla Business Chamber	Memorial Hall
11 Jun 2024	New England Weeds Authority Meeting	Armidale
12 Jun 2024	Mayor & GM Catch Meeting	Uralla
12-15 Jun 2024	CMW Conference Accommodation cost \$295.98	Kempsey
17 Jun 2024	Interview Inverell Radio	Online
17 Jun 2024	Mayor & GM Catch Meeting	Uralla
19 Jun 2024	2AD Interview	Online

19 Jun 2024	Development with staff Meeting	Uralla
20 Jun 2024	Future Medical Services meeting	Uralla
20 Jun 2024	Department Planning Meeting - REZ	Online
21 Jun 2024	Official Opening : The Glen – Constellations of the South Rotary Park Pioneer Park – Fibonacci Installation	Uralla
20 Jun 2024	ACEN Community Grants meeting	McCrossin's
22 Jun 2024	Open Day Uralla Court House	Uralla
24 Jun 2024	Mayor & GM Catch Meeting	Uralla
25 Jun 2024	Council Meeting	Uralla
27 Jun 2024	Standing Committee Address – Local Governments to Fund Infrastructure & Services address	Tamworth
28 Jun 2024	Rural Resilience Dinner	Nemingha
<b>2023 Expenses Claims to date for Councillors</b>		<b>\$0</b>

**10 PUBLIC FORUM**

Nil

**11 MAYORAL MINUTE**

Nil

**12 NOTICE OF MOTION/QUESTIONS WITH NOTICE**

Nil

**13 REPORT OF COMMITTEES**

Nil



## 14 REPORTS TO COUNCIL

### 14.1 DA-23-2024 - 3 Lot into 2 Lot Subdivision (Boundary Realignment) - 542 Hawthorne Drive, 26 and 102 Wilkinsons Road, ARDING

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<b>Department:</b>	Infrastructure & Development
<b>Prepared By:</b>	Acting Manager Planning Development
<b>Authorised By:</b>	Director Infrastructure & Development
<b>Reference:</b>	UINT/24/10269

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<b>Attachments:</b>	1. Plan of Development (Rev B) <a href="#">↓</a> 
	2. Statement of Environmental Effects <a href="#">↓</a> 

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#### LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK

<b>Goal:</b>	3. We are good custodians of our environment
<b>Strategy:</b>	3.2. Maintain a healthy balance between development and the environment

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#### NOTE TO COUNCILLORS

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.

Development applications require a decision of Council which MUST be either:

- Approval with conditions (to be prepared by the Manager Development and Planning)\* OR
- Refusal with reasons.

The officer recommendation in this report is for Refusal.

*\*Refer Conclusion in this report for further discussion on this option*

#### SUMMARY

Council has received a Development Application for a Three (3) Lot into Two (2) Lot Subdivision (Boundary Realignment) of Lot 1 DP 739872 (542 Hawthorne Drive), Lot 5 DP539180 (26 Wilkinsons Road) and Lot 5 DP713009 (102 Wilkinsons Road).

The land is zoned RU1 (Primary Production) under the Uralla LEP 2012 and has a combined area of approximately 161.3 Ha. The two proposed lot are sized 5.6 Ha and 155 Ha respectively. Under the LEP, the minimum lot size for the location and zone is 200 Ha. The proposal requires Development Consent given the lot layout exceeds 'minor change' limits.

The application has been referred to the Council for determination given the application is recommended for refusal.

An assessment of the proposal under Section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act) demonstrates that within the limits of the matters for consideration, the proposed development fails to achieve compliance with all parts of Clause 4.2C (*boundary changes between lots in certain rural, residential and conservation zones*) of the Uralla LEP 2012 (which also brings into consideration RU1 zone objectives) and is therefore recommended to be refused.

**RECOMMENDATION**

1. That Council refuses the Development Application (ref: DA-23-2024 for a Three (3) Lot into Two (2) Lot Subdivision (Boundary Realignment) of Lot 1 DP 739872, Lot 5 DP539180 and Lot 5 DP713009, land known as 542 Hawthorne Drive, 26 Wilkinsons Road and 102 Wilkinsons Road, ARDING, for the following reasons:
  - a) By virtue of an excessive variation to the minimum lot size for the smaller resulting lot, the proposal fails to achieve relevant considerations under Clause 4.2C(4) (*boundary changes between lots in certain rural, residential and conservation zones*) of the Uralla LEP 2012 and zone objectives for RU1 Primary Production land through forming a lot which is excessively below the minimum lot size, and would:
    - Cause a further and unreasonable fragmentation and alienation of resource lands; and
    - Cause further and unreasonable loss of agricultural viability to the smaller lot; and
    - Give rise to potential conflicts between the smaller lot and predominate and potential uses within surrounding land.
  - b) Through forming of a lot which is contrary to the above provisions of the Uralla LEP 2012 and without suitable justification, the proposal would cause an undesirable precedent causing a fragmented pattern of development and compromise achievement of the objectives for RU1 Primary Production zoned land in the wider area.

**REPORT****Description of Site and Surrounding Area***Subject Site*

The subject site is known as 542 Hawthorne Drive and 26 and 102 Wilkinsons Road, Arding, and legally described as Lot 1 DP 739872, Lot 5 DP539180, and Lot 5 DP713009. A summary of site characteristics is as follows:

- All land is located within the RU1 Primary Production Zone under the Uralla LEP 2012.
- The land is predominately open grazing country, with a stand of remnant sheltered area in the south western part of the land nearest to Hawthorne Drive.
- All land is considered to be highly productive, with extensive pasture establishment evident at the time of inspection. With the exception of the above mentioned 'sheltered' area, the land is identified under the *Department of Primary Industries Preliminary Draft State Significant Agricultural Land Map*.
- Single Dwellings and ancillary outbuildings are located on 542 Hawthorne Drive and 26 Wilkinsons Road. No such infrastructure appears to be located at 102 Wilkinsons Road (both Wilkinsons Road properties are under same ownership).
- Wilkinsons Road is unsealed, whereas Hawthorne Drive is bitumen sealed.
- 542 Hawthorne Drive and 102 Wilkinsons Road are mapped as bushfire affected. No other mapped planning constraints are noted.

A summary of the existing site and layout is provided below:

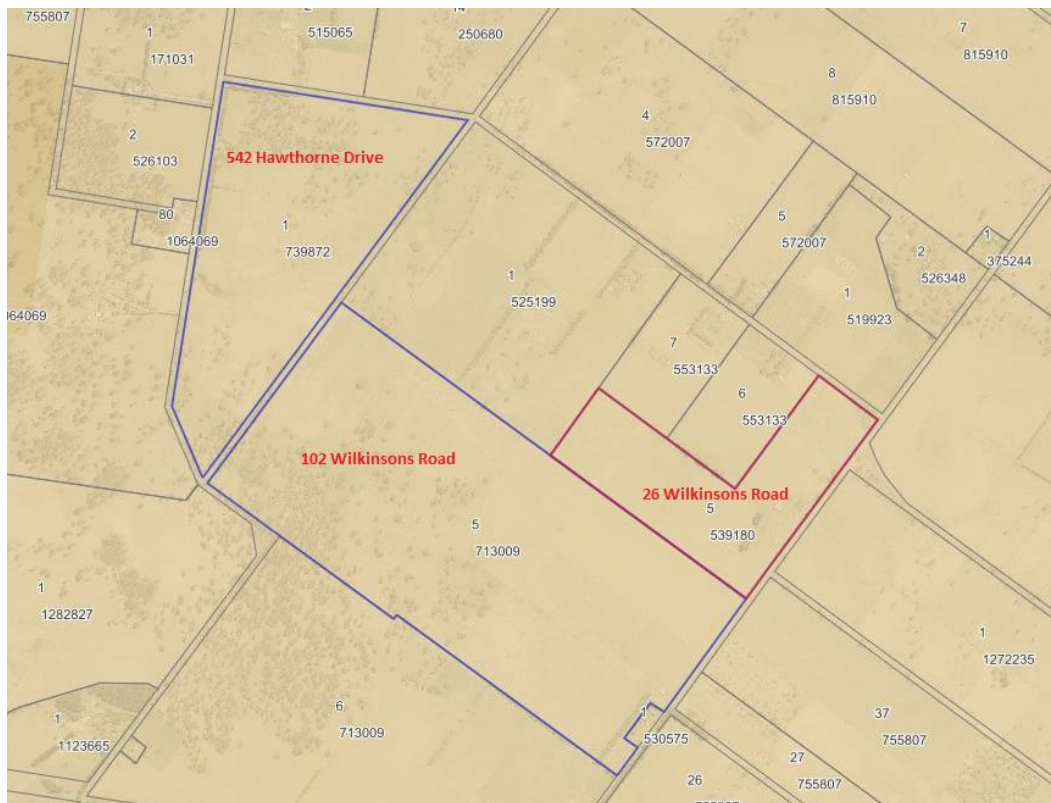
Address	Lot & Plan	Size (Ha)	Comments	Ownership
542 Hawthorne Drive	1 DP 739872	45.64	Contains single dwelling and outbuildings, existing transmission line and associated easement	-
26 Wilkinsons Road	5 DP539180	24.95	Contains single dwelling and outbuildings	Lots under same ownership
102 Wilkinsons Road	5 DP713009	90.88	Vacant land	

### Surrounding Area

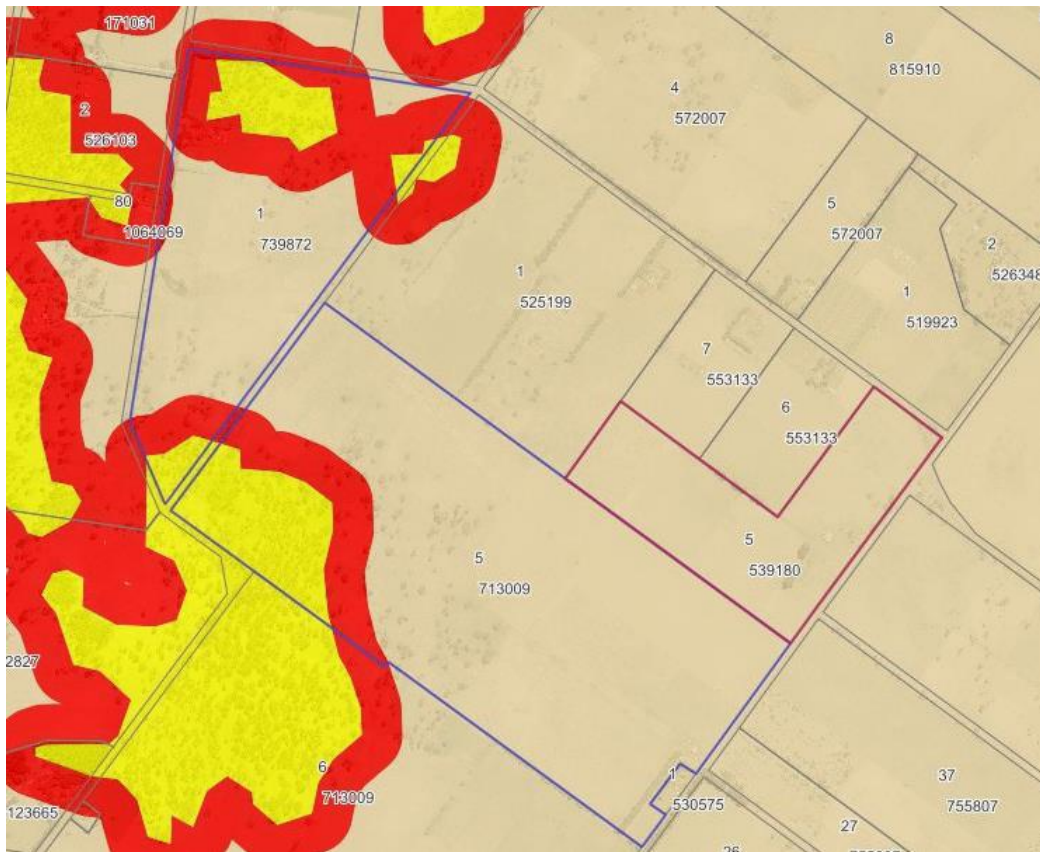
Surrounding lands are also under the RU1 Primary Production zone under the Uralla LEP 2012. Further to the west, land becomes RU2 Rural Landscape land with a 400 Ha minimum size. The area is characterised by a mix of smaller lots, with evident historic fragmentation. Within the span from 542 Hawthorne Drive north to Arding Road (1.7km), there appears to be 8 properties with a lot size of approximately 6 Ha or less, which are sited with dwellings. Similar characteristics are observable along Arding Road north of the land.

The commentary on historical planning policies will be included further in this report.

In the context of the proposal, no other matters require noting.



**Figure 1: Site Location with LEP Zoning Overlay**

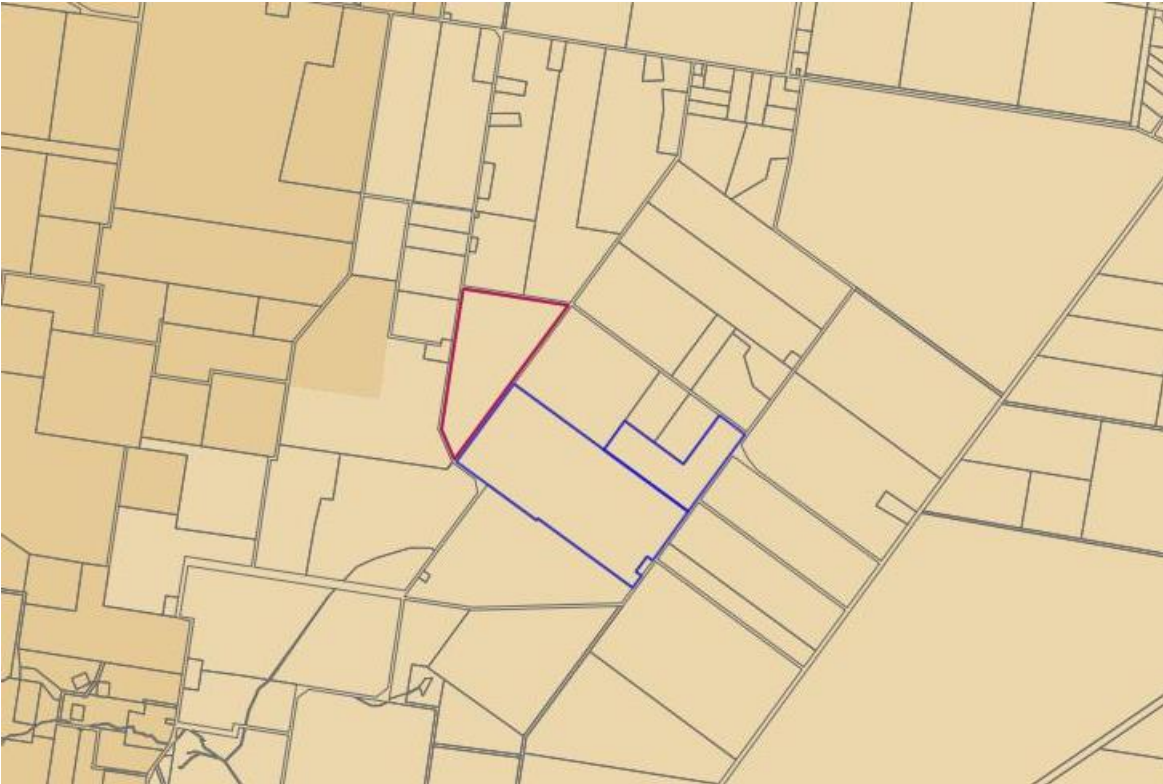


**Figure 2: Site Location with LEP Zoning & Bushfire Hazard Overlay**



**Figure 3: Image showing DRAFT mapped State Significant Agricultural Land (source: Department of Primary Industries)**





**Figure 4: Image showing site in wider context.**

**Planning History**

There is no planning history for the subject site or neighbouring sites that is relevant to assessment of the application.

**Description of the Development**

The application seeks approval for the following works:

- Three (3) Lot into Two (2) Lot Subdivision (Boundary Realignment)

The proposal would form the following layout:

Proposed Layout		
Lot	Size	Key/Relevant Features
51	5.6ha	Contains existing dwelling located at 542 Hawthorne Drive
50	155.4ha	Contains all other land. Amalgamates both 26 and 102 Hawthorne Drive, together with balance land from (original) 542 Hawthorne Drive land.

No physical works or related permits would be required.

It is noted that proposed Lot 50 would be connected by a vinculum over unformed road reserve, formerly between 542 Hawthorne Drive and 102 Wilkinsons Road.

The dwelling within 542 Hawthorne Drive would sit around 100m from proposed new internal boundary, at its nearest measurement.



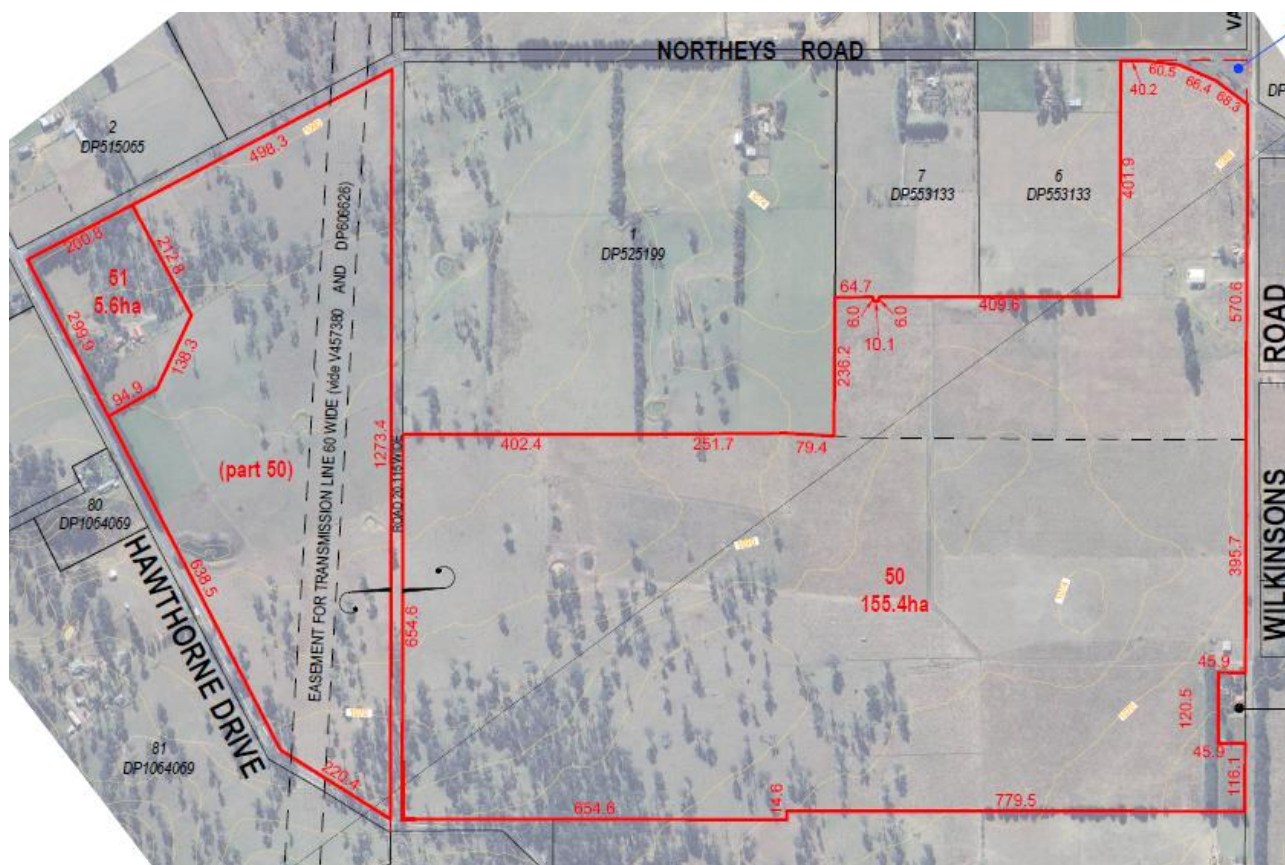


Figure 5: Extract from Plan of Development

#### Notification

In line with Council's Community Participation Plan and Development Control Plan, the application was not notified to adjoining owners (given the proposal is for realignment only).

#### Referrals

##### Internal

No internal referrals required.

##### External

No external referrals required. See further comments below regarding bushfire:

4.14 Consultation and development consent—certain bush fire prone land	
Relevant Provisions	
Provisions	Comment
(1) Development consent cannot be granted for the carrying out of development for any purpose (other than a subdivision of land that could lawfully be used for residential or rural residential purposes or development for a special fire protection purpose) on bush fire prone land (being land for the time being recorded as bush fire prone land on a relevant map certified under section 10.3(2)) unless the consent authority—	Council's officer is satisfied that the proposal is <b>not</b> an Integrated Development under the Rural Fires Act 1997. The dwelling at 542 Hawthorne Road is lawfully existing, and pre-dates current bushfire legislation, and the proposal does not create an additional bushfire affected lot.
(a) is satisfied that the development conforms to the specifications and requirements of the version (as prescribed by the regulations) of the document entitled <i>Planning for Bush Fire Protection</i> prepared by	Notwithstanding, Council's officer is satisfied the proposed lot layout would be conducive to the dwelling meeting relevant considerations under <i>Planning for Bushfire Protection 2019</i> . Namely, the 100m approx. setback to the new internal boundary, minimal slope of the land and general observation of maintenance

<p>the NSW Rural Fire Service in co-operation with the Department (or, if another document is prescribed by the regulations for the purposes of this paragraph, that document) that are relevant to the development (<b><i>the relevant specifications and requirements</i></b>), or</p> <p>(b) has been provided with a certificate by a person who is recognised by the NSW Rural Fire Service as a qualified consultant in bush fire risk assessment stating that the development conforms to the relevant specifications and requirements.</p>	<p>exhibiting genuine asset protection zone (APZ) characteristics. If an approvable application, conditions would have been included with regards to management of the APZ.</p> <p>It is also the officers view that bushfire itself was not a matter which affected 'exempt development' subdivision eligibility (see further discussion in this report).</p>
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**Figure 6: Image taken during site inspection identifying management tantamount to maintained Asset Protection Zone at 542 Hawthorne Drive**

#### ASSESSMENT

Pursuant to Clause 4.15 of the *Environmental Planning and Assessment Act 1979*, in determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development, the subject of the development application. These are included below in full, and discussed in more detail individually through the assessment.

<p>(1) <b>Matters for consideration—general</b> In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application—</p> <p>(a) the provisions of—</p> <ul style="list-style-type: none"> <li>(i) any environmental planning instrument, and</li> <li>(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and</li> <li>(iii) any development control plan, and</li> <li>(iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and</li> </ul>
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<p>(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),</p> <p>(v) (Repealed)</p> <p>that apply to the land to which the development application relates,</p> <p>(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,</p> <p>(c) the suitability of the site for the development,</p> <p>(d) any submissions made in accordance with this Act or the regulations,</p> <p>(e) the public interest.</p>
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### Section 4.15 – Evaluation

<b>4.15(1)(a) the provisions of—</b>	<b>(i) any environmental planning instrument</b>
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## STATE ENVIRONMENTAL PLANNING POLICIES

### State Environmental Planning Policy (Resilience and Hazard) 2021

#### Chapter 4 Remediation of Land

Chapter 4 requires Council to consider whether the subject land of any development application is contaminated. If the land requires remediation to ensure that it is made suitable for a proposed use or zoning, Council must be satisfied that the land can and will be remediated before the land is used for that purpose.

An assessment of the relevant provisions of Chapter 4 of the SEPP (Resilience and Hazard) 2021 is provided in the table below.

Chapter 4 Remediation of Land	
Relevant Provisions	
Provisions	Comment
<b>4.6 Contamination and remediation to be considered in determining development application</b>	
<p>(1) A consent authority must not consent to the carrying out of any development on land unless—</p> <p>(a) it has considered whether the land is contaminated, and</p> <p>(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and</p> <p>(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.</p>	<p>Council's officer is satisfied that the land has not been subject to a previous contaminating use, including any purpose under Table 1 to the <i>contaminated land planning guideline</i>.</p> <p>While the guidelines can refer to historic sheep dips which may have been in the locality, this is not of influence in the application (i.e. no building required, no creation of a new lot/entitlement).</p> <p>Not other parts of the clause are considered relevant.</p>

**State Environmental Planning Policy (Biodiversity and Conservation) 2021**Chapter 4 – Koala habitat protection 2021

Chapter 3 aims to encourage the conservation of areas of natural vegetation that provides habitat for koalas to support a permanent free-living population over their present range and reserve the current trend of Koala Population decline. An assessment of Chapter 3 of the SEPP (Biodiversity and Conservation) 2020 is provided in the table below.

Chapter 3 Koala Habitat Protection 2020	
Relevant Provisions	
Provisions	Comment
Part 3.2 Development control of koala habitats	
<b>3.5 This Part applies to land—</b> (a) that is land to which this Chapter applies, and (b) that is land in relation to which a development application has been made, and (c) that, whether or not the development application applies to the whole, or only part, of the land— (i) has an area of more than 1 hectare, or (ii) has, together with adjoining land in the same ownership, an area of more than 1 hectare.	The land has exceeds 1ha, however the nature of the proposal does not intensify land uses (does not in itself facilitate new building or dwelling entitlement etc), and in turn would not give rise to any material Koala impacts. No further discussion required

**State Environmental Planning Policy (Exempt and Complying Development Codes) 2008**

Part 2, Division 1	
Relevant Provisions	
Provisions	Comment
Subdivision 38 (Subdivision)	
<b>2.75 Specified development</b> The subdivision of land, for the purpose only of any one or more of the following, is development specified for this code— (a) widening a public road, (b) a realignment of boundaries— (i) that is not carried out in relation to land on which a heritage item or draft heritage item is situated, and (ii) that will not create additional lots or increase the number of lots with a dwelling entitlement or increase the opportunity for additional dwellings, and <u>(iii) that will not result in any lot that is smaller than the minimum size specified in an environmental planning instrument in relation to the land concerned (other than a lot that was already smaller than that minimum size), and</u> (iv) that will not adversely affect the provision of existing services on a lot, and	While reductions in lot size can occur where already existing below the minimum lot size, the proposal <b>must</b> also be within the limits of a minor change to the area of any lot.  The change is not minor in context of the existing sizes, therefore triggering a Development Application.  It is noted that had the development been within the exempt development area limits, bushfire risk would be deemed acceptable, given the adequate setback to the new boundary.



<p>(v) <u>that will not result in any increased fire risk to existing buildings, and</u></p> <p>(vi) <u>if located in Zone RU1, RU2, RU3, RU4, RU6, C1, C2, C3 or C4—that will not result in more than a minor change in the area of any lot, and</u></p> <p>(vii) <u>if located in any other zone—that will not result in a change in the area of any lot by more than 10%,</u></p> <p>(c) (Repealed)</p> <p>(d) rectifying an encroachment on a lot,</p> <p>(e) creating a public reserve,</p> <p>(f) excising from a lot land that is, or is intended to be, used for public purposes, including drainage purposes, rural fire brigade or other emergency service purposes or public toilets.</p>	
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**State Environmental Planning Policy (Primary Production) 2021**

Part 2.2 State significant agricultural land	
Relevant Provisions	
Provisions	Comment
Clause 2.7	
<p>2.7 Objects of Part</p> <p>The objects of this Part are as follows—</p> <p>(a) to identify State significant agricultural land and to provide for the carrying out of development on that land,</p> <p>(b) to provide for the protection of agricultural land—</p> <p>(i) that is of State or regional agricultural significance, and</p> <p>(ii) that may be subject to demand for uses that are not compatible with agriculture, and</p> <p>(iii) if the protection will result in a public benefit.</p> <p>2.8 State significant agricultural land</p> <p>(1) Land is State significant agricultural land if it is listed in Schedule 1.</p> <p>(2) The provisions in Schedule 1 relating to the carrying out of development on State significant agricultural land have effect.</p>	<p>This SEPP has been included for completeness, however there is no State Significant Land included under Schedule 1 at this point. It is the officers view that this SEPP is of no influence to the application.</p>

**State Environmental Planning Policy (Transport and Infrastructure) 2021**

Part 2.3 Development Controls, Subdivision 2 Development likely to affect an electricity transmission or distribution network	
Relevant Provisions	
Provisions	Comment
Clause 2.48	

<p>(1) This section applies to a development application (or an application for modification of a consent) for development comprising or involving any of the following—</p> <p>(a) the penetration of ground within 2m of an underground electricity power line or an electricity distribution pole or within 10m of any part of an electricity tower,</p> <p>(b) development carried out—</p> <p>(i) within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists), or</p> <p>(ii) immediately adjacent to an electricity substation, or</p> <p>(iii) within 5m of an exposed overhead electricity power line,</p> <p>(c) installation of a swimming pool any part of which is—</p> <p>(i) within 30m of a structure supporting an overhead electricity transmission line, measured horizontally from the top of the pool to the bottom of the structure at ground level, or</p> <p>(ii) within 5m of an overhead electricity power line, measured vertically upwards from the top of the pool,</p> <p>(d) development involving or requiring the placement of power lines underground, unless an agreement with respect to the placement underground of power lines is in force between the electricity supply authority and the council for the land concerned.</p> <p>(2) Before determining a development application (or an application for modification of a consent) for development to which this section applies, the consent authority must—</p> <p>(a) give written notice to the electricity supply authority for the area in which the development is to be carried out, inviting comments about potential safety risks, and</p> <p>(b) take into consideration any response to the notice that is received within 21 days after the notice is given.</p> <p>(3) Subsection (2) does not apply to development specified in subsection (1)(b) if the development involves only one or more of the following—</p> <p>(a) internal alterations to a building,</p> <p>(b) a change of use of an existing building,</p> <p>(c) a change to the hours of operation specified in the development consent,</p> <p>(d) a subdivision that does not involve construction work.</p>	<p>The proposal does not involve construction work, and is therefore acceptable regarding impact on any powerline infrastructure. No consultation with Essential Energy required.</p>
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No other State Environmental Planning Policies require consideration.

## URALLA LOCAL ENVIRONMENTAL PLAN 2012

### Summary Table

Relevant Provisions
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Provisions	Comment
Part 2 Permitted or prohibited development	
<b>2.6 Subdivision—consent requirements</b> (1) Land to which this Plan applies may be subdivided, but only with development consent.	Noted, the application seeks development consent for the works.
Part 4 Principal development standards	
<b>4.1 Minimum subdivision lot size</b>	Requires detailed discussion, included further below.
<b>4.2C Boundary changes between lots in certain rural, residential and conservation zones</b>	
<b>4.2 Rural subdivision</b> (3) Land in a zone to which this clause applies may, with development consent, be subdivided for the purpose of primary production to create a lot of a size that is less than the minimum size shown on the Lot Size Map in relation to that land. (4) However, such a lot cannot be created if an existing dwelling would, as the result of the subdivision, be situated on the lot. (5) A dwelling cannot be erected on such a lot.	Not applicable, given no additional lots are created.
<b>4.2A Erection of dwelling houses on land in certain rural and conservation zones</b> (3) Development consent must not be granted for the erection of a dwelling house on land to which this clause applies, and on which no dwelling house has been erected, unless the land is— (a) a lot that is at least the minimum lot size specified for that land by the <a href="#">Lot Size Map</a> , or (b) a lot created before this Plan commenced and on which the erection of a dwelling house was permissible immediately before that commencement, or (c) a lot resulting from a subdivision for which development consent (or equivalent) was granted before this Plan commenced and on which the erection of a dwelling house would have been permissible if the plan of subdivision had been registered before that commencement, or (d) an existing holding.	Not applicable, no change to dwelling permissibility (each resulting lot would contain one existing dwelling).
Part 6 Additional local provisions	
<b>6.4 Essential services</b> Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the proposed development are available or that adequate arrangements have been made to make them available when required— (a) the supply of water, (b) the supply of electricity,	The proposal would cause no change to provision of essential services.

(c) the disposal and management of sewage, (d) stormwater drainage or on-site conservation, (e) suitable road access.	
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### Detailed Discussion

4.1 Minimum subdivision lot size
<p>The objectives of this clause are as follows—</p> <p>(a) to ensure that lot sizes are compatible with local environmental values, constraints and permissible uses,</p> <p>(b) to facilitate the efficient use of land and its resources for residential and other human purposes,</p> <p>(c) to minimise potential land use conflicts,</p> <p>(d) to ensure rural lands are not fragmented in a manner that threatens their future use for agricultural production.</p> <p>While the proposal is contrary to the objectives, <u>Clause 4.2C may override this clause</u>. Therefore, this clause does not form a statutory matter for consideration, despite having a nexus to the proposal.</p>
4.2C Boundary changes between lots in certain rural, residential and conservation zones
<p>Clause 4.2(C)(3) states:</p> <p>(3) Despite clause 4.1 (3), development consent may be granted to the subdivision of 2 or more adjoining lots comprised in land to which this clause applies if the subdivision will not result in any of the following—</p> <p>(a) an increase in the number of lots,</p> <p>(b) an increase in the number of dwellings or dual occupancies on (or dwellings or dual occupancies that may be erected on) any of the lots.</p> <p>The proposal therefore meets eligibility for application of the clause, as there are no additional lots or dwelling entitlements created.</p> <p>Clause 4.2(C)(4) goes on to prescribe the following considerations for using the clause:</p> <p>(4) Before determining a development application for the subdivision of land under this clause, the consent authority must consider the following—</p> <p>(a) the existing uses and approved uses of other land in the vicinity of the subdivision,</p> <p>(b) whether or not the subdivision is likely to have a significant impact on land uses that are likely to be preferred and the predominant land uses in the vicinity of the development,</p> <p>(c) whether or not the subdivision is likely to be incompatible with a use referred to in paragraph (a) or (b),</p> <p>(d) whether or not the subdivision is likely to be incompatible with a use of land in any adjoining zone,</p> <p>(e) any measures proposed by the applicant to avoid or minimise any incompatibility referred to in paragraph (c) or (d),</p> <p>(f) whether or not the subdivision is appropriate having regard to the natural and physical constraints affecting the land,</p> <p>(g) whether or not the subdivision is likely to have an adverse impact on the environmental values or agricultural viability of the land.</p> <p>The objective of the clause is to “... permit the boundary between 2 or more lots to be altered in certain circumstances to landowners a greater opportunity to achieve the objectives for development in a zone.”</p> <p>The zone objectives for RU1 zoned land are as follows:</p> <ul style="list-style-type: none"> <li>• <u>To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.</u></li> <li>• To encourage diversity in primary industry enterprises and systems appropriate for the area</li> </ul>



- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To permit development of non-agricultural land uses that are compatible with the character of the zone.

The proposal inherently furthers achievement of the objectives for the larger resulting lot. In terms of the smaller lot, the proposal is contrary to the underlined objectives, namely:

- The proposal would create a small lot, with further reduced agricultural viability and causing some additional fragmentation of rural land; and
- The size of the lot may give rise to conflict between it and the larger rural lot, through reduced separation distance and the impact of as-of-right agricultural activities (such as cultivation, spraying and the like).

Council's officer accepts that the degree of conflict is less in an area mostly used for grazing, however nonetheless, the potential for conflict is increased over the existing layout. More intensive uses would also be permissible and more likely on the larger lot (e.g. feedlot or similar), however again, it is noted that this is unlikely and would be subject to development approval (unless exempt through drought confinement allowances or similar).

While there is some overlap with RU1 zone objectives, an assessment of the 4.2(C)(4) considerations is below, which identifies conflict with Clause 4.2(C)(4)(f):

Clause 4.2(C)(4):	Assessment	Compliance
(a) the existing uses and approved uses of other land in the vicinity of the subdivision,	The proposal would not conflict with existing or approved uses of land in vicinity of the subdivision.	Complies ✓
(b) whether or not the subdivision is likely to have a significant impact on land uses that are likely to be preferred and the predominant land uses in the vicinity of the development,	The proposal may give rise to conflict and incompatibility with preferred and predominate uses in vicinity of the site, however it would be unreasonable to categorise these as significant impacts.	Complies on balance ✓
(c) whether or not the subdivision is likely to be incompatible with a use referred to in paragraph (a) or (b),		
(d) whether or not the subdivision is likely to be incompatible with a use of land in any adjoining zone,	The proposal would not be in conflict with land in an adjoining zone (i.e. RU2), owing to reasonable separation distances.	Complies ✓
(e) any measures proposed by the applicant to avoid or minimise any incompatibility referred to in paragraph (c) or (d),	<p>Mitigation measures have not been explored. If an acceptable proposal, further negotiations may have occurred to:</p> <ul style="list-style-type: none"> <li>• Restrict certain uses within the larger lot, where in proximity to the dwelling at 542 Hawthorne Drive by way of a restriction on title; or</li> <li>• Provide a vegetated buffer between the dwelling at 542 Hawthorne Drive and the new boundary shared with the larger lot.</li> </ul> <p>The above may not have been reasonable to explore in a grazing setting (more appropriate in a cereal farming setting or similar), and could cause an unintended bushfire impact</p>	Complies ✓
(f) whether or not the subdivision is appropriate having regard to the natural and physical constraints affecting the land,	<p>This clause refers only to land <b>constraints</b>.</p> <p>The proposal would form a smaller lot which is largely bushfire affected, however this itself is within acceptable limits (see earlier discussions in this report).</p>	Complies ✓

(g) whether or not the subdivision is likely to have an adverse impact on the environmental values or agricultural viability of the land.	It is to be reiterated that the proposal is on high quality agricultural land (see earlier mapping). The proposal would inherently benefit the larger lot through securing more land which is highly productive, together with valuable sheltered 'warmer' country.  However, the proposal would cause a further reduced and fragmented lot (on high quality agricultural land) with reduced viability.	Contrary to Clause  <b>x</b>
---	---	------------------------------------

While achieving part of the clause, the proposal:

- Is contrary to the objectives of the clause, through not achieving RU1 Primary Production Zone objectives for the smaller lot;
- Would cause further impact on the agricultural viability of the smaller lot; and
- Whether significant or not, the proposal would cause a greater likelihood of land use conflict between the lots.

Key justification from the applicant is as follows:

*"The boundary adjustment should not alter the agricultural viability of the land. The outcome is that one lot is reduced in size while the other is increased. The viability of the agricultural land is only being reallocated between the ownership. The site has limited environmental values and should not be impacted by this development."*

*"The boundary adjustment should not fragment and/or alienate land because both existing holdings are less than the minimum lot size of 200 ha. The reallocation of the land between the two property holdings should not result in any changes to the character of the locality or the zone."*

*"...the proposed boundary adjustment is not inconsistent with the objectives of the RU1 zone and will allow the landowner greater flexibility into retirement while enabling the other property to increase in size to be closer to the minimum lot size desired in the locality for a viable agricultural enterprise."*

Council's officer does not contend that when considered as a whole, the proposal would have a neutral impact on agricultural viability, and the land at 542 Hawthorne Drive also likely faces reduced viability through existing non-compliance with minimum lot size. However, Council must consider the impact on both resulting lots, with the smaller lot experiencing further and unreasonable harm to its viability.

#### Consideration of surrounding pattern of development:

As mentioned previously, despite the 200ha minimum lot size applying the land and vicinity, most land is below the minimum lot size, with a number of smaller lots similar to that proposed. It is worth noting a summary of previous planning instruments which have appeared to create these layouts:

Uralla Local Environmental Plan 1988	The officers reading of the repealed LEP provides that it appears to have been possible to subdivide land to create a new small lot in a similar form to that proposed under Clauses 12(4) and 13.
Uralla Interim Development Order 1975	The officers reading of the repealed IDO provides that it may have been possible to subdivide land to create a new small lot in a similar form to that proposed under Clauses 12(2) and (3) (Concessional allotments) and (4).

It is the officers understanding that the provisions of State Environmental Planning Policy (Rural Lands) 2008 (now repealed) also provided rural subdivision principles and similar which amended concessional lot subdivision provisions.

Given the above Environmental Planning Instruments are superseded, no further discussion is required. This advice has been included for advice only.

#### Consideration of precedent:

In line with the officers recommendation, Council has recently approved a Subdivision (Boundary Realignment) at 58 & 62 Mundays Lane, Saumarez Ponds, utilising Clause 4.2(C) (ref: DA-76-2023) under the Uralla LEP 2012. It is noted that in that instance, there was unique environmental characteristics which warranted support for the proposal (namely, protection of Saumarez Lagoon). The subject site does not exhibit the same characteristics, and therefore does not cause a precedent. Each application must be considered on its individual merits.

<b>4.15(1)(a) the provisions of—</b>	<b><i>(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved)</i></b>
--------------------------------------	--

There are no proposed planning instruments which are relevant to the assessment of the proposal.

<b>4.15(1)(a) the provisions of—</b>	<b><i>(iii) any development control plan</i></b>
--------------------------------------	--

#### URALLA DEVELOPMENT CONTROL PLAN 2012

Chapter 2 Subdivision	
Relevant Provisions	
Provisions	Comment
The chapter does not provide any specific or relevant guidance with regards to a boundary realignment.	

Chapter 13 Notification Procedures	
Relevant Provisions	
Provisions	Comment
13. 4 Notifying of Applications	
Adjoining landowners will be given notice of an application if, in the opinion of Council, the enjoyment of land adjoining the development may be detrimentally affected by the proposed development.	The application has not been notified to adjoining occupiers. Boundary realignments are listed as a development which may be excluded from notification

Chapter 14 Contaminated Land	
Relevant Provisions	
Provisions	Comment
14.6 Acceptable Solutions	
Not discussed due to duplication with earlier comments under State Environmental Planning Policy (Resilience and Hazard) 2021	See comments under State Environmental Planning Policy (Resilience and Hazard) 2021 assessment.

<b>4.15(1)(a) the provisions of—</b>	<b><i>(iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4</i></b>
--------------------------------------	--

No planning agreement has been offered or entered into relating to the site.

<b>4.15(1)(a) the provisions of—</b>	<b><i>(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph)</i></b>
--------------------------------------	---

The regulations (clauses 61 – 64) do not impose any particular requirements regarding the development.

<b>4.15(1)(b) -</b>	<b><i>the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality</i></b>
---------------------	---

#### Environmental Impacts – Built Environment & Natural Environment

- The proposal would not cause any material impacts on the built or natural environment, largely through not creating an additional lot or dwelling entitlement.
- The proposal does not raise any particular matters with respect to the Biodiversity Conservation Act 2016, for the same reasons as above.

#### Social and Economic Impacts

The proposal may cause social and economic impacts, through an erosion of RU1 land objectives, including:

- Giving rise to a form of development which fragments agricultural land and promotes incompatibility between land; and
- Establishes an undesirable precedent which exacerbates the above impacts. It must be noted however, that it is a precedent which ultimately does not create new lots or additional dwelling entitlement.

<b>4.15(1)(c) -</b>	<b><i>the suitability of the site for the development</i></b>
---------------------	---

The site is not affected by any constraints which would preclude the development; however the proposal is unsuitable for reasons outlined under consideration of the Uralla LEP 2012.

Refer to earlier comments under the LEP discussion regarding essential services.

<b>4.15(1)(d) -</b>	<b><i>(d) any submissions made in accordance with this Act or the regulations</i></b>
---------------------	---

Not notified.

<b>4.15(1)(e)</b>	<b><i>the public interest.</i></b>
-------------------	------------------------------------

The proposal fails to satisfy relevant planning controls, and may cause an undesirable precedent, which is contrary to the public interest.

## CONCLUSION

The proposed development is permissible with consent of the Council. Holistically, the proposal would cause no intensification of development (through not creating additional lots, or dwelling entitlements), and would significantly further the viability of the balance of the land through establishing a 155 Ha lot.

However (by virtue of the 5.6 Ha smaller lot), the proposal fails to achieve the relevant criteria under Clause 4.2A(C) of the Local Environmental Plan 2012 and compromises achievement of relevant RU1 (Primary Production) zone objectives, as detailed in this assessment.

## Alternative

Notwithstanding the officer recommendation contained in this report, given the proposed development is permissible with consent of the Council and would cause no intensification of development, Council may wish to support the proposal. Accordingly, the following is provided for Council consideration.

### Alternative Recommendation:

*That Council:*

1. *Approves the Development Application (ref: DA-23-2024 for a Three (3) Lot into Two (2) Lot Subdivision (Boundary Realignment) of Lot 1 DP 739872, Lot 5 DP539180 and Lot 5 DP713009, land known as 542 Hawthorne Drive, 26 Wilkinsons Road and 102 Wilkinsons Road, ARDING, for the following reasons:*
  - a. *The proposal would result in a lot layout which is not inconsistent with the surrounding pattern of development; and*
  - b. *The proposal when considered as a whole would cause no significant impact on the achievement of relevant considerations under Clause 4.2C of the Uralla LEP 2012 RU1 (Primary Production) zone, given:*
    - *No new lots or dwelling entitlement opportunities are created by the proposal;*
    - *The existing lot at 542 Hawthorne Drive is already significantly below the minimum lot size, therefore experiencing compromised viability at the outset and not significantly affected by the proposal; and*
    - *Potential conflicts between the lots are inherently minimised by virtue of the land being utilised for grazing purposes and provision of an acceptable buffer between the existing dwelling at 542 Hawthorne Drive (located within the smaller lot) and the balance lot.*
2. *Notes the conditions of consent will be prepared by the Manager Development and Planning.*

## COUNCIL IMPLICATIONS

### Community Engagement/Communication

The application was not notified as per allowances in accordance with the Uralla Community Engagement Plan and related Community Participation Plan.

### Policy and Regulation

The proposal is contrary to the matters for consideration pursuant to Section 4.15 of the Environmental Planning and Assessment Act 1979 including Uralla LEP 2011

### Financial/Long Term Financial Plan

No financial impacts.

**Asset Management/Asset Management Strategy**

Nil.

**Workforce/Workforce Management Strategy**

Nil.

**Legal and Risk Management**

The applicant may request a Review of Determination, if refused.

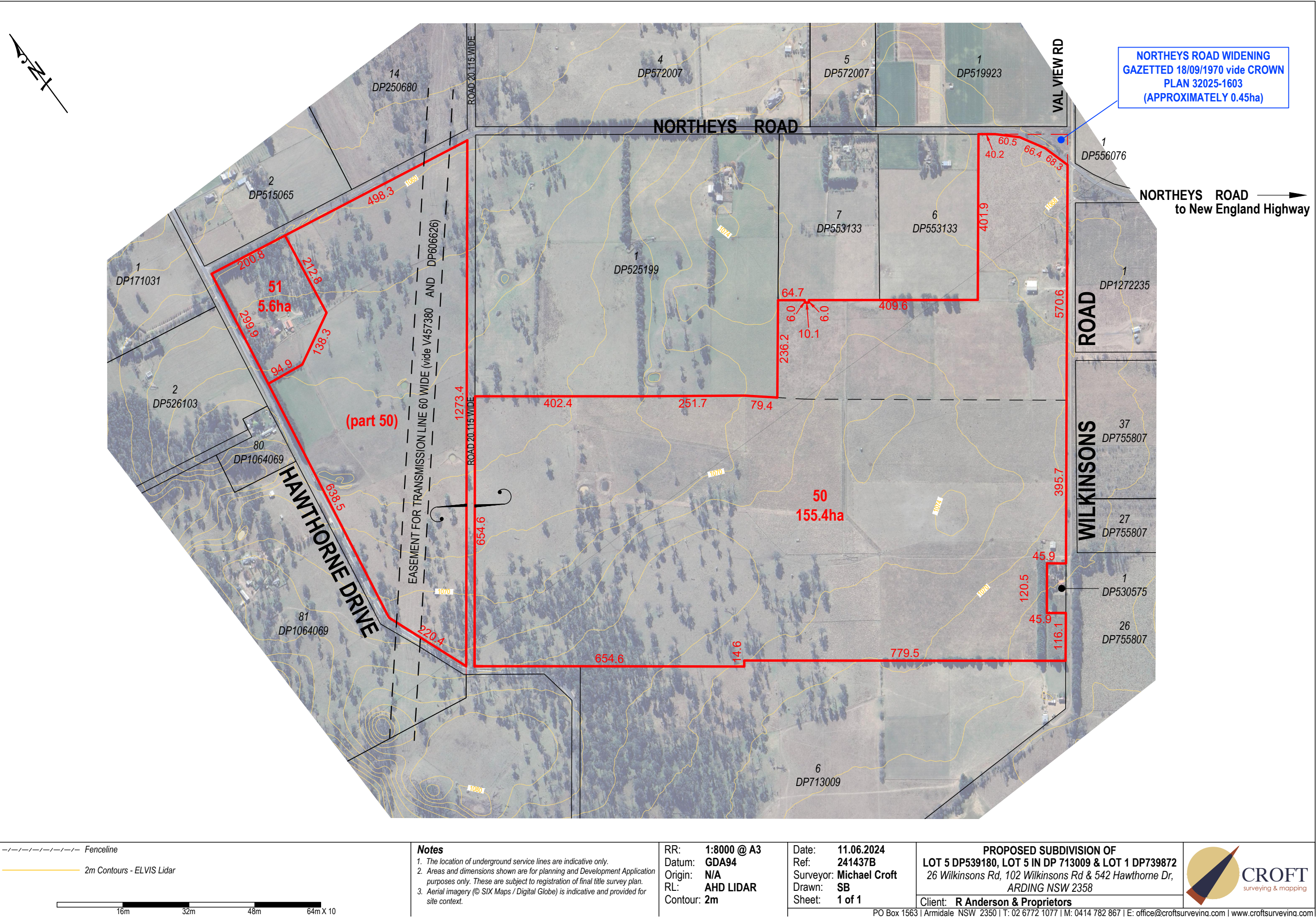
**Performance Measures**

Assessment has not exceeded statutory timeframes for the type of development.

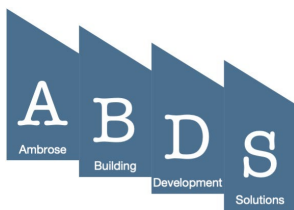
**Project Management**

Nil.









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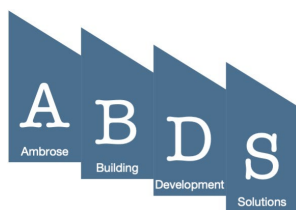
## Statement of Environmental Effects



### Boundary Adjustment

**Lot 5 DP 539180, Lot 5 DP 713009 and Lot 1 DP 739872  
542 Hawthorne Drive, 26 Wilkinsons Road  
and 102 Wilkinsons Road, Arding**



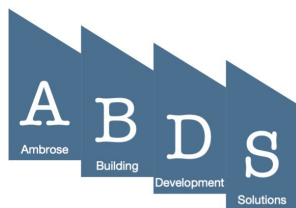


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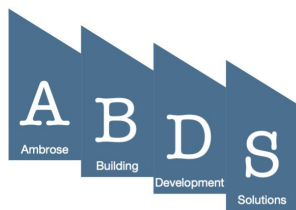
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## Summary

### Site

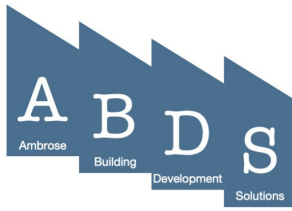
Address	542 Hawthorne Drive 26 and 102 Wilkinsons Road Arding
Description	Lot 5 DP 539180, Lot 5 DP 713009 and Lot 1 DP 739872
Area	161 ha
Current Use	Rural Lifestyle Lots

### Planning Details

Zoning	RU1 Primary Production
Local Environmental Plan	Uralla Local Environmental Plan 2012
Application Type	Local Development
Referrals	Nil.

### Development Details

Proposal Development	Boundary Adjustment
----------------------	---------------------



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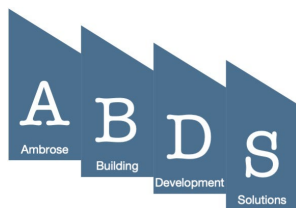
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## Proposed Development

The application seeks consent to adjust the boundaries between Lot 5 DP 539180, Lot 5 DP 713009 and Lot 1 DP 739872. This will result in two new lots with the following areas:

Proposed Lot 50 155.4 ha, and  
Proposed Lot 51 5.6 ha.

The proposed subdivision is shown in Figure 1.



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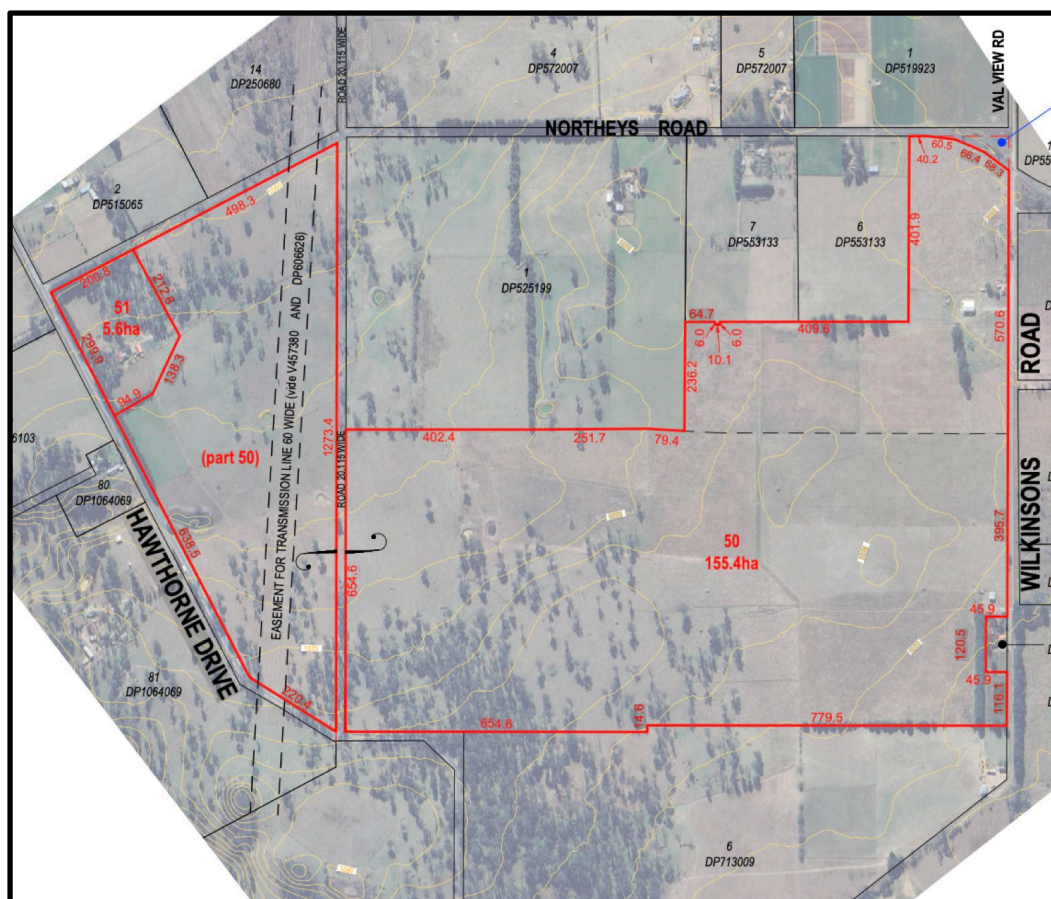


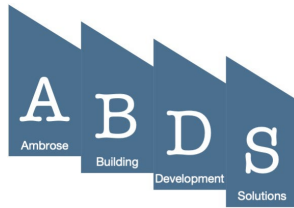
Figure 1 Subdivision Plan

## The Site

The subject site, Lot 5 DP 539180, Lot 5 DP 713009 and Lot 1 DP 739872, is known as 542 Hawthorne Drive, 26 and 102 Wilkinsons Road Arding. It is located in a rural agricultural area characterised by several small rural residential allotments with dwelling houses in the Arding locality in the Uralla Shire Council Local Government Area.

The site is a combination of irregularly shaped lots with an approximate area of 161 ha, bounded by Hawthorne, Wilkinson, and Northneys Roads. Figure 2 shows its location.

The site has existing direct vehicular access off Hawthorne and Wilkinson Road.



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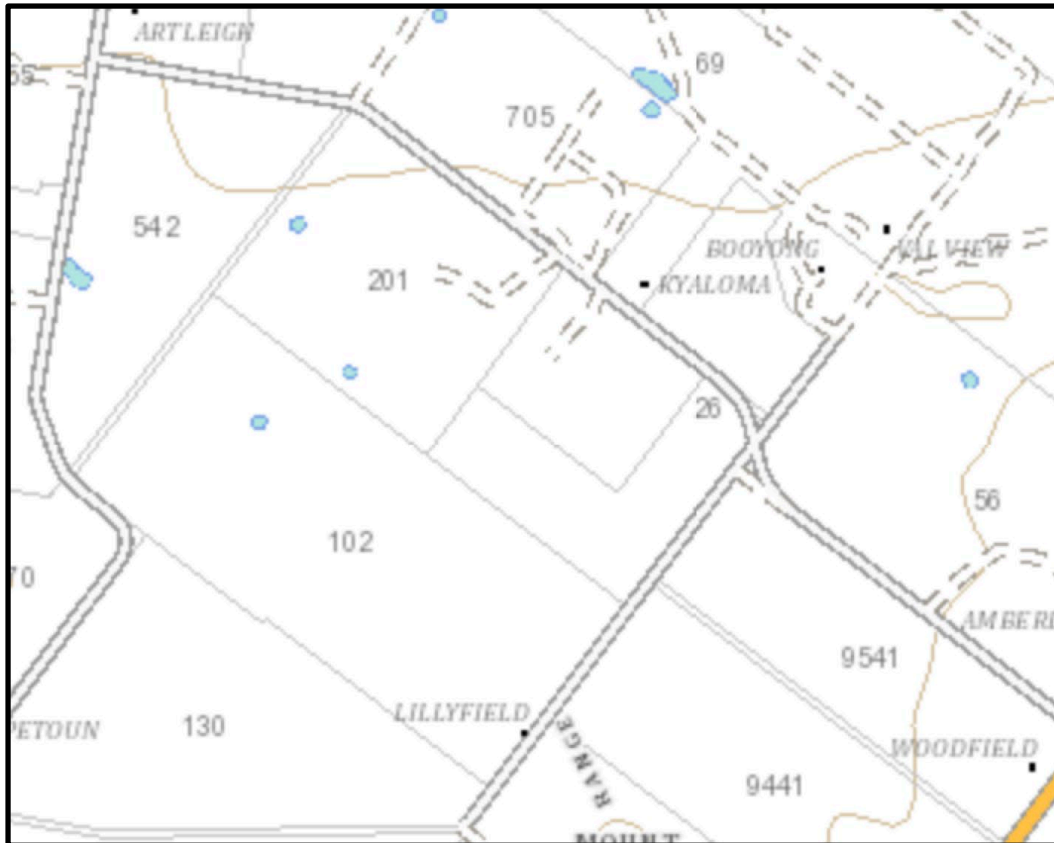


Figure 2 Locality Plan

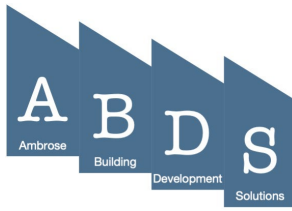
### Existing structures on the Site

The site has two existing dwellings, one at 542 Hawthorne Road and the other at 26 Wilkinsons Road.

### Surrounding Development

The site is located within an area of small holding properties well under the minimum lot size of 200 ha. The majority of these holdings have an existing dwelling erected on each lot, characterising this as more of a rural lifestyle lot area. The surrounding development is shown in Figure 3.





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*Figure 3 Aerial Image of the Locality*

## Site Constraints

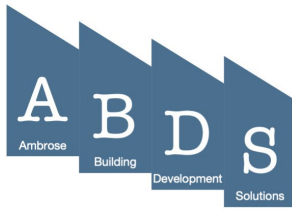
The following planning site constraints apply or affect the development site.

- The site is zoned RU1 Primary Production.
- The site has a minimum lot size of 200 ha.
- Part of the site is identified as bushfire prone.

## Potential Impacts / Main Issues

- The fragmentation of agricultural land.

## Referrals and Other Approvals



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## Concurrences and Integrated Development

The advice provided by Council is this Development Application is not classified as integrated development under 4.46 of the Environmental Planning and Assessment Act 1979. In

The development does not require concurrences under any environmental planning instrument.

## Referrals

Nil

## Other Approvals

Subdivision Certificate.

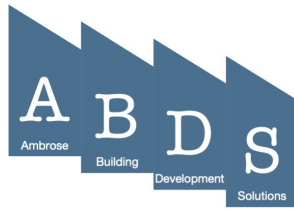
## Planning Matters

### Biodiversity Conservation Act 2016

The Biodiversity Conservation Act 2016 has three triggers that determine if a Biodiversity Assessment Report (BDAR) is required to be submitted with a Development Application. The three triggers applicable to the subject site are detailed below:

1. Area Clearance.
  - The subject site has a minimum lot size of 200 ha.
  - The threshold for clearing, above which the BAM and offsets scheme applies, is 1 ha.
  - The proposed development will not involve clearing native vegetation above the 1 ha threshold.
2. Biodiversity Values Map.





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- The site has no identified biodiversity value land mapped on the Biodiversity Values Map.

### 3. Test of Significance.

- Because the site is a subdivision of land, the development is not likely to significantly affect threatened species or ecological communities.

The proposed development does not trigger the Biodiversity Conservation Act 2016 thresholds.

## Environmental Planning Policies

The following State Environmental Planning Policies apply to the proposed development.

- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Resilience and Hazards) 2021

### State Environmental Planning Policy (Biodiversity and Conservation) 2021

#### Chapter 3 Koala Habitat Protection 2020

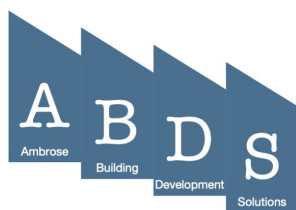
This chapter applies to this site due to the land being zoned RU1 Primary Production, which is a nominated zone; the relevant clauses are addressed below:

#### 3.5 Land to which this Part applies

*This Part applies to land—*

- (a) that is land to which this Chapter applies, and*
- (b) that is land in relation to which a development application has been made, and*
- (c) that, whether or not the development application applies to the whole, or only part, of the land—*
  - (i) as an area of more than 1 hectare, or*
  - (ii) has, together with adjoining land in the same ownership, an area of more than 1 hectare.*

The section applies to the proposed development as the chapter applies; the land is the subject of the development application and has a total area greater than 1 ha.



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### 3.6 Step 1—Is the land potential koala habitat?

- (1) Before a council may grant consent to a development application for consent to carry out development on land to which this Part applies, the council must be satisfied as to whether or not the land is a potential koala habitat.
- (2) The council may be satisfied as to whether or not land is a potential koala habitat only on information obtained by it, or by the applicant, from a person who is qualified and experienced in tree identification.
- (3) If the council is satisfied—
  - (a) that the land is not a potential koala habitat, it is not prevented, because of this Chapter, from granting consent to the development application, or
  - (b) that the land is a potential koala habitat, it must comply with section 3.7.

A search of the NSW Government Koala Species Sighting database identified one Koala sighting 1.6 km southwest of the subject site, as detailed in Figure 4.

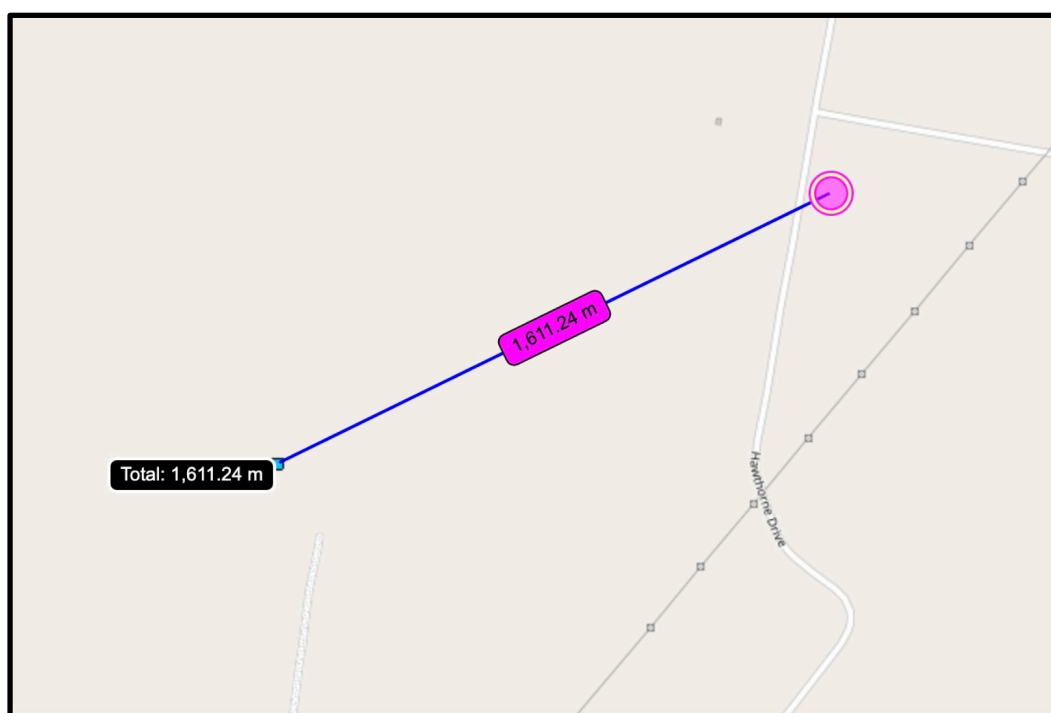
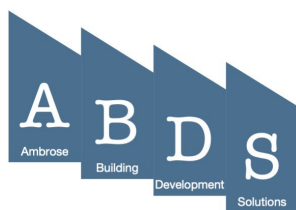


Figure 4 Koala Sightings



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The proposed development is a boundary adjustment that does not involve removing vegetation. As such, it could not be considered to impact potential koala habitat. Therefore, Council is permitted to grant consent to the development application, and no further assessment is warranted or required.

#### Chapter 4 Koala Habitat Protection 2021

This chapter does not apply to the site as the land is zoned RU1 Primary Production, which is not a nominated zone, and no further assessment is required under this Chapter.

#### State Environmental Planning Policy (Resilience and Hazards) 2021

##### Chapter 4 Remediation of Land

The site is not identified as potentially contaminated on the Environmental Protection Authority property register and is within an existing rural area. Therefore, the likelihood of contamination is considered very low in this instance.

Clause 4.5 of the Resilience and Hazards SEPP requires the consent authority to consider the following:

*a) whether the land is contaminated.*

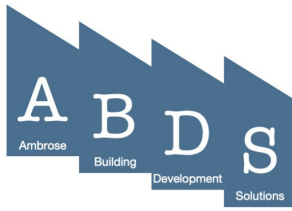
The subject site is not identified as contaminated land on the EPA list of contaminated sites. Potential contamination is likely low due to current rural use. There is no evidence of an old sheep dip, orchard, or disused mining site, and the development involves only a boundary adjustment.

*b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable after remediation) for the purpose for which the development is proposed to be carried out,*

Not applicable.

*c) If the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

Not applicable.



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2. *Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subsection (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.*

Not applicable.

## Local Environmental Plan

### Uralla Local Environmental Plan 2012

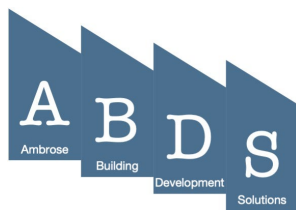
#### Permissibility of Development

The subject site is zoned RU1 Primary Production (Figure 5) under Uralla Local Environmental Plan 2012 (ULEP12). The RU1 Primary Production zone is classified as a closed zone.

Subdivision is not listed as a permissible use in the zone table as it is not a land use.

The permissibility of the proposed subdivision is established by Clause 2.6 of the ULEP12, which states:

- (1) *Land to which this Plan applies may be subdivided, but only with development consent.*



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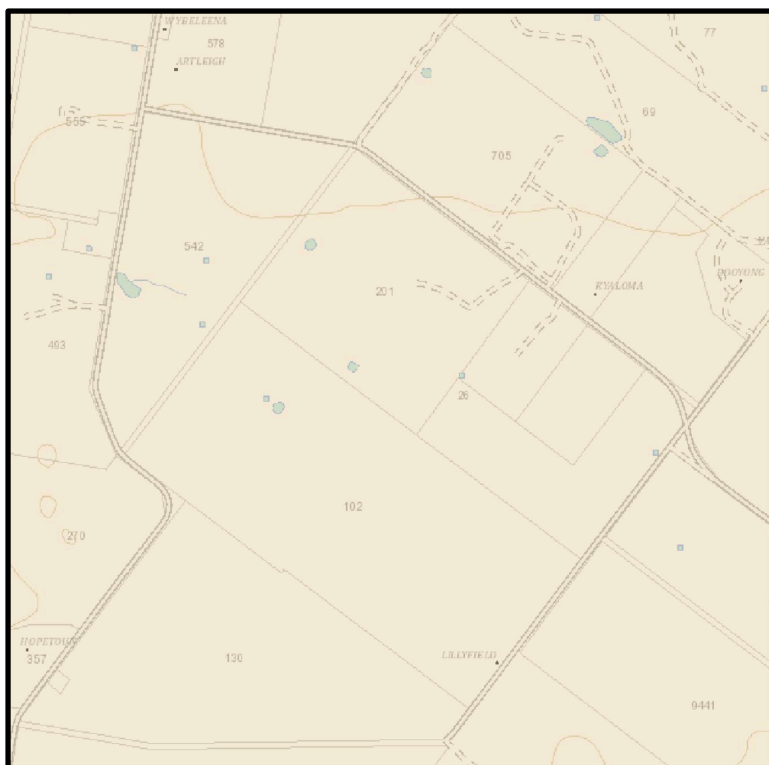
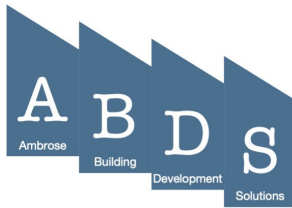


Figure 5 Zoning Map

### Clause 2.3 Zone Objectives and Land Use Table

This Clause requires the consent authority to have regard to the objectives of the relevant zone. The objectives of the RU1 Primary Production zone objectives are:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To encourage diversity in primary industry enterprises and systems appropriate for the area.*
- *To minimise the fragmentation and alienation of resource lands.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To permit development of non-agricultural land uses that are compatible with the character of the zone.*



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The proposed boundary adjustment will enable the current property owners to downsize their property to retire and transfer the remainder to an adjoining property owner, increasing their holding to 128ha to be closer to a viable agricultural enterprise. The boundary adjustment should not fragment and/or alienate land because both existing holdings are less than the minimum lot size of 200 ha. The reallocation of the land between the two property holdings should not result in any changes to the character of the locality or the zone.

#### 4.1 Minimum subdivision lot size

The minimum lot size for the subdivision of land applicable to the subject site is 200 ha. This proposed subdivision does not comply with Clause 4.1; however, the subdivision is proposed under the provisions of Clause 4.2C.

#### 4.2C Boundary changes between lots in certain rural, residential and conservation zone.

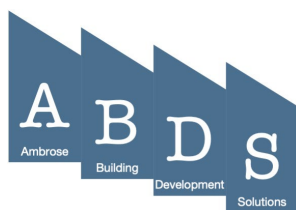
This clause aims to allow boundary adjustments between 2 or more lots in certain circumstances to give landowners a more significant opportunity to achieve the objectives for development in a zone. As detailed above, the proposed boundary adjustment is not inconsistent with the objectives of the RU1 zone and will allow the landowner greater flexibility into retirement while enabling the other property to increase in size to be closer to the minimum lot size desired in the locality for a viable agricultural enterprise.

This Clause states the following:

- (3) *Despite clause 4.1(3), development consent may be granted to the subdivision of 2 or more adjoining lots comprised in land to which this clause applies if the subdivision will not result in any of the following—*
- (a) *an increase in the number of lots,*
  - (b) *an increase in the number of dwellings or dual occupancies on (or dwellings or dual occupancies that may be erected on) any of the lots.*

This subclause overrides the provisions of Clause 4.1(3), which requires a minimum lot size of 200 ha for the subdivision of the subject property. This is because Clause 4.1(3) implies that the subdivision will create a new lot, whereas Clause 4.2C relates only to the adjustment of lot boundaries, which does not create new lots.

The criteria for using this Clause to adjust a boundary means no new lots can be created, which would facilitate an increase in the number of dwellings or dual



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occupancies that could be erected in the future. This development involves three lots; two have a dwelling erected on the lot, and one is currently vacant. Once the boundary adjustment is completed, there will only be two new lots, each with an existing dwelling. The proposed boundary adjustment complies with this subsection of the Clause as no new lots are being created, nor is the potential for dwelling or dual occupancies increasing.

- (4) *Before determining a development application for the subdivision of land under this clause, the consent authority must consider the following—*
- (a) *the existing uses and approved uses of other land in the vicinity of the subdivision,*

The existing approved uses in the vicinity are primarily dwelling houses on small rural lifestyle lots. This proposed boundary adjustment will not alter the density or development potential in the locality and will match the significant number of surrounding rural small holdings under the minimum lot size, which have a dwelling erected onsite.

- (b) *whether or not the subdivision is likely to have a significant impact on land uses that are likely to be preferred and the predominant land uses in the vicinity of the development,*

Given the substantial fragmentation of this locality with dwelling on lots less than the minimum lot size of 200 ha, the impact this boundary adjustment is likely to have on the agricultural enterprise is not considered significant, and the development matches the predominant land uses in the vicinity.

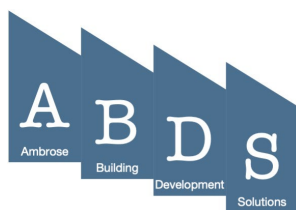
- (c) *whether or not the subdivision is likely to be incompatible with a use referred to in paragraph (a) or (b),*

The boundary adjustment does not increase the dwelling density and, therefore, is not considered incompatible with the other surrounding small lots with existing dwellings at 521, 555, 588, 612, and 638 Hawthorne Road and 161, 181, and 201 Northeys Road.

- (d) *whether or not the subdivision is likely to be incompatible with a use of land in any adjoining zone,*

No, the boundary adjustment is not incompatible with the use of land in any adjoining zone.

- (e) *any measures proposed by the applicant to avoid or minimise any incompatibility referred to in paragraph (c) or (d),*



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Not Applicable as no incompatibility has been identified due to the significant fragmentation that has occurred in the locality.

- (f) *whether or not the subdivision is appropriate having regard to the natural and physical constraints affecting the land,*

The boundary adjustment is not considered inappropriate for bushfire-prone land, given that each lot has sufficient area to implement asset protection zones if necessary.

- (g) *whether or not the subdivision is likely to have an adverse impact on the environmental values or agricultural viability of the land.*

The boundary adjustment should not alter the agricultural viability of the land. The outcome is that one lot is reduced in size while the other is increased. The viability of the agricultural land is only being reallocated between the ownership. The site has limited environmental values and should not be impacted by this development.

- (5) *This clause does not apply—*  
(a) *in relation to the subdivision of individual lots in a strata plan or a community title scheme, or*  
(b) *if the subdivision would create a lot that could itself be subdivided in accordance with clause 4.1.*

The development is not a strata or community title development and will not create a lot that can be further subdivided under Clause 4.1 in the future, as neither lot achieves the minimum lot size of 200 ha.

#### 5.16 Subdivision of, or dwellings on, land in certain rural, residential or conservation zones

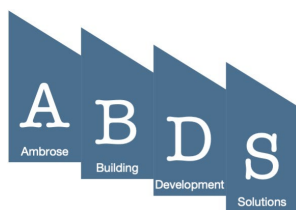
The proposed development aims to adjust the boundary between two existing lots, each with a dwelling erected on site. Since it is only a boundary adjustment, it should not significantly impact the existing character or the desired future character of the environment.

### Development Control Plans

Uralla Development Control Plan 2021 (UDCP21) applies to the site, and the applicable chapters are addressed below.

### Subdivision





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## 2.8 Subdivision in Rural Areas

One aim and objective of this Chapter is to allow for boundary adjustments and subdivisions that facilitate flexibility in the arrangement of agricultural holdings.

This boundary adjustment achieves this aim and objective by facilitating the current owners to downsize their holdings to enable a transition to retirement while facilitating the expansion of an existing rural small holding to increase in size and become a more viable agricultural enterprise. The nature or holding capacity of the land is not being altered.

The resulting lots in the subdivision have a significant area surrounding each existing dwelling to allow the implementation of adequate asset protection zones for bushfires.

Each new lot will continue to use the existing driveway accesses, so no alterations are required, and each of the proposed lots will have an existing electricity connection.

The potential impact on koala habitat is addressed above.

## Likely Impacts of the Development

### Context and setting

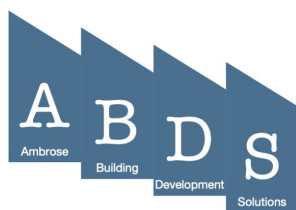
The proposed boundary adjustment is simply adjusting property ownership to increase the size of one property while decreasing the size of another to facilitate a transition to retirement. This proposed boundary adjustment will result in a single dwelling on an allotment that is very similar to and consistent with the surrounding property holdings, which have a small lot size with a dwelling and a larger lot with a dwelling.

### Access and traffic

This proposed development will not alter the access and traffic generated by the subdivision.

### Utilities

#### Water Supply



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This boundary adjustment will not alter the water service for the existing dwellings.

#### Sewerage Disposal

This boundary adjustment will not alter sewerage disposal to the existing onsite waste management systems of each dwelling.

#### Stormwater Disposal

This boundary adjustment will not alter the existing stormwater disposal of the existing dwellings.

#### Electricity Supply

This boundary adjustment will not alter the existing electrical service for the existing dwellings.

#### Telecommunication

This boundary adjustment will not alter the telecommunication service for the existing dwellings.

#### **Indigenous Cultural Heritage**

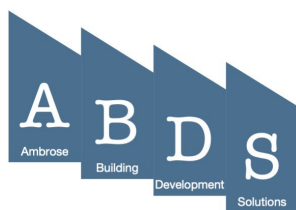
A search of the Heritage NSW AHIMS Web Services (Aboriginal Heritage Information Management System) reports with a buffer of 1000m from 26 Wilkinsons Road and 542 Hawthorne Road shows no Aboriginal sites or Aboriginal places have been declared in or near the subject properties attached to this application.

Standard notification protocols will be enforced during the construction of the proposed development should any potential artifact be unearthed.

#### **European Heritage**

The site is not listed as a heritage item under Uralla Local Environmental Plan 2012 or in a Heritage Conservation Area.

#### **Flora and Fauna Impacts**



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The site is not identified on the biodiversity values map as having any biodiversity significance. It consists of grassland vegetation only, and as the boundary adjustment does not require vegetation removal, the impact on flora and fauna is considered minimal.

### **Natural hazards**

The site is identified as bushfire prone land; however, the boundary adjustment has provided sufficient land surrounding each existing dwelling to implement suitable asset protection zones. The site is not affected by any other natural hazards.

### **Social and Economic impact**

The proposed development is not considered to have a significant social or economic impact on the locality.

### **Site design and internal design**

The proposed development adjusts the land ownership surrounding the two existing dwellings to enable one owner's transition to retirement. The boundary adjustment is not considered to have any undesirable outcomes in or on the locality. It is consistent with several other dwelling developments on small lots in the vicinity of the subject property.

### **Cumulative impacts**

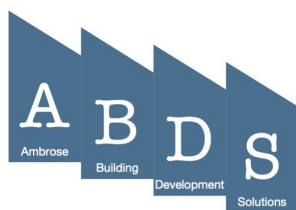
The proposed development is not considered to create any cumulative impacts within the locality that have not been already created by the number of dwellings on a small lot in the vicinity of the subject property.

The development will not increase demand for services or have any undesirable impacts on the surrounding development because an existing dwelling is erected on both lots, resulting from the boundary adjustment.

### **Suitability of the Site**

The site is considered suitable for the proposed development for the following reasons:

- The site is zoned RU1 Primary Production, and the development is permitted with consent.



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- Clause 4.2C enables this type of subdivision.
- The proposal is considered consistent with the local character.
- The two dwellings have safe driveway connections to the road network.

### **Contribution Plans**

No contributions apply to this development.

### **Planning Agreements**

No Planning Agreement or draft Planning Agreements apply to the site or the proposed development.

### **Provisions of Regulations**

No Clauses under Division 1 of the Environmental Planning and Assessment Regulation 2021 apply to this development application.

### **Public Interest**

The proposed development is considered to be in the public interest given the following:

- The development will allow the current owner to transition to retirement and remain in the home.
- The development is not likely to have any significant impacts and matches the existing character of the locality.

### **Conclusion**

The proposed development involves a boundary adjustment between three lots, reducing the total to two lots, each with an existing single dwelling erected on the new lots.

The development is considered permissible in the RU1 Primary Production zone and complies with the relevant Environmental Planning Instruments, Council's Development Control Plan, and other related policies. The development is not considered to have any significant impacts on the locality.

**14.2 Swimming Pool 24/25 Season Report**

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<b>Department:</b>	<b>Infrastructure &amp; Development</b>
<b>Prepared By:</b>	<b>Manager Civil Infrastructure</b>
<b>Authorised By:</b>	<b>Director Infrastructure &amp; Development</b>
<b>Reference:</b>	UINT/24/10457

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**LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK**

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<b>Goal:</b>	1.	We have an accessible inclusive and sustainable community
	2.	We drive the economy to support prosperity
	4.	We are an independent shire and well-governed community
<b>Strategy:</b>	1.2.	A safe, active and healthy shire
	2.3.	Communities that are well serviced with essential infrastructure
	4.1.	Informed and collaborative leadership in our community
	4.2.	A strategic, accountable and representative Council

---

**SUMMARY**

The purpose of this report is to confirm the opening period for the Uralla Swimming Pool 2024/25 Summer Season and to provide an update on the issue of season passes.

**RECOMMENDATION****That Council:**

- 1. Opens the Uralla Swimming Pool subject to supervisory staffing being available from Saturday 19th October 2024 until Sunday 9th March 2025 inclusive.**
- 2. Accept the use of discounted ticket books for this season noting the requirements to progress to an automated system in the future.**

**REPORT****Recommended Opening Times**

The Uralla Swimming Pool last summer opened on 21 October 2023 and continued through to 24 March 2024.

Usually, the Pool would close early in March, however in March 2024, given unseasonably warm temperatures together with local community events towards the end of March attracting visitors to the town, the decision was made to remain open until Sunday 24 March 2024. This decision was made to maximise the benefit of the community infrastructure and encourage visitors to the town.

While there was still some use of the Pool halfway through March, attendance certainly declined despite warmer weather continuing. Average daily attendance at the pool for each month during the season was:

October	65
November	42
December	80
January	83

February	54
March	16

It is recommended that since there was no specific benefit realised towards the end of March, that the planned opening period for the summer season 2024/25 to be Saturday 19 October 2024 until Sunday 9 March 2025.

#### **Consideration of Automated Seasonal Tickets**

Council does not currently have a formal season ticket arrangement. Consideration has been given to the procurement of electronic readers that could include a seasonal ticket function however the reader devices are expensive to procure and install and are not easily compatible with Council's existing IT capacity.

Council's fees and charges do currently include discounted books of tickets for both adults and children so that families and regular users can obtain a bulk discount of around 10% to 15% on the singular ticket price.

It is suggested that Council continue with the current ticket arrangement including ticket books at discounted prices for the 24/25 season whilst reviewing its capacity for a more automated option.

#### **CONCLUSION**

It is recommended that Council plan to open the Uralla Swimming Pool for the period of the 2024/25 summer season as suggested for the dates and ticketing arrangements detailed in the report.

#### **COUNCIL IMPLICATIONS**

##### **Community Engagement/Communication**

While no additional community consultation has been undertaken, this recommendation would continue current opening and operational practices.

##### **Policy and Regulation**

Operation of the Pool is managed within requirements for public pools.

##### **Financial/Long Term Financial Plan**

The function of the Swimming Pool is usually under financial pressure given the costs of operation against the lower returns in smaller communities. The Pool provides an important facility for the community, especially younger aged people.

##### **Asset Management/Asset Management Strategy**

The opening period for the pool seeks to maximise the community use and benefit of a Council asset.

##### **Workforce/Workforce Management Strategy**

The supervision of the facility is undertaken through deployment of Council staff from the general fund area for the opening period.

##### **Legal and Risk Management**

The opening of the pool is considered a high priority for the integrity of the community and carried risk responsibilities including financial return and staff supervision for the safety of patrons.

##### **Performance Measures**

This complies with Council's Delivery Plan activity to operate the Uralla community swimming pool on a seasonal basis.

##### **Project Management**

The Pool is managed by staff within Council's Infrastructure and Development department.

**14.3 Civil Infrastructure Works Report**

<b>Department:</b>	<b>Infrastructure &amp; Development</b>
<b>Prepared By:</b>	<b>Manager Civil Infrastructure</b>
<b>Authorised By:</b>	<b>Director Infrastructure &amp; Development</b>
<b>Reference:</b>	UINT/24/10456

**LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK**

<b>Goal:</b>	2.	We drive the economy to support prosperity
	4.	We are an independent shire and well-governed community
<b>Strategy:</b>	2.3.	Communities that are well serviced with essential infrastructure
	4.1.	Informed and collaborative leadership in our community
	4.2.	A strategic, accountable and representative Council
	4.3.	An efficient and effective independent local government

**SUMMARY**

This report presents an update on grant funded projects and specific maintenance operations.

**RECOMMENDATION**

**That Council note the Civil Works report.**

**REPORT**

This report provides Council with the reported progress of external grant funded projects and specific routine maintenance operational works.

<b>Main Road Maintenance</b>	
MR73 Thunderbolts Way	<p>Bitumen patching of road surface defects is routinely undertaken.</p> <p>Bitumen edge strip correctional work has been carried out in the northern area to preserve the road shoulder from edge wear.</p> <p>Roadside slashing was undertaken recently to benefit from the lesser growing winter period.</p>
MR124 Bundarra Road	<p>Surface corrections and bitumen patching of road defects was focussed west of the Pinnacle for safety until rehabilitations can be undertaken.</p> <p>Roadside slashing was undertaken recently to benefit from the lesser growing winter period.</p> <p>Over the remainder of winter, vegetation control will be undertaken in the Invergowrie area.</p>
MR132 Barraba Road	<p>Maintenance grading completed recently with further works to be programmed on drainage when sides of the road dry out.</p>

<b>Sealed Roads Maintenance</b>	
Urban streets	Routine pothole patching has been carried out in Uralla and Bundarra streets. Street sweeping was recently undertaken to prepare Uralla presentation for community events including The Glen. The removal aggregate from intersections and dirt from gutters has enhanced safety and keeps drainage structures clear.
Rural sealed roads	Pothole patching, drainage maintenance and roadside slashing has been undertaken across the road network. Vegetation control is being planned for a number of areas with an initial focus on the Invergowrie Pinegrove Road area. This is necessary where lower growing bushes obstruct vision and impact on our ability to maintain roadside verge and table drains. Further work will also be programmed for the Kingstown - Balala area.

<b>Unsealed Roads Maintenance Grading</b>	
Rural unsealed roads	General maintenance grading has been undertaken with respect to the TAMP including the southern Hillview and Salisbury areas, western Kingstown area roads and more recently commencement of work on Bakers Creek Road in the north.
Hillview Road	Specific attention was given during the last year to clear obstructed culverts and causeways on Hillview Road. The drainage culverts are critical to minimise any water runoff damage to the pavement surface on gravel roads and this will continue to be a focus on rural unsealed roads.

<b>Construction</b>	
MR73 Thunderbolts Way (Two Mile Creek project)	Roadworks are largely completed on the pavement and surface of this section. Once the wet winter period end, further work to finish some drainage outlets and adjustments to guardrail are being programmed.
MR73 Thunderbolts Way (Scrubby Gully project)	Road pavement works are completed including installation of guardrail to current standards. Once the wet winter condition end, work will complete culvert headwalls and verge embankment trimming and table drain clearing.
MR73 Thunderbolts Way (Laura Creek project)	Survey and design is underway for rehabilitation with widening to enhance safety around curves in this section near Laura Creek. Drainage structure widening will commence later in the year.
Kingstown Road (Kentucky Creek Blackspot project)	Earthworks and drainage culvert extensions are underway for shoulder widening on this project. New guardrail has been purchased and will be installed once pavement widening is complete.

<b>Bridges</b>	
Rural bridges	General bridge surface and drainage outlet clearing is an ongoing focus to protect against moisture penetration to the structure.



Signage	
Signage renewal	Many sections of the shire have roads with faded signs in poor condition. Two phases of upgrades in areas around Uralla have been undertaken between April and June. Focus is upon regulatory signs such as stop, give way and parking signs. Also key warning signs for intersection safety will be prioritised in future phases.

Town and Parks	
Uralla	Maintenance of playground equipment in ongoing for user safety.
	Weed spraying and mowing completed prior to winter.
	Vegetation control along pathways and road edges has been completed for recent community events.
Bundarra	Mowing parks and verges in the town area is a routine activity to keep the area presentable.
	Urban road shoulder and drainage maintenance is ongoing.

MAJOR PROJECTS – PROGRAM TARGETS AND STATUS				
Project	Source of Funds	Budget	Target Date for Completion	Status
Kingstown Road, Uralla (9.5 to 10.05km)	Local Roads Community Infrastructure Phase 3	\$252,330	30-Dec-23	Completed
Northeys Road, Uralla (1 to 1.5km)	Local Roads Community Infrastructure Phase 3	\$134,752	30-Dec-23	Completed
Northeys Road, Uralla (1.5 to 2.5km)	Local Roads Community Infrastructure Phase 3	\$277,585	30-Dec-23	Completed
Northeys Road, Uralla (2.5 - 3.25km)	Local Roads Community Infrastructure Phase 3	\$212,232	30-Dec-23	Completed
Gostwyck Road, Uralla (2-2.25,2.5-3.75,5.25-5.75,6.25-6.75km)	Local Roads Community Infrastructure Phase 3	\$410,992	30-Dec-23	Completed
Gostwyck Road, Uralla (8.25 - 9.25km)	Local Roads Community Infrastructure Phase 3	\$277,587	30-Dec-23	Completed
Various Roads Resheeting Uralla Shire Council rural LGA (Hardens)	Local Roads Community Infrastructure Phase 3	\$278,725	30-Dec-23	Completed
Thunderbolts Way MR73, North of Uralla – Ferndale Segment Ch27.7km to 29.2km (1,500m x 8m) (0 at Uralla St, North)	Regional and Local Roads Repair Program	\$780,000	30-Jun-25	Completed
Warwick St, Uralla 2 sections, McCrossin Street to Rock Abbey Road (550m x 6m), & Barleyfields Intersection (600m x 7m)	Regional and Local Roads Repair Program	\$487,500	30-Jun-25	Completed
Bergen Road, Kentucky 1km x 5m comprising 2 discrete sections	Regional and Local Roads Repair Program	\$325,000	30-Jun-25	Completed
Mihi Road Mihi, Intermittent patch gravelling 1km	Regional and Local Roads Repair Program	\$86,908	30-Jun-25	Completed

Project	Source of Funds	Budget	Target Date for Completion	Status
Part A - Roads and/or Community Infrastructure	Local Roads Community Infrastructure Phase 4	\$596,106	30-Dec-25	Projects being confirmed
Part B – Terrible Vale Road Crossing	Local Roads Community Infrastructure Phase 4	\$100,000	30-Dec-25	Consultant scope to be prepared
Part B – Rocky River Culvert Crossing	Local Roads Community Infrastructure Phase 4	\$343,847	30-Dec-25	Consultant engaged for geotechnical work
Kingstown Road Heavy Patching 37 to 42km	Roads to Recovery 2019-24 Program	\$369,837	30-Jun-24	Completed
Terrible Vale Road rehabilitation 8 to 10km	Roads to Recovery 2019-24 Program	\$519,659	30-Nov-24	Planning commenced
Thunderbolts Way MR73, Two Mile Creek	Restart NSW Project 2724	\$797,591	30-Jun-25	90% complete
Thunderbolts Way MR73, Scrubby Gully	Restart NSW Project 2724	\$1,972,262	30-Jun-25	80% complete
Thunderbolts Way MR73, Laura Creek	Restart NSW Project 2724	\$1,172,929	30-Jun-25	Survey and design commenced

## CONCLUSION

The Civil Works report provides Council with information on the progress of works for the period to 30 June 2024.

## COUNCIL IMPLICATIONS

### Community Engagement/Communication

Council's progress on works is conveyed to the community through Facebook, website information, Councillor Bulletins and Council reports.

Staff also liaise with the community directly on customer requests for maintenance issues and whenever capital works may impact on property matters.

### Policy and Regulation

Procurement Policy  
Asset Management Plans

### Financial/Long Term Financial Plan

The capital works program is set to follow the annual budget for internally funded and externally funded projects. The program aligns to the long-term financial plan so that Council can renew critical infrastructure in time with the life span of assets.

### Asset Management/Asset Management Strategy

Civil infrastructure works are undertaken to achieve the goals specified in individual Asset Management Plans and within the allocated budgets. A focus is maintaining assets to provide a level of service that is satisfactory by prioritising those assets where their condition has fallen to levels 4 and 5.

**Workforce/Workforce Management Strategy**

Council staff are engaged in civil works to maximise efficiency in costs and co-ordination of works. Where Council's staff resources are fully committed or when specialist services such as hot bitumen surfacing is required, additional resourcing is undertaken through contractor engagement.

**Legal and Risk Management**

*Local Government Act 1993 (NSW)*

*Roads Act, 1993 (NSW)*

*Work Health & Safety Act 2011 (NSW)*

*Environmental Planning & Assessment Act 1979 (NSW)*

Works are undertaken to construct and maintain the assets in a satisfactory function to minimise risk to users of our infrastructure.

**Performance Measures**

Performance is measured by the delivery of completed works within budget limits and to accepted engineering standards.

**Project Management**

The infrastructure works program is managed by the Infrastructure and Development Department in co-operation with other Council departments to undertake routine asset maintenance and deliver major capital renewal works.

**14.4 Funding of Stage 2 Artworks - Pioneer Park**


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<b>Department:</b>	<b>Infrastructure &amp; Development</b>
<b>Prepared By:</b>	<b>Director Infrastructure &amp; Development</b>
<b>Authorised By:</b>	<b>General Manager</b>
<b>Reference:</b>	UINT/24/11038

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<b>Attachments:</b>	1. UTEC Consolidated Responses to DID Request for Input <a href="#">↓</a> 
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**LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK**

<b>Goal:</b>	1. We have an accessible inclusive and sustainable community
	4. We are an independent shire and well-governed community
	2. We drive the economy to support prosperity
<b>Strategy:</b>	1.1. A growing community with an active volunteer base and participation in community events
	1.3. A diverse and creative culture that celebrates our history
	4.1. Informed and collaborative leadership in our community
	2.1. An attractive environment for the business sector

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**SUMMARY**

In February 2023 Council submitted a list of proposed works to the Stronger Country Communities Fund for consideration during Round 5A of that Grant. Council's submission was successful, and Council has since received total funding approval to the value of \$867,680.

A Funding Deed has been executed by the parties which separates the funding into two summary Projects as follows:

- Project 1 – 'Parks, Gardens and Open Space Facilities' - \$332,238; and
- Project 2 – 'Upgrade and Enhancement of Sporting Facilities' - \$535.442.

Each project above is comprised of a range of individual sub-projects which are detailed in the Funding Deed and also in the body of this report.

The process allows for Council to request, if needed, consent of the funding partner to vary to the Funding Deed for the purpose of changing or modifying projects.

This report recommends, that prior to executing the projects, Council consider requesting that the funding partner approve a variation to Council's original list of sub projects on the basis that greater community benefit and impact may be achieved.

The details of the proposed variation, and the staff reasoning for requesting Council to consider the matter are detailed in the body of this report.

**RECOMMENDATION**

**That Council requests the funding partner vary the Funding Agreement for the Stronger Country Communities Round 5A Grant to reallocate the available funding in accordance with the recommended SCCF Round 5A Project List in this report.**

**REPORT****The Abbreviated Timeframe for Submission**

In the first week of February 2023 Council was advised that its earlier grant application to the Stronger Country Communities Fund (SCCF) Round 5 to expand the McMaugh Gardens facility had been unsuccessful.

Subsequently, Council was advised by letter late on the 14<sup>th</sup> February by the then Minister for Regional NSW, that it was now invited to prepare a submission for a Round 5 “A” of the SCCF for which applications closed on the 17<sup>th</sup> February.

Relevant Council staff were activated on the 15<sup>th</sup> February and a submission was duly lodged by Council on the 17<sup>th</sup> February 2023.

Council received advice, in early March 2023, that its SCCF Round 5A submission had been successful and a Deed of Agreement for \$867,680 was executed by the parties shortly thereafter.

**Impact of the Abbreviated Timeframe**

The very limited timeframe available to staff (approximately 24-36 hours) to compile and lodge the 5A submission did not allow for the usual analytical rigour and assessment of options, and as a result may have compromised the optimisation of the community benefit to be had from the grant.

In the same timeframe of the SCCF submission, Council was concurrently settling its position and expectations for the Legacy grant-funded Pioneer Park, The Glen, and Rotary Park project which could not all be fully completed within the available Legacy grant limit.

With few other options apparent at the time, Council necessarily determined to forego the Stage 2 Artworks of the Pioneer Park component and thereby bring all three Legacy projects within the available total budget.

The abbreviated submission timeframe of the SCCF grant precluded Council from the opportunity to turn its mind to potentially utilising a part of the SCCF funding for the purpose of completing the Stage 2 Artworks in Pioneer Park.

Councillors did not receive the opportunity to review, nor to discuss the merits of the project list prior to its submission.

## The SCCF Round 5A Project List Showing Original Budgets and Recommended Budgets

SCCF5A-0002 - Stronger Country Communities Fund R5A - Parks, Gardens and Open Space Facilities Projects				
Project Locations	Original Works Descriptions	Original Allocations	Recommended Allocations	Notes Re Changes and Rationale
Racecourse Lagoon	Picnic Tables, seats, BBQ, signage	\$ 55,000	\$ 15,000	Reduced Scope. Original allocation also included carpark work which is now being delivered under other funding
Pioneer Park	Tables and chairs, shelter	\$ 40,000	\$ 570,000	Now includes Stage 2 Artworks
Alma Park	update footbridge, upgrade 2 x non-shaded seating, and old benches	\$ 70,000	\$ 35,000	Reduction acknowledges additional separate funding received by RSL and project will be a joint venture with RSL Sub Branch
Bundarra Lions Park	upgrade toilet	\$ 20,000	\$ 6,000	Original allocation overassessed.
Bundarra Amenities	upgrade amenities block	\$ 20,000	\$ 7,000	Original allocation overassessed. No change to scope
Uralla Caravan Park	electrical upgrades	\$ 50,000	\$ 50,000	No change
Fossicking Area	optimise operations of new toilets	\$ 20,000	\$ 20,000	No change
Sport complex	Tennis court fence, practice wall & storage shed, field goal posts, resetting gym equip, formalise entry, bollards, repair fence, practice wall, shed, middle field goal posts (soccer), stainless toilets, soft fall around gym equipment, field irrigation upgrade, drainage	\$ 147,000	\$ 25,000	Reassessment identifies minor works only required to fencing and minor drainage improvement.
Uralla Pool	Shade and structure, improve amenity block, shade over shallow end, upgrade old amenities (paint, tiles, roof, signs)	\$ 50,000	\$ 20,000	No community support for shade structure therefore deleted from scope.
Sunny Jim McKay Park	resurface gym area, shade structure, Upgrade a-frame shelter, shade gym equipment and softfall, upgrade a frame and table,	\$ 50,000	\$ 16,000	Reduced scope
Bundarra Multipurpose	shade structure over gym equip shade over gym equipment, BBQ lights, entry road, rocks - knock down old fence.	\$ 90,000	\$ 40,000	Original allocation overassessed. No change to scope
Bundarra Hospital Park	shelter over one setting	\$ 20,000	\$ 20,000	No change
Kingstown Tennis Court	Shadecloth and bench with shade	\$ 32,000	\$ 20,000	Original allocation overassessed. No change to scope
Yarrowyck Crossing Reserve	Upgrade BBQ - Toilet Facilities	\$ 70,000	\$ -	No critical imperative
Pioneer Cemetery	Upgrade picnic shelter	\$ 30,000	\$ -	No critical imperative
Mt Mutton	Upgrade picnic table and shelter	\$ 30,000	\$ -	No critical imperative
Penelope Park	Improve BBQ and picnic chairs	\$ 30,000	\$ -	No critical imperative
Porter Park	Shelter over one setting	\$ 20,000	\$ -	No critical imperative
<b>Subtotal</b>		\$ 844,000	\$ 844,000	
<b>Project Management</b>		\$ 10,000	\$ 10,000	
<b>Contingency</b>		\$ 10,000	\$ 10,000	
<b>Total</b>		\$ 864,000	\$ 864,000	

**Mitigation of Risks Regarding the Affected Projects**

The principal risk to community in this process is that any reasonable community expectations regarding the existing list of SCCF 5A projects are not reasonably met. The following advice is provided:

- Since the receipt of the SCCF Round 5A funding approval, staff have communicated with some affected community groups to define/refine details regarding some of the projects in the existing list. These groups are principally the s355 Bundarra School of Arts Committee (regarding all Bundarra located projects); the Uralla RSL Sub-Branch (regarding all Alma Park located projects). It is reasonable that these particular groups may have developed some expectation regarding those particular projects. For that reason, those particular projects are recommended to retain allocations which are sufficient to deliver on those expectations.
- Staff will continue to closely liaise with all relevant parties to ensure fair treatment and dealing.

**CONCLUSION**

This report provides an opportunity for Council to reconsider the SCCF Round 5A project list in the light of information which was not available to it at the time the project list was originally determined. The report recommends the changes based on the assessed minimal impact of community expectations regarding the specifically affected projects.

**COUNCIL IMPLICATIONS****Community Engagement/Communication**

Council's appointed s355 Committee – The Uralla Township and Environs Committee (UTEC) was requested to provide feedback on the option of Council utilising SCCF funding for the purposes of completing the Stage 2 Artworks in Pioneer Park. The UTEC feedback is anonymously listed by member in Attachment 3 to this report.

To summarise the UTEC feedback:

- 5 members were in favour of the recommended reallocation to complete the Stage 2 Artworks.
- 4 members were not in favour of the recommended reallocation.
- 1 member declared a perceived conflict and did not participate.

The detailed individual comments are contained in Attachment 1 to this report.

**Policy and Regulation**

N/A

**Financial/Long Term Financial Plan**

N/A

**Asset Management/Asset Management Strategy**

N/A

**Workforce/Workforce Management Strategy**

Nil impact

**Legal and Risk Management**

Nil legal exposure. Risk mitigation is discussed in the body of the report.

**Performance Measures**

N/A

**Project Management**

Internal project management and external project delivery.





## URALLA TOWNSHIP AND ENVIRONS COMMITTEE (UTEC)

10<sup>th</sup> July 2024

### Response to UTEC Briefing Note – Stronger Country Communities Fund (SCCF Round 5A) Grant Redistribution

#### SUMMARY OF RESPONSE

The Briefing Note as detailed at the Enclosure was received by the Uralla Township and Environs Committee (UTEC), Friday 14 June 2024. With the exception of one member, the Briefing Note was distributed to all current active UTEC members<sup>1</sup>, Saturday 15 June 2024, inviting them to submit a response by COB Friday 05 July 2024. Further, this matter was placed on the Agenda of the UTEC General Meeting held Monday 01 July 2024 for general open discussion. In total, ten responses were received, and they are detailed below.

By way of Executive Summary:

- 5 responses are supportive of the proposal.
- 4 responses are not supportive of the proposal.
- 1 response does not specify a view.

UTEC submits this consolidated response for consideration and encourages Uralla Shire Council to carefully evaluate the weight of individual points raised in reaching a decision.

#### SUBMISSIONS RECEIVED

##### UTEC Member 1. (Not supportive)

Within the last 2 years, Pioneer Park has seen over \$800, 000 in redevelopment works. This investment was made with a view that these works were Stage 1 of a 2-stage development for Pioneer Park; the second stage to occur at some time in the future. Never was it considered that Stage 2 was a High Priority (as quoted in the accompanying brief) or had to follow in quick succession.

<sup>1</sup> One UTEC member is currently on a Leave of Absence and so has not been invited to provide a response. A second member has removed themselves from all discussions/ decisions regarding matters on Pioneer Park which come before UTEC to avoid any conflict of interest and as such has also not invited to provide a response or made privy to the Briefing Note.

The accompanying brief outlines a number of projects across the Uralla Shire which have either been identified by members of the community or by Council as necessary to maintain, improve, or provide amenity to existing community resources. USC has readily acknowledged that it has limited resources to maintain much of our existing infrastructure. It is proper (and necessary) that those projects as originally identified should receive funding to ensure their continued or improved amenity – if they do not, the burden on ratepayers will be made greater into the future to bring them up to an acceptable/usable state (or the asset will be lost).

Whilst there is no doubt the changes made to Pioneer Park are an improvement, there is no evidence to suggest that the commitment of such a large amount of funding to complete the second stage will somehow outweigh the collective benefit of the other projects which would suffer under this proposal. Pioneer Park is largely functional as a park as it currently stands, and whilst the view of this submission is that it is a worthy cause to proceed with the Stage 2 proposal at some future time, the notion that so many other community facilities will be grossly underfunded or not funded at all, is not an acceptable trade off.

Stage 2 of the Pioneer Park redevelopment can happen at some time in the future without any issue of degradation of the current space. Almost every other project identified in the original scope of proposed works will be degraded with every passing day if they do not benefit from this funding. Council has not proposed any alternative plan to fund these projects in the near future.

The maintenance of public spaces in the Uralla Shire has, in recent times, been well below acceptable standards to non-existent in some circumstances. The Visitor Information Centre, Rotary Park, The Glen and Courthouse have all received significant investment from Government grants. To date the USC has failed to maintain any of these spaces to an appropriate level; the Visitor Information Centre (VIC) is a key example of this. In particular, the fact that the VIC is where visitors naturally come to access information about all that is attractive in the Uralla Shire, yet there has been no focus to maintain its surrounds, gives USC very little credibility when the proposal to commit more funds to Pioneer Park is with a significant view to attract tourists. It is the recommendation of this submission that USC clearly demonstrates that they can maintain all Public Spaces to an acceptable level (as determined by the advisory bodies) before further funds are committed to Pioneer Park; which will invariably require a more precise level of maintenance in order to be faithful to the overall concept of the redevelopment. On many occasions USC has been asked to demonstrate how they will achieve an adequate level of maintenance – to date, no detailed or adequate plan has been proposed or implemented.

This submission has drawn upon a broad cross section of the community to gauge their views on the distribution of these grant funds. Whilst the broader community see that the Pioneer Park development is of a high quality and feel that at an appropriate time the completion of which should be supported, it is their greater view that the commitment of close to \$1.5 million to one park when there are so many other areas of need (as identified) is simply unacceptable. If USC chooses to commit these funds as proposed, and at the cost

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of so many other public areas, it is the view of this submission that this will see the proposed Stage 2 development of Pioneer Park shadowed in negativity which will result in intense public backlash.

It is therefore the recommendation of this submission to not commit any additional funds from the SCCF Round 5A Grant to Stage 2 of the Pioneer Park redevelopment, but to commit funds to those projects as originally identified. It is further recommended, that USC develop a strategy to raise funds both through future grants and community partnerships which, at the outset, have the target of the completion of the Pioneer Park redevelopment as the key goal.

#### **UTEC Member 2. (Supportive)**

I want to preface my comments with a couple of points. Firstly, I was one who was initially against the Fibonacci project proceeding before we had full funding but changed my mind when council advised that we would lose that funding if we did not proceed. I was very concerned about how the park would look if unfinished. I have to say I was very pleasantly surprised at how well it came up.

Secondly whilst I am President of Uralla Arts, I have no artistic ability, my background being in banking. So, I agree that the council is in a very difficult position and regardless of which way they ultimately decide people will be disappointed. In view of the quality of the work carried out so far in the park and the favourable reaction generally of the community I support the proposed changes to allow work to continue on the park. I believe that ultimately that the park will become a focal and talking point for travellers and visitors to Uralla and will attract people to our village. Also, the next stage will include a lot of community involvement, particularly the local schools, which can only be a good thing for the community.

If we miss this opportunity, we could well be waiting a long time to secure sufficient funding and a repeat of what happened with the Constellations of the South project being on hold for 20 odd years.

#### **UTEC Member 3. (Supportive)**

I am in full support of the proposed variation to fund Stage 2 of the Fibonacci-themed redevelopment of Pioneer Park as allowed under the SCCF Round 5A Grant. My reasons are as follows:

##### Creating a landmark public space

The completion of the public art and picnic amenities which make up Stage 2, is fundamental to the look, ambience and practical usage of the park. As previously discussed by UTEC, Stage 1 was the necessary infrastructure, but Stage 2 is what the concept is about. Realizing this critical stage is not just "nice to do" or an exercise in aesthetics, it is the most important part of the project.

There is arguably no more prominent or promisingly significant public space in the Shire, and I believe that this project deserves to be seen through to achieve its potential.

Stage 1 has exceeded expectations, and if we can complete the job, it has the potential to be:

- a) unique
- b) meaningful
- c) a wondrous addition to Uralla's cultural heritage.

The ability to create a public space which translates civic ambition into a memorable experience does not come easily nor is it common. If we do not take advantage of this opportunity, the impetus, and more importantly, the artists and other proponents may be lost.

#### Community Building

It should be a point of pride that this project was conceived, developed and driven by members of our community. Many hands have and will contribute, and the benefits of this "ownership" are many and varied.

Input from our community has been intentionally integral to this project. The outreach program which saw enthusiastic school participation appears to have been a success.

I understand that the Uralla Business Chamber, Rotary Club, Arts Council and the Men's Shed have all been approached to participate in bringing Stage 2 to fruition. This is a major point of difference compared to the other proposed works.

#### Priorities

Given the sporadic nature and uncertainty of grant funding, I think it is prudent to prioritise those projects which will have the biggest impact for the community.

I am sure that we would all like to see all the proposed works funded but it would be difficult to argue that there is a better return on investment with the displaced works.

As advised by Council, none of those alternate proposals are critical in that they have been deemed low expectation and/or low priority.

The initial list of amenity works for grant funding was hastily devised on 24 hours' notice so that can hardly be considered definitive or representative of community expectations.

Therefore, I agree with Mick Raby that the intent of the grant could be better fulfilled with the revised budget distribution.

#### Economic Benefits

The potential pedagogical benefits of the completed project have already been demonstrated by the depth of interest from the education sector.

The following individuals and organisations have all endorsed the significance of this concept: Dr Mary Coupland, Associate Professor of Maths and Science at UTS; Professor John Pegg, Foundation Director, The National Centre of Science, Information and Communications Technology; Ben Newsome, Managing Director of Fizzics Education;

Melissa Silk, Head of Design at JMC Academy; Marty Schmude and Seonia Wark, Lecturers in Mathematics at UNE; have been in liaison with Andrew Parker and are enthusiastic supporters, according to him. Professor Coupland is hosting the 15th International Congress of Mathematical Educators in Sydney in July and has asked to cite this project to illustrate that mathematics is alive and well in regional Australia.

Along with our other cultural drawcards (the museum, Constellations of the South, heritage walk et cetera), this mathematical “playground” will only increase potential for Uralla to become a focal point for school and other group excursions. Any increase in visitor traffic would be most welcomed by the businesses in town.

There is a proposal to video document the project and further plans to develop a website with potential for a state-of-the-art interpretation service such as Soundtrails.

Regardless of the success of any spin-offs, the potential for Pioneer Park to generate interest beyond our shire borders is odds-on assured.

Employing the funds as proposed, to complete Stage 2 of the Fibonacci-themed development will in my opinion, make a significantly greater economic contribution than the original list of works.

#### **UTEC Member 4. (Not supportive)**

I wish to record my disagreement with the proposal to fund Stage 2 of the Pioneer Park development.

I base my disagreement on my thoughts that if this proposal was put to the community, it would return a negative response.

Pioneer Park has, to date, received considerable funding to reach its "Opening". This funding request is for "Stage 2", which indicates it was not intended to be completed in one stage. I don't believe there is justifiable cause to alter the funding as is illustrated in the Spreadsheet.

I would agree with funding being found to provide tables and chairs to the park. This would, I'm sure, have more people accessing the park to enjoy the work that has been done.

#### **UTEC Member 5. (Supportive)**

Thank you to Guy Crosley, Andrew Parker, Mick Raby & Dean Weiley for their commitment to Stage 1 of Fibonacci Themed Pioneer Park.

Thank you to Mick Raby who is giving UTEC the opportunity to endorse variations in the SCCF 5A funding. I support these variations as I believe the completion of Stage 2 to Fibonacci Themed Pioneer Park is a priority i.e. the installation of the Stage 2 mosaic artworks.

It is a shame that several Parks, Gardens & Open Space Facility Projects have to be scaled back & that 7 projects have to be de-funded to cover Stage 2 of this truly unique Fibonacci feature, but I see no alternative as I strongly believe we have to move on with the work at Fibonacci Park & get it completed.

#### **UTEC Member 6. (Supportive)**

This unique project was mooted some thirty years ago, and ever since some proponents have lobbied enthusiastically to have the site preserved for a truly unique Fibonacci Park, the only one in Australia thanks to the synchronicity of Uralla's post code 2358 and the Fibonacci Number series.

After some public consultation, Council chose the name Pioneer Park for that empty block, affectionately called "Pineapple Park" by the community.

A proposal to build the new Library there was overturned by Council, in favour of a Porter Park site.

Similarly, and also fortunately, Council changed its mind on the installation of the new Children's Playground, thanks to strong representation from the public that that equipment become a feature of Alma Park instead.

The Fibonacci concept, although strongly supported by several well-articulated letters to Council and Articles in Wordsworth, took a while to catch on, quite understandably given Senior Council Officers' grim resolve to scuttle it.

Presented with an itemised Fibonacci Park budget of \$980,000, they allocated only \$500,000, the other funds from that grant of \$2 million directed to projects at The Glen and Rotary Park.

Council responded to public pressure by deciding to proceed with Fibonacci Park, but in two stages.

- a) earthworks and installation of the concrete elements, then, "when Funding becomes available" ...
- b) installation of the mosaic artworks.

Thanks to more encouraging support by Mayor and Councillors, and the enthusiastic project leadership of our new Council Officers, more has already been achieved than originally deemed possible for Stage One.

Schoolchildren's involvement in the etching of the paths and spiral pathway generated considerable community goodwill, thanks to the commitment of Guy Crosley, Andrew Parker, and team.

The flotsam of negativity in the community is being swept away by a tide of curiosity and delight as the stunning mosaics are applied to the Golden Rectangles Gateway.

However, there is a long but very exciting way ahead of us in the creation of this truly unique community (and national) asset...

The art works for the cyclorama wall and arcs of seating, the picnic shelters, and completion of plantings of the specified native shrubs and exotic shade trees.

We must commend Guy Crosley and Andrew Parker for their inspiring creativity and extraordinary commitment, and Mick Raby for his supportive leadership and, indeed, providing UTEC with this opportunity to endorse the variations in the funding allocations he's presented to us.

**UTEC Member 7. (Not supportive)**

I am very strongly opposed to further expenditure on the Fibonacci Theme works Stage 2 at the expense of other issues facing the general community in Uralla shire.

To see High priority and High expectation by Council of Stage 2 at the expense of other projects is offensive.

One does not have to look too far to see the poor state of footpaths within the township nor the absence of functional bus shelters with the exception of two at Fuller Park (deemed by Councillor Toomey as not suitable due to poor weather proofing).

\$570,000.00 increase in the allocated budget at the expense of community facility upgrades or repair is a slap in the face to the general community.

One also has to ask, who will be the main beneficiary of these funds and I suspect the Uralla Arts Council who have already realised hundreds of thousands of dollars from the Glen Sculpture environment as well as the mosaics at the entrance of Pioneer Park.

I do appreciate art but, in this instance, I believe that if in all honesty the aim of the grant is to "improve or create public space amenity or sporting infrastructure", artworks at Pioneer Park should hold a low priority as those works have not been properly costed to my knowledge nor a formal budgetary proposal presented for consideration by Council.

I firmly believe there are projects with higher priorities, many outlined in the spreadsheet, which should have retain or be funded from the grant monies over the proposed Stage 2 of the Fibonacci Theme.

**UTEC Member 8. (Supportive)**

I am in favour of using the grant funding which was previously identified for projects to be redirected to Stage 2 of the Pioneer Park development. A high profile, incomplete project is



not a good look for Uralla. The space needs to be functional with seats and shelters in order for it to be fully operational and appreciated by both the community and visitors.

**UTEC Member 9. (Not Supportive)**

I do not agree that \$610,000 should be allocated to the Fibonacci project in Pioneer Park.

The USC initially identified a number of community projects when these monies first became available. These included projects for the maintenance and upgrade of sports grounds and various open and parkland areas across the Shire.

The Council, through grants, has dedicated a significant sum of money to projects such as the Constellation at the Glen, the refurbishment of the Courthouse and Stage 1 at Pioneer Park. All of which are great assets to the community.

However, there have been insufficient resources to maintain our parklands and sporting fields to an acceptable level for some time now. I believe that these funds provide a unique opportunity for the Council to be able to undertake this maintenance and upgrade these areas. If the funds are not used for this purpose, then it is reasonable to think that the lack of maintenance will continue.

The general feedback that I have received is that whilst the abovementioned projects have been welcomed there is a general feeling that the Council is not doing "the basics" which ratepayers expect. The comments are that Council is using rate payers' money to complete these projects whilst basic services and maintenance is not being undertaken. This may be through a lack of communication by Council in relation to the grants process or a general misunderstanding. Nevertheless, they are concerned that the Council is more interested in attracting tourists, which may benefit businesses in town, but it does not help the average rate payer who lives here and sees the ongoing lack of maintenance of our parks and open spaces.

I can't help but think, would this pass the "pub test" should the community be advised that a further \$610,000 is to be spent on Pioneer Park when other projects initially marked for these funds, are now not proceeding or being significantly downgraded.

Stage 2 at Pioneer Park was always going to be on the basis of a further grant, and it should remain so. These funds should be allocated to projects which benefit the whole community and were identified initially for much needed maintenance and/or upgrading.



**UTEC Member 10. (Unspecified)**

Can I please note the lack of Rocky River Reserve on this list. The reserve is still under Council management. I would further qualify this by mentioning the review of the LEP is looking into more rateable land in Rocky River, so I would expect this means more development and more people in the area. Perhaps a future consideration.

**Enclosure:**

**UTEC BRIEFING NOTE: Stronger Country Communities Fund (SCCF Round 5A) Grant Redistribution** – Signed Mick Raby Director Infrastructure and Development – Received via email to UTEC Secretary Friday 14 June 2024.



**14.5 Draft Amended Renewable Energy Community Benefit Policy****Department:** Infrastructure & Development**Prepared By:** Planning Officer Strategic**Authorised By:** Director Infrastructure & Development**Reference:** UINT/24/9271**Attachments:** 1. Draft Amended Renewable Energy Community Benefit Policy - 10 July 2023  **LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK**

<b>Goal:</b>	1. We have an accessible inclusive and sustainable community
	2. We drive the economy to support prosperity
	4. We are an independent shire and well-governed community
<b>Strategy:</b>	1.4. Access to and equity of services
	2.3. Communities that are well serviced with essential infrastructure
	4.1. Informed and collaborative leadership in our community
	4.2. A strategic, accountable and representative Council

**SUMMARY**

Council resolved at its meeting of 26 March 2024 to place the amended Renewable Energy Community Benefit Policy on public exhibition for community comment. The policy was exhibited from 7 April 2024 until 14 May 2024 and four (4) submissions were received.

This report presents the submissions received and the staff responses arising from the submissions for Council's consideration.

**RECOMMENDATION****That Council:**

1. Notes the submissions received.
2. Notes the staff responses and amendments to the guidelines related to the submissions.
3. Adopts the amended policy based on the responses to exhibition and officer review.

**REPORT**

Key themes represented by the submissions are detailed below:

1. Broad community benefits sharing v. benefits for immediate communities of impact.
2. Suggestions for Community Benefit Advisory Body Terms of reference that reflect:
  - a. Design of participatory processes and good governance
  - b. Criteria for representatives
  - c. Ability of developers to contribute ideas.
3. Concern with the diversion of funds to Council's operational expenses.

## 4. Alignment and confirmation with broader policy and legislative framework

	Submission Summary	Officer Response
Submission 1	<p>Supports the move away from payments based on 1.5% of CIV</p> <p>Recommends Council investigate the opportunities to pool Community Benefit Sharing contributions with Walcha &amp; Armidale.</p> <p>Supports the quarantining of Community Benefit funds from Council's operational budget.</p> <p>Proposes that Community Benefit funds could be used to provide cultural training to foreign workers on renewable projects.</p>	<p>Noted.</p> <p>Council Officer notes previous efforts made by Councillors to investigate this option with neighbouring LGAs. Notes that policy as written does not prevent regional cooperation in the future – regional scale proposals may be made to the CAB for consideration.</p> <p>Noted.</p> <p>Council Officer notes that this purpose could be proposed to the Community Advisory Body once it has been established.</p>
Submission 2	<p>Expressed support for the policy and governance framework.</p> <p><u>Community Advisory Body Terms of Reference</u></p> <p>- Recommends allocation of funds is “<i>assessed and measured against a social values framework, for example, energy equity/economic/social/community resilience...[to] ensure that all decisions relating to expenditure of the fund would align with and deliver the goals outlined in the framework.</i>”</p> <p>Recommends the proposed social values framework be codesigned by Community Advisory Body (CAB), Councillors and USC staff and that the CAB appointees were trained to apply it to their decision-making processes related to the fund.</p> <p>Recommends criteria for appointment to CAB include ...“<i>an expressed interest in working towards securing an integrated, longer-term vision for larger scale legacy projects for the fund, as well as any related expertise.</i>”</p>	<p>Noted</p> <p>Council Officer has integrated the broad theme of these recommendations into the Draft Terms of Reference for the Community Advisory Body (CAB).</p>

<p>Submission 3</p>	<p>Expresses support for policy and commends Council's coordination of benefit sharing.</p> <p>Recommends Council considers how this policy might apply to other renewable technologies and associated infrastructure, such as batteries, transmission lines, pumped hydro and bioenergy.</p> <p><u>Social licence &amp; immediate communities of impact</u></p> <p>Highlights social licence aspect of benefit sharing arrangements and urges Council to carefully consider issues of social licence for project proximate localities.</p> <p>Recommends that "immediate communities of impact" be given some priority in the decision-making process and in the allocation of funding by either:</p> <ul style="list-style-type: none"> <li>a) including <i>a requirement for representative/s from these host communities to be included on the CAB; or</i></li> <li>b) hypothecating a proportion of negotiated benefit funds to an immediate community fund within the VPA for specific projects; or</li> <li>c) enabling <i>"...a project to develop and deliver a benefit sharing program with their immediate community, while also allocating a portion of their benefit sharing fund to the LGA fund..."</i></li> </ul> <p>Recommends policy specifies that benefit sharing obligations commence prior to construction as this period is when the greatest impact is felt. <i>"Example wording could be: ...paid over the life of the development, commencing prior to construction and indexed to CPI."</i></p> <p><u>Scope &amp; Formulation of fund proposals</u></p> <p>Recommends that the policy formalises the role of the CAB in shaping and defining the scope and purpose of how the funds are applied.</p>	<p>Noted</p> <p>Council officer notes</p> <ul style="list-style-type: none"> <li>5. Policy as written has been developed in accordance with The <i>Draft NSW Benefit Sharing Guideline</i>, which considers storage and transmission projects to be ancillary to generation impacts</li> <li>6. Correspondence with the Department of Planning and Environment has confirmed that Uralla may use the VPA mechanism to seek a benefit from other infrastructure e.g. BESS systems.</li> <li>7. Amended policy could incorporate a contribution based on 1.5% CIV for stand-alone or additional storage projects.</li> </ul> <p>Council Officer notes that policy as written does not prevent hypothecation on a case-by-case basis, where more localised community of impact has been identified, as in the VPA with Neoen which requires a proportion of the benefit to be expended within a prescribed km radius of Thunderbolt Windfarm</p> <p>Policy as written broadly enables Council to negotiate such an outcome within a VPA, if warranted. Note that VPAs are generally based on capturing community benefits when projects commence operations.</p> <p>Council Officer notes that policy as written provides for a 'governance structure' rather than specifying the character of that</p>
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	<p>Recommends that the purpose of the fund should not be limited to types of initiatives that can be delivered by local government. Submission provides examples of benefit sharing agreements that support purposes outside the scope of local government.</p> <p><u>Community Advisory Body Terms of Reference</u></p> <p>Recommends the inclusion of First Nations representatives from the Uralla Shire on the CAB.</p> <p>Recommends the inclusion of representatives from immediate communities that are host to renewables projects on the CAB.</p> <p>Recommends a means by which developers <i>...continue to play an active role in engaging with their immediate communities, including collaborating on benefit sharing ideas that would be appropriate for and have a strategic, lasting impact in those communities...</i></p>	<p>structure, enabling a future council to take a different approach.</p> <p>Draft Terms of Reference for the Community Advisory Body (CAB) enable a range of initiatives which are within the definition of “public purpose” as it related to Planning Agreements at Subdivision 2 s.7.4 (2) of the Act.</p> <p>Council staff have reviewed the specific and thematic recommendations of this submission and integrated most into the Draft Terms of Reference for the Community Advisory Body (CAB).</p>
Submission 4	<p>Submission principally deals with ‘tightening up’ the language of the policy to more accurately reflect the objectives of the policy and the enabling legislative context.</p> <p>Recommends that Council replaces the title with “<i>Policy: Renewable Energy Community Benefit Sharing Fund 2023</i>” to reflect the purpose of the policy more accurately, and more accurately reflect the terminology of the NSW policy framework.</p> <p>Recommends that Council amends <u>Section 2. Legislative Context</u> of the policy to:</p> <ul style="list-style-type: none"> <li>- Reference the various instruments of the relevant legislation more precisely.</li> <li>- Remove reference to Section 1.3 (<i>Objects of the Act</i>) as the objects should be reflected in the objectives of Council’s policy.</li> </ul> <p>Recommends amending the wording of <u>Section 3. Objectives</u> to include a reference to</p>	<p>Council Officer agrees that Benefit ‘Sharing’ more accurately reflects the intention of the policy and the draft NSW energy policy framework. Reference to fund in the title is not accurate as this policy does not establish a fund.</p> <p>Council Officer review confirms that this section could be updated to provide more precise reference to enabling legislation, including the addition of reference to the <i>Environmental Planning and Assessment Regulation 2021</i></p> <p>Council officer notes that the objectives of the EP&amp;A Act provide a broad context for</p>

	<p><i>Section 1.3 EP&amp;A 9 (Objects of the Act) as the objectives of Council's benefit sharing to provide "...both context and legislation for Council's legislated requirements for expenditure of funds."</i></p> <p>Recommends that <u>Section 4. Community Benefit</u> be amended to <b>Section 4. COMMUNITY BENEFIT SHARING</b> to more accurately reflect the purpose of the section (and policy).</p> <p>Recommends that <u>Section 5. Public purpose</u> be amended to reflect the objectives of the <i>EP&amp;A Act 1979</i></p> <p>Raises concern that the policy lacks sufficient information as to how the community will provide input, how information about decision making or ultimate allocation of funds will be provided.</p> <p>Raises concern that Council will be able to ignore and/or override any advice from the CAB in its final deliberations on fund allocation.</p> <p>Suggests <u>Section 6. Governance And Inter-Generational Equity</u> be amended.</p>	<p>the operation of this policy and are referred to in Section 2. The purpose of Section 3, as written, is to describe the objectives of the community benefit sharing policy.</p> <p>Council Officer notes that Section 4 defines describes the basis of the community benefit to be shared. Policy as written is accurate.</p> <p>Council officer review suggests that "public purpose" as it related to Planning Agreements is defined at Subdivision 2 s.7.4 (2) of the Act. The policy as written aligns with this definition (and the broader objects of the Act).</p> <p>Council Officer notes that draft Terms of Reference and Constitution of the proposed Community Advisory Body provide the opportunity to elaborate on these matters.</p> <p>The role and function of the CAB is to provide advice to Council on the projects to be funded from the community benefit payments. Council as the democratically elected representatives will retain final decision making authority informed by CAB advice .</p> <p>Council Officer review does not support the suggested changes:</p> <ul style="list-style-type: none"> <li>- Council's existing obligations under NSW law are implicit.</li> <li>- Community Advisory Body Terms of Reference and Constitution provide an opportunity to elaborate on the role and responsibilities of that body.</li> </ul>
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## CONCLUSION

The policy has been updated based on community feedback. Recommendations regarding the scope, purpose, and function of the Community Advisory Body have been included in the draft Terms of Reference, which will be exhibited publicly pending Council endorsement.

**COUNCIL IMPLICATIONS****Community Engagement/Communication**

As advised in this report

**Policy and Regulation**

N/A

**Financial/Long Term Financial Plan**

Budget Area: Planning and Development

**Asset Management/Asset Management Strategy**

Nil

**Workforce/Workforce Management Strategy**

N/A

**Legal and Risk Management**

N/A

**Performance Measures**

Voluntary planning Agreements entered with Renewable Energy projects meet objectives of policy.

Governance arrangements for community benefit sharing program meet objectives of policy

**Project Management**

General Manager

Planning Officer, Strategic



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**Policy:**

**Renewable Energy  
Community Benefit  
Sharing**

**2023**

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U/INT/23/11320

## INFORMATION ABOUT THIS DOCUMENT

<b>Date Adopted by Council</b>	28 November 2023	<b>Resolution No.</b>	17.11/23
<b>Document Owner</b>	<i>Executive Director Infrastructure &amp; Development</i>		
<b>Document Development Officer</b>			
<b>Review Timeframe</b>	<i>All policies are to be reviewed within a 4 year period, insert her the number of years (not greater than 4 years) for the review timeframe of this document</i>		
<b>Last Review Date:</b>	28 November 2023	<b>Next Scheduled Review Date</b>	November 2025

**Document History**

<b>Doc No.</b>	<b>Date Amended</b>	<b>Details/Comments eg Resolution No.</b>
<b>UINT/23/13320</b>	19 September	Creation of Draft Policy
<b>UINT/23/18399</b>	28 November	Adopted by Council 17.11/23
<b>UINT/23/18399</b>	26 March 2024	Adjustments made and presented to Council
<b>UINT/23/18399</b>	26 March 2024	Adopted by Council with changes 39.03/24
	23 July 2024	Adjustments made and presented to Council

**Further Document Information and Relationships**

List here the related strategies, procedures, references, policy or other documents that have a bearing on this Policy and that may be useful reference material for users of this Policy.

<b>Related Legislation*</b>	<i>Environmental Planning and Assessment Act 1979 (EP&amp;A Act)</i> <i>Environmental Planning and Assessment Regulation 2021 (EP&amp;A Regulation)</i>
<b>Related Policies</b>	
<b>Related Procedures/ Protocols, Statements, documents</b>	

Note: Any reference to Legislation will be updated in the Policy as required. See website <http://www.legislation.nsw.gov.au/> for current Acts, Regulations and Environmental Planning Instruments.





*Policy: Renewable Energy Community Benefit 2023*

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**Policy: Renewable Energy Community Benefit 2023****1. PLANNING AGREEMENTS**

Uralla Shire Council will use the planning agreement provisions of the EP&A Act to deliver the objectives of the Policy.

A planning agreement is a voluntary agreement between Council and a developer, who has made the development application, under which the developer is required to dedicate land free of cost; pay a monetary contribution; provide any other material benefit to be used or applied towards a public purpose.

**2. LEGISLATIVE CONTEXT**

Section 1.3 of the *Environmental Planning and Assessment Act 1979 (EP&A Act)* provides the legislative basis for the Policy.

Part 7 Division 7.1 Subdivision 2 of the *Environmental Planning and Assessment Act 1979 (EP&A)* provides the legislative framework for planning agreements.

Part 9 Division 1 of the *Environmental Planning and Assessment Regulation 2021* provides further requirements relating to the making, amending and revocation of planning agreements, giving public notice and other procedural arrangements.

**3. OBJECTIVES**

The Renewable Energy Community Benefit Policy (Policy) will support the promotion of benefit sharing strategies associated with the development of state significant and regionally significant renewable energy projects in the Uralla Shire Council Local Government Area (LGA) that:

- Secure off-site benefits for the community so that renewable energy development delivers a net community benefit;
- Ensure that the wider community shares in the benefits resulting from renewable energy development in the local government area; and
- Ensure that the costs and benefits of renewable energy development will be equitably distributed within the community and inter-generationally.

**4. COMMUNITY BENEFIT**

Community benefit excludes that which is required to mitigate adverse impacts of development including (but not limited to) host and adjoining landowner payments required to obtain consent or prescribed by legislation.

The financial value of community benefit will vary from project to project, however, the minimum community benefit threshold for Uralla Shire Council is \$850 per MW per annum for solar energy development, and \$1050 per MW per annum for wind energy development, and 1.5% CIV for storage and other infrastructure, paid over the life of the development and indexed to CPI.

**5. PUBLIC PURPOSE**



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***Policy: Renewable Energy Community Benefit 2023***

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The public purpose that funds will be applied to includes works to embellish public spaces, the provision of spaces for public recreation and community facilities, the provision of affordable housing and works to rehabilitate or conserve biodiversity values, or some other public purpose if the Council reasonably considers that the public interest would be better served by applying the funds towards that other purpose.

**6. GOVERNANCE AND INTER-GENERATIONAL EQUITY**

Council will ensure a governance structure that as far as possible reflects the needs and concerns of the immediate communities of impact and the broader local government area to assist with determining the public purpose for funds.

Councils will manage funds to ensure that they benefit future generations as well as the present generation.

A Community Advisory Body will provide advice to Council on the projects to which community benefit funds will be allocated.

#### 14.6 Draft Terms of Reference for the Renewable Energy Community Benefit Community Advisory Body

**Department:** Infrastructure & Development

**Prepared By:** Planning Officer Strategic

**Authorised By:** General Manager

**Reference:** UINT/24/10482

**Attachments:** 1. Draft Terms of Reference – Renewable Energy Community Benefit Sharing Advisory body  

#### LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK

<b>Goal:</b>	1. We have an accessible inclusive and sustainable community
	4. We are an independent shire and well-governed community
<b>Strategy:</b>	1.4. Access to and equity of services
	1.1. A growing community with an active volunteer base and participation in community events
	4.1. Informed and collaborative leadership in our community
	4.2. A strategic, accountable and representative Council

#### SUMMARY

This report presents the Draft Terms of Reference for the Community Advisory Body which will provide advice to Council on legacy projects to be funded from community benefit payments received by Council from renewable energy developments through Voluntary Planning Agreements.

#### RECOMMENDATION

**That Council:**

1. **Endorses the draft Terms of Reference for the Renewable Energy Community Benefit Community Advisory Body for the purposes of public exhibition for a period of 28 days.**
2. **Receives a further report following the public exhibition period subject to receipt of submissions or if the draft Terms of Reference are proposed to be amended.**
3. **Authorises the adoption of the draft Terms of Reference if no submissions are received or no changes are proposed.**

#### REPORT

The Community Advisory Body is created to advise the Uralla Shire Council on the distribution of future financial benefits from the *Uralla Shire Renewable Energy Community Benefit Sharing Restricted Fund* (working title). The main goal is to ensure that renewable energy projects in Uralla Shire act to improve the long-term wellbeing of current and future generations.

It is proposed that the Advisory Body will act as a transparent and accessible group for community engagement.

The draft Terms of Reference (ToR) aims to create high-impact, long-lasting projects. The draft ToR allow for engagement with a wide range of people and organisations, and for building its capacity to make recommendations.

*Key Responsibilities*

The Advisory Body has several important tasks:

- Giving informed and unbiased recommendations to the Council on where to allocate funds.
- Acting as a bridge between the community and the Council, gathering input to help with decision-making.
- Ensuring the benefit-sharing program is fair and transparent, including developing and assessing proposals.
- Making sure benefit-sharing proposals meet community needs and strategic priorities.

Feedback received during the exhibition of the Community Benefit Policy has shaped the draft ToR. Consideration of this feedback has informed the recommendations in this report regarding the committee's character and its opportunities for engagement by project proponents and external stakeholders.

As both the amount and the timing of community benefit payments are still uncertain, there is available time to develop the community's thinking and approach to the allocation of the future funding. The Advisory Body is expected to play a broader consultative role, helping the community understand the impacts (both positive and negative) of the Renewable Energy Zone (REZ), and guiding the design of the engagement processes for funding proposals.

The Terms of Reference do not restrict the ability of any community member to apply to present to the Advisory Body, nor do they restrict the Advisory Body from seeking advice and information from any source. Invited technical and other experts may take part in meetings.

Decisions are made by consensus to ensure strong, resilient recommendations.

*Term of Advisory Body*

The report proposes a two-year term for the Advisory Body, with the option of reappointment by Council at the end of the term. However, this was debated among Council Officers, and Councillor feedback is expected.

Pros and cons of different term lengths:

4 years:

- Pros: More time to build understanding and knowledge networks; supports long-term thinking.
- Cons: Less opportunity to replace an underperforming group; members might become too attached to their roles.

- 2 years:

- Pros: More chances for new members to join; easier to replace underperforming groups.
- Cons: Less time to develop deep understanding and networks; frequent renewal might conflict with long-term goals.

*Membership*

To ensure the Advisory Body is representative and encourages wider participation, the Terms of Reference set membership quotas for specific groups:

- Four places are reserved for residents, but not all members have to be residents of Uralla Shire. This allows people with a connection to Uralla who may not currently live there to also participate.

- Young people are underrepresented in existing committees. At the last Census, there were 883 people under 30 in Uralla Shire. Reserving a place for a young person will support broader engagement of younger residents and ensure their interests and issues are represented.
- REZ developments require all significant projects to assess their impact on Aboriginal heritage. A reserved place for First Nations representation will ensure these processes are included in benefit-sharing proposals. The Terms of Reference allow for a nominated representative, rather than only registered Aboriginal parties. This is practical, considering there were 563 people who identified as Indigenous in the Shire at the last census, and there is a need for Indigenous consultation on all projects – consultation fatigue is a real risk with our First Nations cohort.

On these and other aspects of the Terms of Reference, community feedback is welcomed. Since the Advisory Body is a means for public participation in the benefits from renewable energy development, it is appropriate to invite community discussion on its scope and terms.

The next step is to exhibit the draft Terms of Reference and actively seek and accept feedback prior to finalising the document before its re-presentation to Council for adoption.

## CONCLUSION

The Community Advisory Body, if established by these terms of reference will be capable of providing transparent and informed recommendations on renewable energy benefit sharing fund allocation aligned with community priorities.

## COUNCIL IMPLICATIONS

### Community Engagement/Communication

Public exhibition of the draft policy is proposed for 28 days; if adopted post-exhibition, a community engagement plan related to the EOI process and appointment of members will be developed.

### Policy and Regulation

*Local Government Act 1993 (NSW)*

*Local Government (General) Regulation 2021 (NSW)*

*Environmental Planning and Assessment Act 1979 (NSW)*

Uralla Renewable Energy Community Benefit 2023

Uralla Shire Council Code of Conduct

Uralla Shire Council Code of Meeting Practice

Section 355 Committee Handbook 2022

NSW Draft Benefit Sharing Guideline (November 2023)

### Financial/Long Term Financial Plan

Nil

### Asset Management/Asset Management Strategy

Not applicable

### Workforce/Workforce Management Strategy

Nil

**Legal and Risk Management**

Nil

**Performance Measures**

- Response to EOI process
- Diversity of membership
- Effectiveness of Advisory Body community engagement and deliberation
- Quality of recommendations to Council

**Project Management**

Planning Officer, Strategic



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**DRAFT Terms of  
Reference:**

**Renewable Energy Benefit  
Sharing Community  
Advisory Body**

**2024**

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## INFORMATION ABOUT THIS DOCUMENT

<b>Date Adopted by Council</b>		<b>Resolution No.</b>	
<b>Document Owner</b>	Director – Infrastructure & Development		
<b>Document Development Officer</b>	Planning Officer; General Manager		
<b>Review Timeframe</b>	Three (3) months following each general local government election		
<b>Last Review Date:</b>		<b>Next Scheduled Review Date</b>	September 2028

*Document History*

<b>Doc No.</b>	<b>Date Amended</b>	<b>Details/Comments eg Resolution No.</b>
<b>0.1</b>	4 July 2024	Draft prepared, circulated for staff input
<b>0.2</b>		Draft to council recommending consultation with current committee members and public exhibition for community input

*Further Document Information and Relationships*

List here the related strategies, procedures, references, policy or other documents that have a bearing on this Policy and that may be useful reference material for users of this Policy.

<b>Related Legislation*</b>	Local Government Act 1993 (NSW) Local Government (General) Regulation 2021 (NSW) Environmental Planning and Assessment Act 1979 (NSW)
<b>Related Policies</b>	Uralla Renewable Energy Community Benefit 2023 Uralla Shire Council Code of Conduct Uralla Shire Council Code of Meeting Practice
<b>Related Procedures/ Protocols, Statements, documents</b>	Section 355 Committee Handbook 2022 NSW Draft Benefit Sharing Guideline (November 2023)

Note: Any reference to Legislation will be updated in the Policy as required. See website <http://www.legislation.nsw.gov.au/> for current Acts, Regulations and Environmental Planning Instruments

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*Terms of Reference: Renewable Energy Benefit Sharing Community Advisory Body 2024*

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### **Introduction**

The purpose of this Terms of Reference (ToR) is to establish the framework and guidelines for the Community Advisory Body ('the Advisory Body') of the Uralla Shire Renewable Energy Community Benefit Sharing Restricted Fund ('the Community Benefit Fund'). This body is tasked with advising the Council on the allocation of funds from the Community Benefit Fund ensuring that these funds are used to support projects that benefit both the current and future generations of Uralla. By providing a transparent, representative, and accessible forum for community engagement, the Advisory Body will play a crucial role in advising council of community views regarding legacy projects to be funded through renewable energy benefit payments. This document outlines the aims, objectives, scope, roles, and responsibilities of the Advisory Body, as well as the principles and processes that will govern its operations.

### **Background**

Uralla Shire is part of the New England Renewable Energy Zone (REZ), where 8 gigawatts of renewable energy projects are forecast to be delivered over the next decade. Many new wind, solar, transmission and storage projects will be developed within Uralla Shire. As a host community, Uralla will experience increased demands on infrastructure and services, along with social and economic changes as new residents and businesses move in. We expect an influx of renewable energy workers and associated industries, along with new economic opportunities.

Council has adopted a policy requiring community benefit contributions based on \$850 per MW per year for solar developments, \$1050 per MW per year for wind energy developments, and 1.5% of Capital Improvement Value for other forms of renewable energy infrastructure such as large-scale battery storage, adjusted annually for inflation. These contributions will be formalised through Voluntary Planning Agreements with renewable energy developers. Council has established the Uralla Shire Renewable Energy Community Benefit Sharing Restricted Fund to manage these contributions. The allocation of these funds will be decided in consultation with the community.

The Community Advisory Body is established to advise Council on how to allocate the community benefit funds. The Advisory Body will strive to ensure that the funds are used in ways that reflect the needs and aspirations of both existing and future generations of Uralla residents, responsibly stewarding the legacy of renewable energy investment in the shire.



*Terms of Reference: Renewable Energy Benefit Sharing Community Advisory Body 2024*

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## **1. Establishment**

- 1.1. The Community Advisory Body (hereafter “the Advisory Body”) of the Uralla Shire Renewable Energy Community Benefit Sharing Restricted Fund (hereafter “the Fund”) is established under section 355(b) of the *Local Government Act 1993* (NSW) pursuant to Council resolution 39.03/24 made 26 March 2024.

## **2. Purpose & Objectives**

- 2.1. The Advisory Body is established to provide recommendations to Council on the public purpose/s to which the Fund shall be put.
- 2.2. The objectives of the Advisory Body are to:
- 2.2.1. Provide a transparent, representative, and accessible forum for community engagement on the allocation of funds from the Renewable Energy Community Benefit Restricted Fund.
  - 2.2.2. Provide clear recommendations to Council for proposals that:
    - 2.2.2.1. Ensure that renewable energy development in Uralla Shire contributes to the prosperity and wellbeing of future generations
    - 2.2.2.2. Ensure there is broad community benefit from renewable energy development in Uralla Shire
    - 2.2.2.3. Represent an integrated, longer-term vision for larger scale legacy public purpose projects for the fund
    - 2.2.2.4. Demonstrate broad community support

## **3. Tasks & Deliverables**

### **3.1. Recommendations to Council**

- 3.1.1. The Advisory Body is tasked with providing clear and robust recommendations to the Council regarding community benefit sharing proposals for the fund.

### **3.2. Framework and assessment criteria for proposals**

- 3.2.1. The Advisory body is tasked with developing a framework and criteria against which proposals may be recommended for funding from the Renewable Energy Community Benefit Sharing Restricted Fund
- 3.2.2. This framework should be developed in collaboration with elected Councillors and Council officers.

### **3.3. Development of recommendations:**



*Terms of Reference: Renewable Energy Benefit Sharing Community Advisory Body 2024*

3.3.1. The Advisory Body shall determine appropriate method/s for:

3.3.1.1. Soliciting and/or receiving proposals for community benefit sharing

3.3.1.2. Providing a conduit for engagement, as it relates to developing proposals for the fund, between the Advisory Body and:

- Council and Council officers
- Government departments and agencies, academia and other technical experts
- Community organisations, business chambers, industry and/or professional peak bodies, environmental and other non-government organisation
- Project developers and their contractors
- Key stakeholders from training, economic and/or community development, tourism, indigenous, health, environment sectors
- The wider community

#### **3.4. Capacity building**

3.4.1. Capacity-building activities may be programmed by Council or the Advisory Body to aid in improvement of proposal development and community engagement. Members may request information or learning activities for this purpose.

3.4.2. The Advisory Body may recommend funds from the Renewable Energy Community Benefit Sharing Restricted Fund be used for activities that build the capacity of the Advisory Body to fulfill its objectives.

#### **4. Exclusions**

4.1. The Advisory Body shall bear no responsibility for the financial management of the Uralla Shire Renewable Energy Community Benefit Sharing Restricted Fund.

4.2. The Advisory Body shall bear no responsibility for the creation or administration of Voluntary Planning Agreements.

#### **5. Term of the Community Advisory Body**

5.1. The Advisory Body shall operate from the date Council approves the appointment of nominated members and will conclude after (2) two calendar years, unless terminated earlier in accordance with these Terms of Reference.

5.2. Council may choose to reappoint the Advisory Body for a further term or renew the membership in accordance with these Terms of Reference.

#### **6. Membership**

6.1. Membership of the Advisory Body shall consist of:



*Terms of Reference: Renewable Energy Benefit Sharing Community Advisory Body 2024*

- 
- 6.1.1. Nine (9) members of the public of which:
    - 6.1.1.1. At least two (2) shall be resident in Uralla township
    - 6.1.1.2. At least one (1) shall be resident in Bundarra township
    - 6.1.1.3. At least one (1) shall be resident in a rural part of Uralla Shire.
    - 6.1.1.4. At least one (1) member shall be under the age of thirty (30)
    - 6.1.1.5. At least one (1) member shall be of Aboriginal or Torres Straits Island descent and/or representing a recognised First Nations body e.g. Local Land Council
  - 6.1.2. Up to two (2) non-voting councillor representatives
  - 6.1.3. Council may vary the requirements of clause 6.1.1 having regard for the intention of the quotas specified and clause 6.2
  - 6.2. Council shall aim to appoint members to the Advisory Body from diverse backgrounds and representatives from different facets of the community.
  - 6.3. Advisory Body membership is for the term of the Council. Following a general election of councillors, the existing Advisory Body membership continues until such time as the Council appoints new Advisory Body members.
  - 6.4. Members may serve a maximum of two (2) consecutive terms.
  - 6.5. A person remains a member for the duration of the Advisory Body term until:
    - 6.5.1. Death; or
    - 6.5.2. That person ceasing to be a member upon:
      - 6.5.2.1. Delivering, in writing (letter or email), a resignation to the Advisory Body Secretary or a meeting of the Advisory Body;
      - 6.5.2.2. Being absent from three (3) consecutive meetings of the Advisory Body without leave of absence from the Advisory Body; or
      - 6.5.2.3. Receiving written notification from Council that the person's membership with the Advisory Body has been terminated.
  - 6.6. An Advisory Body member who is an Office Bearer (Chair and Secretary) to the Advisory Body may resign from the position and remain a member of the Advisory Body.
  - 6.7. Casual vacancies shall be filled in accordance with clause 7.2
  - 6.8. Non-voting technical experts and/or observers may be appointed to the Advisory Body ongoing or on an *ad hoc* basis by invitation of voting membership or the Council, or the General Manager as delegate of the Council.



*Terms of Reference: Renewable Energy Benefit Sharing Community Advisory Body 2024*

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## **7. Appointment of Members and Office Bearers**

### **7.1. Appointment of members**

7.1.1. Advisory Body members shall be appointed by Council through a public Expression of Interest (EOI) process.

7.1.2. Nominees to the Advisory body shall:

7.1.2.1. Demonstrate a capacity to undertake the responsibilities and obligations of Advisory Body membership;

7.1.2.2. Have an expressed interest in progressing community benefit from renewable energy development;

7.1.2.3. Be able to look beyond personal and/or sectoral interests;

7.1.2.4. Be able to be impartial and whole of community focused;

7.1.2.5. Demonstrate their ability to represent community interest and provide feedback to the community;

7.1.2.6. Be a well-regarded individual of good standing in the community.

7.1.3. Nominations will be reviewed by an independent selection panel comprising of the General Manager, the Mayor, and a Senior Council officer and recommendations made to Council.

### **7.2. Vacancies**

7.2.1. The Advisory Body Chairperson shall promptly advise Council of any casual vacancy.

7.2.2. The filling of any vacancy shall be approved by the Council with regard to the criteria outlined at clause 7.1.2

7.2.3. A casual vacancy may be filled through a review of earlier expressions of interest or a call for new expressions of interest to invite nominations from the public.

7.2.4. Interested persons may nominate for a vacant position regardless of whether expressions of interest have been called. Nominations shall be presented to Council for determination.

### **7.3. Leave of Absence**

7.3.1. Any member who is absent for three (3) or more consecutive meetings without apology or leave of the Advisory Body shall have their position declared vacant and clause 7.2 shall be invoked.

### **7.4. Advisory Body Chairperson**

7.4.1. At the first meeting of the Advisory Body's term the Advisory Body shall elect one of its members as Chairperson. The method of election shall be decided by the Advisory Body.



*Terms of Reference: Renewable Energy Benefit Sharing Community Advisory Body 2024*

7.4.2. To be nominated for chairperson, a member must demonstrate sufficient qualifications and experience to take on the role as determined by the Advisory Body.

**7.5. Advisory Body Secretary**

7.5.1. At the first meeting of the Advisory Body's term the Advisory Body shall elect one of its members as Secretary. The method of election shall be decided by the Advisory Body.

**8. Member roles and responsibilities**

8.1. Community Advisory Body Members will have the following responsibilities:

- 8.1.1. Participate in the deliberations of the Advisory Body, with regard to the objectives of the Advisory Body and its establishment;
- 8.1.2. Solicit, receive, develop and/or assess benefit sharing proposals that meet the adopted criteria and align with community needs and existing Council plans and policies;
- 8.1.3. Offer informed and impartial recommendations to Council on the allocation of community benefit funds;
- 8.1.4. Act as a liaison between the community and Council, gathering input from residents and stakeholders to inform decision-making;
- 8.1.5. Disclose any potential conflicts of interest and recuse themselves from discussions or decisions where appropriate;
- 8.1.6. Adhere to the guiding principles and objectives outlined in the ToR, ensuring decisions contribute to the long-term prosperity and wellbeing of Uralla's community;
- 8.1.7. Ensure transparency in all activities, including documenting and reporting on Advisory Body's recommendations and decisions; and
- 8.1.8. Observe confidentiality when it is required.

8.2. Councillor representatives to the Advisory Body shall facilitate communication between the Advisory Body and Council by:

- 8.2.1. Presenting relevant minutes of Council to the Advisory Body;
- 8.2.2. Reporting on the Advisory Body's activities to Council; and
- 8.2.3. Referring any matters requiring clarification by the Advisory Body to the General Manager or to Council by way of a Councillor Delegates Report or Notice of Motion.

8.3. The role of the Chairperson is to:

- 8.3.1. Facilitate Advisory Body meetings, ensuring they are conducted efficiently and inclusively;
- 8.3.2. Ensure that discussions and decisions comply with the ToR and any relevant policies or regulations; and





*Terms of Reference: Renewable Energy Benefit Sharing Community Advisory Body 2024*

8.3.3. Serve as the primary spokesperson for the Advisory Body in communications with the Council and the public.

8.4. The role of the Secretary is to:

8.4.1. Prepare and distribute the agenda prior to meetings; and

8.4.2. Take minutes during the meetings and distribute them in accordance with clause 9.3

8.5. The role of non-voting technical advisors and /or observers is to:

8.5.1. Present information to the group, facilitate workshops aimed at building the capacity of the Advisory Body to fulfil its objectives;

8.5.2. Offer specialised knowledge and expertise to inform Advisory Body's decision-making processes;

8.5.3. Assist in the evaluation of project proposals by providing technical assessments and feasibility analyses; and

8.5.4. Participate in discussions and provide advice in a way that adds value to the discussion and does not impede the operation or effectiveness of the group.

## **9. Meetings**

### **9.1. Meeting location and frequency**

9.1.1. Meetings of the Advisory Body will generally be determined by the Advisory Body, held quarterly with a minimum of four (4) meetings per year. Additional meetings can be convened as required.

9.1.2. Meetings will be scheduled at times and locations that are convenient for both members and advisors.

9.1.3. Meetings may be held in person or online. Council Chambers will be made available for meetings with Secretariat and administrative support provided by Council officers under the direction of the General Manager.

### **9.2. Attendance**

9.2.1. Advisory Body members are expected to attend all quarterly meetings.

9.2.2. If a member cannot attend a meeting, they should notify the Chairperson in advance and provide a valid reason for their absence.

### **9.3. Minutes**

9.3.1. Advisory Body meeting minutes will be supplied to each Advisory Body member and Council within seven (7) business days after the Advisory Body meeting.



*Terms of Reference: Renewable Energy Benefit Sharing Community Advisory Body 2024*

9.3.2. Advisory Body meeting minutes must be provided to Council not less than 10 business days prior to the next Ordinary meeting of Council to be presented to that meeting for endorsement.

#### **9.4. Meeting Procedure**

9.4.1. The Uralla Shire Council [Code of Meeting Practice](#) (2022) shall guide the meeting procedures of the Advisory Body.

9.4.2. Advisory Body meetings are exempt from webcast requirements as described in clause 5.19 of the Code of Meeting Practice.

#### **9.5. Presiding Member**

9.5.1. The Chairperson shall preside at all Advisory Body meetings at which they are present.

9.5.2. In the absence of the Chairperson at a meeting or in the event of a conflict of interest in which the Chairperson has recused him or herself from discussion, the Advisory Body shall elect a temporary Chairperson.

#### **9.6. Quorum**

9.6.1. The quorum required for a meeting to commence will be a majority of current voting members (half the number of current members plus one).

9.6.2. A meeting will be adjourned and rescheduled if there is no quorum after 15 minutes.

#### **9.7. Public Access**

9.7.1. Members of the public, community organisations, Government representatives, civil society organisations, and businesses including but not limited to energy developers and generators may apply to the Chairperson to make a presentation to a meeting of the Advisory Body insofar as it relates to the purpose and objectives of the Advisory Body

9.7.2. Meetings of the Advisory Body shall be open to the public, except any item on the agenda closed under s10A of the *Local Government Act 1993* (NSW).

9.7.3. Advisory Body business agendas and minutes shall be published to the Council website

### **10. Decision-making process**

10.1. The Advisory Body will adopt a consensus model for decision-making. This process aims to ensure that all members have an opportunity to participate in discussions and that decisions reflect the collective agreement of the group.

10.2. The decision-making process shall be as follows:



*Terms of Reference: Renewable Energy Benefit Sharing Community Advisory Body 2024*

- 
- 10.2.1. A proposal is introduced by a member or received by the Advisory Body. The proposal is clearly stated and documented in the agenda for all members to review.
  - 10.2.2. Members may ask questions and seek clarification on the proposal to ensure that all members fully understand the proposal and its implications.
  - 10.2.3. An open discussion is held where members can express their views, concerns, and suggestions. The discussion aims to address any issues and incorporate diverse perspectives. The discussion may be mediated by a person nominated by the Chairperson for the purposes of the discussion.
  - 10.2.4. Based on the discussion, the proposal may be modified to accommodate concerns and suggestions. The goal is to create a proposal that is acceptable to all members.
  - 10.2.5. The Chairperson tests for consensus by asking if any member has strong objections to the proposal. Consensus is reached when all members either support the proposal or agree to let it proceed without blocking it.
  - 10.2.6. If any member blocks the proposal, the group returns to discussion to address the concerns and seek a resolution. The proposal may be further modified to gain the blocking member's support.
  - 10.2.7. Once all concerns are addressed and no blocks remain, the Chairperson declares that consensus has been reached. The decision is documented and recorded in the meeting minutes.
  - 10.3. If consensus cannot be reached after thorough discussion and modification, a position may be carried by a ratio of two (2) votes in favour for one (1) vote against.
  - 10.4. A voting member of the Advisory Body present at any meeting shall have one (1) vote on any matter.

#### **11. Code of Conduct; Conflict of Interest; Removal of Members**

- 11.1. The [Uralla Shire Council Code of Conduct](#) applies to all Advisory Body members.
- 11.2. Council may remove a member found to be in breach of the [Uralla Shire Council Code of Conduct](#)
- 11.3. Advisory Body members and councillor representatives are to declare conflicts of interest when any such interest arises.
- 11.4. Declarations of conflict of interest shall be recorded in the minutes and Advisory Body members shall abstain from voting on any matter relating to the declared conflict of interest.

#### **12. Reporting**

- 12.1. The Advisory Body shall report to Council through the provision of its Minutes.
- 12.2. To assist Council in its decision-making, recommendations made to Council shall:



*Terms of Reference: Renewable Energy Benefit Sharing Community Advisory Body 2024*

- 12.2.1. Describe benefits and disadvantages;
- 12.2.2. Identify whole-of-life costs and who will bear ongoing maintenance and/or replacement responsibility where possible; and
- 12.2.3. Identify the deliberations the Advisory Body made in forming its decision. If there are differing views within the Advisory Body, these opinions be communicated to Council to assist Council in understanding the complexities of the issue at hand.

### **13. Delegated Authority**

- 13.1. The Advisory Body does not have any delegated functions pursuant to section 377 of the *Local Government Act 1993 (NSW)* and does not have the power to direct Council officials.

### **14. Correspondence**

- 14.1. The Advisory Body is not permitted to issue official correspondence to government officials, government departments, restricted fund contributing renewable energy developers or their contractors.
- 14.2. All official correspondence must be signed by the General Manager.

### **15. Media and Publicity**

- 15.1. All media requests received must be referred to the Mayor or General Manager, who may delegate media liaison to the Advisory Body Chair.
- 15.2. Advisory Body members are permitted to speak to the media on any matters in their capacity as an Advisory Body member with prior approval from the General Manager.
- 15.3. In its function as forum for community engagement, media and social media releases may be issued the Advisory Body with the prior approval of the General Manager.

### **16. Confidentiality**

- 16.1. Should Advisory Body members receive information that is confidential or commercially sensitive, it must be clearly marked as such.
- 16.2. Advisory Body members must not disclose confidential or commercially sensitive information discussed during a confidential session of an Advisory Body meeting or any other confidential forum (such as, but not limited to meetings, workshops or briefing sessions), and observe the [Uralla Shire Council Code of Conduct](#) as it relates to use and security of confidential information

### **17. Operational Support**

- 17.1. Uralla Shire Council will support the Advisory Body through the provision of:



*Terms of Reference: Renewable Energy Benefit Sharing Community Advisory Body 2024*

17.1.1. A meeting place with virtual facilities

17.1.2. Insurance coverage for volunteers

17.1.3. Secretariat and administration services to be provided by Council officers under the direction of the General Manager

#### **18. Amendments to the Terms of Reference and Dissolution**

18.1. These Terms of Reference may be altered by Council resolution.

18.2. The Council may, at any time and either at its own initiative or upon request of the Advisory Body, alter, delete, or add provisions to these Terms of Reference.

18.3. The Council may, by resolution, terminate the term of the Advisory Body at its discretion.

18.4. In such event that the Council terminates the Advisory Body, the Council will provide formal notice to the Advisory Body in writing including the reason for the termination.

#### **19. Interpretation**

19.1. Any ambiguity or difficulty in interpretation of these Terms of Reference shall be referred to the Council for direction.

#### **20. Dispute Resolution**

20.1. Where the Advisory Body is unable to reach a determination on any issue, the Advisory Body must refer that issue to the Chairperson for determination.

20.2. Where the Advisory Body resolves that it is dissatisfied with the resolution of that dispute by the Chairperson it may, by notice in writing, request the General Manager review the issue.

20.3. Should the Advisory Body be dissatisfied with the decision by the General Manager it may, by notice in writing to the General Manager, request that the matter be referred to Council for determination of the dispute by resolution of Council, whose determination of the dispute shall be final and binding upon the Advisory Body.

**14.7 Uralla Shire 2024 Community Christmas Celebrations****Department:** Infrastructure & Development**Prepared By:** Grants Officer**Authorised By:** General Manager**Reference:** UINT/24/6355**LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK**

**Goal:**

1. We have an accessible inclusive and sustainable community
2. We drive the economy to support prosperity

**Strategy:**

- 1.1. A growing community with an active volunteer base and participation in community events
- 1.3. A diverse and creative culture that celebrates our history
- 2.1. An attractive environment for the business sector
- 2.2. Grow and diversify employment, through existing and new businesses

**SUMMARY**

Council has been successful in securing a \$90,000 grant to facilitate Uralla Shire 2024 community Christmas celebrations. The celebrations will be inclusive and maximise community and local business involvement to ensure that local businesses benefit from the additional visitors and local Christmas spending.

A centrepiece of the Christmas celebrations will be the Uralla Christmas Street Fair. The Fair will be based on Salisbury Street adjoining Apex Park and Pioneer Park. The street fair will consist of pop-up markets showcasing local products, highlighting community performances, and enabling participatory experiences.

The Fair will also link into Bridge Street with local businesses encouraged to decorate their shop windows with a prize for the best display. A 'passport' will also be developed to encourage visitors to head up Bridge Street to shop at local businesses.

Pioneer Park will host Christmas carols with local children and the lighting of our town's first public Christmas tree, with the proposed design to link to the both the Fibonacci theme and the Constellations at The Glen.

This report seeks Council's endorsement for the broad concept with detailed planning and further business engagement to progress over the next few months.

**RECOMMENDATION****That Council:**

1. Notes the grant approval for the Uralla community 2024 Christmas celebrations.
2. Endorses the concept event plan.
3. Endorses the proposal for a symbolic Christmas tree subject to design and cost.
4. Notes that any additional budget costs will be referred to the next quarterly budget review for Council approval.

**REPORT****Location**

The street fair will be located in Salisbury Street (west) which will be temporarily closed to traffic. It is also proposed to incorporate a symbolic Christmas tree with links to the Fibonacci theme in Pioneer Park and the

constellations in The Glen. Further advice will be prepared for Council once design and costs have been finalised.

The street fair has been designed to connect Pioneer Park to Bridge Street and our 40 independent small businesses in Bridge Street. The event keeps the New England Highway open, maintaining visitor access and parking. Activations are carefully designed so visitors park at the northern end of town and explore our many bespoke shops walking along Bridge Street on their way to the street fair and Pioneer Park at the southern end.



### Program

The celebrations will be delivered across three activation zones:

- PIONEER PARK ACTIVATION – Christmas tree, professional and community performances, live nativity presented by local schools
- SALISBURY STREET ACTIVATION – closed to traffic for street fair with outdoor furniture, market stalls, food trucks, festoon lighting and bunting
- MAIN STREET ACTIVATION – Bridge Street parking closed with through traffic maintained, crossing guard on duty, late night trading, shop front and footpath activations, buskers and roaming Santa.

### Stakeholder Engagement and Support

This will be a highly collaborative community-led event, with Uralla Shire Council providing overarching infrastructure and administrative support. Discussions are already underway with local community groups and volunteer associations, with more extensive community consultation to commence in July:

- Uralla Shire Business Chamber
- Main street traders
- Uralla Arts



- High Country Markets, Seasons of New England and locally-based market traders
- Rotary Club of Uralla
- Uralla Central, St Josephs Primary & Rocky River Public Schools.

Each event partner will design and deliver their own activations and participate in at least one of the activations zones.

A contracted event producer will be engaged by Council to oversee community engagement and participation, with costs covered by the grant fund. Council officer costs and time can be incorporated into existing budgets. Any additional costs will be reported to the next quarterly budget review for Council approval.

A Traffic Management Plan will be presented to the Local Traffic Committee and TfNSW for approval.

### **Evaluation**

Council will engage a contractor to finalise and implement an evaluation framework as required by the grant funding body. Quantitative data will be collected across 3 domains:

Qualitative data will be collected through intercept and online surveys seeking:

- Feedback from event attendees and participants on event design and quality
- Feedback from event partners and local traders on experience and value of event
- Volunteer and artist satisfaction and feedback
- Council staff feedback on event design and delivery
- Feedback from all stakeholders on precinct activation and contribution to Uralla
- Key stakeholder feedback on Council's contribution to event design and delivery.

### **Concept images**

The following are indicative concept images for the event:



Pop-up market stalls featuring local creators, makers and producers will activate Salisbury Street which will be closed west of Bridge Street (New England Highway).





Festoon lighting, bunting, tables and chairs will activate the area around the pop-up market stalls for locals and visitors to socialise and enjoy free entertainment.



Led by Uralla Arts, the involvement of local school children will be an important part of the event.



A community choir will perform at the event.

**CONCLUSION**

The proposed Uralla Shire Christmas celebrations will be a community led, grant-funded event. It will be an opportunity to showcase local products and producers while bringing families and community groups together to have fun and enjoy the warmer weather ahead of the summer holidays.

**COUNCIL IMPLICATIONS****Community Engagement/Communication**

Each event partner will design and deliver their own activations and participate in at least one of the activations zones. Uralla Shire Council will engage the services of a contractor to oversee stakeholder communications.

**Policy and Regulation**

*Local Government Act 1993*

*Local Government Regulations (General) 2050*

**Financial/Long Term Financial Plan**

Grant funding of \$90,000 has been secured. Any additional costs, if any, will be reported for Council approval at the next quarterly budget review.

**Asset Management/Asset Management Strategy**

Nil

**Workforce/Workforce Management Strategy**

Additional staff costs have been taken into account within the budget and in kind.

**Legal and Risk Management**

A comprehensive risk management plan and traffic management plan is required and will be supplied by Council. Council will be responsible for all liability, insurance and legal requirements.

**Performance Measures**

Nil

**Project Management**

Coordinator Grants, Tourism and Events

**14.8 Loans as at 30 June 2024**

**Department:** Corporate & Community  
**Prepared By:** Senior Finance Officer  
**Authorised By:** Director Corporate & Community

**LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK**

**Goal:** 4. We are an independent shire and well-governed community  
**Strategy:** 4.2. A strategic, accountable and representative Council

**SUMMARY**

This report provides Council with a reconciliation of borrowings as at the end of the reporting month.

**RECOMMENDATION**

That Council notes that the total loan position as of 30 June 2024 is \$1,323,528.

**REPORT**

A reconciliation of borrowings for the month of June confirmed that the loan position as of 30 June 2024 is \$1,323,528. It is noted that there is a positive variance of \$202 between the May month end loan position (\$1,323,327) and the June month end loan position due to the timing difference between the application of interest and the deduction of the monthly instalment.

**Uralla Shire Council  
Loans at 30 June, 2024**

Uralla Shire Council			
Loans at 30 June, 2024			
<b>Loans:</b>			
<b>Loan no.</b>	<b>Purpose</b>		<b>Balance</b>
165	MGH Property		\$17,654
187	Undergrounding Power and Main Street Upgrade		\$29,729
188	Paving and Power Undergrounding		\$10,295
189	Bridge Construction		\$130,340
190	Bridge construction & industrial land development		\$1,135,510
<b>Total</b>			<b>\$1,323,528</b>

**CONCLUSION**

I, Mustaq Ahammed, Manager Finance & IT hereby certify that the above borrowings have been made in accordance with the requirements of the *Local Government Act 1993 (the Act) (Chapter 15, Part 12 – sections 621 to 624) and the Local Government (General) Regulation 2021 (the Regulation) (Section 230)*.

**14.9 Investments as at 30 June 2024**

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<b>Department:</b>	<b>Corporate &amp; Community</b>
<b>Prepared By:</b>	<b>Senior Finance Officer</b>
<b>Authorised By:</b>	<b>Director Corporate &amp; Community</b>

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**LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK**

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<b>Goal:</b>	4.	We are an independent shire and well-governed community
<b>Strategy:</b>	4.2.	A strategic, accountable and representative Council

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**SUMMARY**

This Report contains a summary of bank accounts, term deposits, cash management accounts and investments in structured credit instruments. The investments have been made in accordance with the Section 625 of Local Government Act 1993, Regulation 212 of the NSW Local Government (General) Regulations 2021, and Council's Investment Policy 2019.

Cash and overnight funds increased by \$4,867,721 during the month of June to \$6,199,709. Most of this fluctuation was due to Council receiving \$3.2 million from FAGS, \$981k from Restart NSW, and \$725k from Transport NSW for AGRN1034 emergency flood work.

Term deposits decreased by \$1,000,000 to \$21,250,000 during June due to a term deposit maturing during the month. This money was converted, temporarily, into cash to assist with a predicted cash flow shortfall during June before reinvesting the funds into another term deposit.

**RECOMMENDATION**

That Council notes the cash position as of 30 June 2024 consisting of:

- cash and overnight funds of \$6,199,709
- term deposits of \$21,250,000
- total convertible funds of \$27,449,709 (\$6,199,709 + \$21,250,000)(including restricted funds)

**REPORT**

Current term deposits of \$21,250,000 spread over the next twelve months will receive a range of interest from 4.96% to 5.49% with an average rate of 5.22%. Council's General Fund bank balances (refer to the Schedule of Cash at bank and Term deposits below) have been reconciled to the bank statement as of 30 June 2024.

**KEY ISSUES****Official cash rate**

The current official cash rate as determined by the Reserve Bank of Australia (RBA) is 4.35% as at the date of this report. The timing of potential interest rate change will be guided by the incoming data and the Board's assessment of the outlook for inflation and the labour market. The change in interest rates has resulted in higher investment returns this year.

**McMaugh Gardens - bond liability**

As per the Department of Health's prudential guidelines, the council is advised to disclose the amount of McMaugh Garden's bond liability in the investment report.

Bond liability status as of 30 June 2024:

Opening Balance	Bond Addition	Bond Release	Closing Balance
3,325,000	1,750,000	1,050,000	4,025,000


**Restricted and Unrestricted Cash, Cash Equivalents, and Investments**

Of the amount of cash disclosed in this report, not all the cash is available for unrestricted use by Council. Most of the cash has been set aside to meet external restrictions, being those funds that have been provided for specific purposes such as developer contributions, government grants, loans, water supplies, sewer services and Aged Care Bonds. Additionally, a portion of the cash has been set aside to cover future commitments that Council has made relating to asset renewals, remediation works or leave provisions.

Most of the Council's cash is externally restricted and not available for day-to-day operational expenditure. As per audited financial statements for the year ending 30 June 2023, the amount of unrestricted cash reported in the financial statements was \$799,000. The Council routinely updates its restriction status at the end of each quarter, and the updated restriction status is provided with the quarterly budget review statements. The unrestricted cash balance for 30 June 2024 will be confirmed in the investment report once Council receives clearance from the auditors.

The unrestricted cash as of 31 March 2024 was \$1,001,873. However, it is important to note that several restrictions are updated annually, therefore, the quarterly update provides an estimate until the annual recalculation are completed and audited by the statutory auditors.

## THE SCHEDULE OF CASH AT BANK AND TERM DEPOSITS IS AS FOLLOWS:

	Uralla Shire Council			
	Investments at 30 June, 2024			
	Cash at Bank – Operating Accounts:			
	Institution	Account	Bank Statement	
	National Australia Bank	Main Account	\$3,076,894	
	National Australia Bank	Trust Account	\$31,296	
	Regional Australia Bank	USC	\$27,313	
	Total		\$3,135,503	
	Business Investment (Cash Management) Account			
	Institution	Interest rate	Balance	
	Professional Funds	0.15% above RBA cash rate	\$3,064,206	
	Total		\$6,199,709	
Term Deposits:				
Institution	Term	Interest rate	Maturity 	Balance
National Australia Bank	5 months	5.13%	30/09/2024	500,000
National Australia Bank	11 months	5.15%	17/04/2025	1,000,000
National Australia Bank	6 months	5.15%	23/12/2024	500,000
Commonwealth Bank	10 months	4.96%	07/07/2024	1,000,000
National Australia Bank	12 months	5.40%	16/07/2024	500,000
Suncorp	12 months	5.40%	24/07/2024	500,000
Bank of Queensland	4 months	5.00%	19/08/2024	500,000
Suncorp	12 months	5.21%	20/08/2024	1,000,000
Regional Australia Bank	12 Months	5.23%	21/08/2024	800,000
Regional Australia Bank	5 months	5.05%	28/08/2024	1,000,000
Westpac Banking Corporation	12 months	5.12%	29/08/2024	800,000
Westpac Banking Corporation	11 months	5.37%	30/09/2024	700,000
National Australia Bank	7 months	5.00%	03/10/2024	500,000
National Australia Bank	11 months	5.34%	08/10/2024	700,000
Regional Australia Bank	12 months	5.20%	13/10/2024	700,000
Westpac Banking Corporation	12 months	5.49%	14/11/2024	1,500,000
Bank of Queensland	12 months	5.40%	04/12/2024	500,000
Westpac Banking Corporation	12 months	5.34%	04/12/2024	1,000,000
Westpac Banking Corporation	12 months	5.34%	04/12/2024	1,000,000
Regional Australia Bank	12 months	5.40%	05/12/2024	800,000
Regional Australia Bank	12 months	5.40%	05/12/2024	750,000
Suncorp	12 months	5.22%	13/12/2024	1,000,000
Suncorp	12 months	5.22%	13/12/2024	500,000
Suncorp	10 months	5.05%	13/01/2025	1,000,000
National Australia Bank	12 months	5.15%	29/01/2025	1,000,000
Suncorp	12 months	5.10%	07/02/2025	500,000
National Australia Bank	12 months	5.15%	11/02/2025	1,000,000
Total				21,250,000

## CERTIFICATION:


I, Mustaq Ahammed, Manager – Finance & IT, hereby certify that the above investments have been made in accordance with the Section 212 of the Local Government (General) Regulation 2021, and section 625 of the Local Government Act 1993, and Council's investment policy.

**14.10 Register Resolutions Actions Status as at 16 July 2024**

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**Department:** General Manager's Office**Prepared By:** Executive Assistant**Authorised By:** General Manager**Reference:** UINT/24/10510

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**Attachments:** 1. Resolution Status Actions Report for July Ordinary Meeting [↓](#) 

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**LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK****Goal:** 4. We are an independent shire and well-governed community**Strategy:** 4.1. Informed and collaborative leadership in our community

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**SUMMARY**

The purpose of this report is to provide Council with the Resolution Action Status updates.

**RECOMMENDATION**

**That Council notes the Resolution Actions Status Report as at 16 July 2024.**

**REPORT**

Following every council meeting, the resolutions of Council which require action are compiled. This document is referred to as the Resolutions Action Status Report.

The purpose of the Resolutions Action Status Report is to enable Council to monitor progress of resolutions until they are actioned.

Once resolutions have been completed they are removed automatically from the report.

**CONCLUSION**

The Resolutions Action Status Report is presented to Council at each Ordinary Meeting.

RESOLUTION STATUS ACTIONS REPORT					Printed: 18 July 2024 9:10 AM
MEETING DATE	ITEM NO.	SUBJECT	MOTION	COMMENTS	
Council 23/11/2015	14.1	Bergen Road Land Acquisition and Exchange for Road Works	<b>RESOLUTION 01.11/15</b>  <b>Moved: Cr K Ward</b> <b>Seconded: Cr L Cooper</b>  <b>That the Council approve for the exchange of land associated with the reconstruction of Bergen Road and authorise the General Manager to complete all documentation.</b>  <b>Unanimous</b>	<b>18 Jul 2023</b>  Transferred from old system., Notice of road closure gazetted. Plan of subdivision - in progress as at Dec 2015, Solicitor contact numerous time for update - awaiting update.  <b>06 Sep 2023</b>  Publication of Government Gazette in Feb 2023. Solicitor following up with Surveyor for signatures, will then proceed to Deed for sign off.  <b>11 Sep 2023</b>  Solicitor has made contact with Surveyor - Deed of Settlement expected to progress end of September 2023 if planned meeting goes to plan.  <b>18 Oct 2023</b>  Contact has been made with the Solicitor - awaiting update.  <b>13 Dec 2023</b>  A face to face meeting in January 2024 has been requested with APJ from the GM to review what the holdup continues to be in closing this matter.  <b>16 Jan 2024</b>  Meeting held with solicitors resulting in , - finalising of the land registration requires signatures - GM following up on Walcha Council to support progress;; - Surveyor can then prepare for Council's signature for registration with Land Registry Services  <b>21 Feb 2024</b>  Solicitor is now to update the Plans in preparation for execution by USC and by owner, Once the documents are executed solicitor can lodge them with the LRS for registration and thereafter proceed with the dedication of public road to the public.  <b>17 Apr 2024</b>  No change since last report  <b>07 May 2024</b>  Contact made with Solicitor for follow on on progress - awaiting response	



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				<p><b>28 May 2024</b></p> <p>Solicitor advised the finalisation of the plans with the surveyor and have now received and liaised with Walcha Council for the avoidance of any doubt regarding the small parcel of land that falls into their Shire. Written confirmation has been received from Walcha Council advising no issue with proceeding as planned. The Land Registry Services Registration is now proceeding. We await their confirmation before we can execute the documents to proceed with full registration. We expect this to happen mid July 2024.</p> <p><b>10 Jul 2024</b></p> <p>Followed up with APJ solicitors on actions to date - actively seeking Acquisition Deed to close off the matter.</p> <p><b>17 Jul 2024</b></p> <p>Solicitors met with owner to gain agreement. Plans show an area the owner is not familiar with. A further meeting will be set for Surveyor to run through the original plans and explain to the owner. We are confident this will lead to signing off on the final documents that will then be presented to Lands Registry Services. Targeting August 2024 meeting.</p>
Council 19/12/2023	14.4	Project Updates - Public Spaces Legacy Program	<p><b>RESOLUTION 10.12/23</b></p> <p><b>Moved:</b> Cr Tom O'Connor</p> <p><b>Seconded:</b> Cr Lone Petrov</p> <p><b>That Council</b></p> <ol style="list-style-type: none"> <li><b>Note the update and status reports for the Rotary Park Project; the Pioneer Park Project; and the Glen Project; and</b></li> <li><b>Ask the General Manager to circulate the 'Advertising Uralla' draft content to Councillors for their information prior to finalising for display at The Glen.</b></li> </ol> <p><b>For:</b> Crs Robert Bell, Robert Crouch, Tim Bower, Sarah Burrows, Leanne Doran, Bruce McMullen, Tom O'Connor, Lone Petrov and Tara Toomey</p> <p><b>Against:</b> Nil</p> <p><b>CARRIED 9/0</b></p>	<p><b>20 Mar 2024</b></p> <p>Item 2 - "Advertise Uralla" Update - This has been presented to UTEC for comment/input and is awaiting return from UTEC.</p> <p><b>17 Jul 2024</b></p> <p>USC awaiting UTEC result.</p>

## RESOLUTION STATUS ACTIONS REPORT

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Council 26/03/2024	14.6	Proposed Uralla Shire Council Renewable Energy Community Benefit Framework	<p><b>RESOLUTION 39.03/24</b></p> <p><b>Moved:</b> Cr Leanne Doran</p> <p><b>Seconded:</b> Cr Sarah Burrows</p> <p><b>That Council:</b></p> <ol style="list-style-type: none"> <li>Amends the Renewable Energy Community Benefit Policy as follows: <ol style="list-style-type: none"> <li>Delete requirement for payment to be based on 1.5% of Capital Investment Value (CIV) and insert requirement for payment to be based on \$850 per MW per annum for solar energy development, and \$1050 per MW per annum for wind energy development; and</li> <li>Add requirement for benefit payments to continue over the life of the development and indexed to CPI; and</li> <li>Add the establishment of a Community Advisory Body to provide advice to Council on the projects for which community benefit funds will be allocated; and</li> <li>Other minor changes as shown in the attached draft.</li> </ol> </li> <li>Creates a single Uralla Shire Renewable Energy Community Benefit Restricted Fund for all future community benefit payments until allocated to agreed community legacy projects.</li> <li>Notes that community legacy projects will be determined in consultation with community.</li> <li>Develops the Terms of Reference and Constitution for a proposed Renewable Energy Community Advisory Body to advise Council on legacy projects to be funded from renewable energy benefit payments for further consideration at a future Council meeting.</li> <li>Exhibits the Terms of Reference and Constitution for the Advisory Body for a period of 28 days and seeks community submissions.</li> </ol> <p><b>For:</b> Crs Robert Bell, Robert Crouch, Tim Bower, Sarah Burrows, Leanne Doran, Bruce McMullen, Tom O'Connor, Lone Petrov and Tara Toomey</p> <p><b>Against:</b> Nil</p>	<p><b>16 Apr 2024</b></p> <p>Amendments completed with upload to Website for public exhibition 16 April 2024 till 14 May 2024., Terms of Reference are currently being developed.</p> <p><b>18 Jul 2024</b></p> <p>Reports to 23 July Ordinary Meeting on draft terms of reference and further amendments to the Community Benefit Policy. Further action will linked to the new reports. This item can now be closed.</p>
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CARRIED 9/0

## RESOLUTION STATUS ACTIONS REPORT

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Council 23/04/2024	14.2	Draft Policy - Keeping of Animals (Urban Areas) (2024)	<p><b>RESOLUTION 08.04/24</b></p> <p><b>Moved:</b> Deputy Mayor Robert Crouch</p> <p><b>Seconded:</b> Cr Leanne Doran</p> <p><b>That Council:</b></p> <ol style="list-style-type: none"> <li>Endorses the Draft Policy - Keeping of Animals Policy (Urban Areas) for Public Exhibition for a period of 28 days for the purposes of receiving public submissions, subject to the following amendments: <ol style="list-style-type: none"> <li>Page 5, Clause 6.5: Delete 'Construction of kennel facilities must comply with the Building Code of Australia'.</li> <li>Insert into Part 4 'Statement': Any animal housing structures shall be structurally adequate and comply with Building Code of Australia if required.</li> <li>Delete all references to <i>Schedule 2 of the Local Government (General) Regulation 2021</i> references in the draft Policy where it relates to specific animals/birds, noting that these provisions apply as noted in Clause 5 on Page 2 of the draft Policy.</li> </ol> </li> <li>Notify the following groups of the revised policy and the opportunity to provide feedback upon commencement of Public Exhibition: <ul style="list-style-type: none"> <li>☐ Uralla &amp; Bundarra Pony Clubs;</li> <li>☐ New England Exhibition of Poultry Association;</li> <li>☐ Uralla &amp; Bundarra Showground Land Managers; and</li> <li>☐ Any other group likely to be impacted by the Draft Policy.</li> </ul> </li> <li>Receives a further report following the public exhibition period subject to the receipt of submissions and/or if the draft policy is proposed to be amended.</li> <li>Authorises the adoption of the Draft Policy - Keeping of Animals (Urban Areas) if no submissions are received, and no changes are made.</li> </ol> <p><b>For:</b> Crs Robert Bell, Robert Crouch, Tim Bower, Sarah Burrows, Leanne Doran, Tom O'Connor, Lone Petrov</p> <p><b>Against:</b> Tara Toomey</p>	<p><b>17 Jul 2024</b></p> <p>Public exhibition feedback presented to Councillor Workshop July 2024. Councils feedback from workshop currently being incorporated into the draft policy to be presented in a future report to Council.</p>
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CARRIED 7/1

## RESOLUTION STATUS ACTIONS REPORT

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Council 21/05/2024	14.1	Draft Voluntary Planning Agreement - Winterbourne	<p><b>RESOLUTION 08/05/24</b></p> <p><b>Moved:</b> Cr Sarah Burrows</p> <p><b>Seconded:</b> Cr Lone Petrov</p> <p><b>That Council</b></p> <ol style="list-style-type: none"> <li><b>Endorse the General Manager or delegate to execute the Winterbourne Voluntary Planning Agreement on behalf of Council.</b></li> <li><b>Note that Walcha Council are co-signatories to the Winterbourne Voluntary Planning Agreement and that the provisions of the Agreement will not become operative until all relevant parties have signed.</b></li> </ol> <p><b><u>For:</u></b> Crs Robert Bell, Robert Crouch, Tim Bower, Sarah Burrows, Leanne Doran, Bruce McMullen, Tom O'Connor, Lone Petrov and Tara Toomey</p> <p><b><u>Against:</u></b> Nil</p>	<p><b>17 Jul 2024</b></p> <p>Currently ongoing public notification concludes 19 July 2024. General Manager to execute on completion in consultation with Walcha Council.</p> <p><b>CARRIED 9/0</b></p>
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## 15 CONFIDENTIAL MATTERS

### RECOMMENDATION

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 10A(2) of the *Local Government Act 1993*:

#### 15.1 Write off debts and correction of erroneously issued invoice

This matter is considered to be confidential under Section 10A(2) - b of the *Local Government Act 1993*, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with discussion in relation to the personal hardship of a resident or ratepayer.

#### 15.2 The Uralla Landfill Master Plan and Residual Waste Options Assessment

This matter is considered to be confidential under Section 10A(2) - c and d(ii) of the *Local Government Act 1993*, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and information that would, if disclosed, confer a commercial advantage on a competitor of the council.

#### 15.3 Interim Kerbside Waste Collection Contract

This matter is considered to be confidential under Section 10A(2) - c of the *Local Government Act 1993*, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

#### 15.4 Proposed Purchase of Side Loader Waste Vehicle

This matter is considered to be confidential under Section 10A(2) - c, d(i) and d(ii) of the *Local Government Act 1993*, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business, commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and information that would, if disclosed, confer a commercial advantage on a competitor of the council.

#### 15.5 Thunderbolt Wind Farm Proposed Planning Agreement

This matter is considered to be confidential under Section 10A(2) - d(i) of the *Local Government Act 1993*, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

#### 15.6 New England Weeds Authority Update

This matter is considered to be confidential under Section 10A(2) - a, d(i) and f of the *Local Government Act 1993*, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with personnel matters concerning particular individuals (other than councillors), commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and details of systems and/or arrangements that have been implemented to protect council, councillors, staff and Council property.

**16      COMMUNICATION OF COUNCIL DECISION**

**17      CONCLUSION OF MEETING**