



MINUTES of

ORDINARY COUNCIL MEETING

Held on 23 July 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

Apologies: Nil

Staff: Ms T Averay, General Manager
Mr M Raby, Director, Infrastructure & Development
Dr R Abell, Director, Corporate & Community
Mr S Vivers, Acting Manager Planning & Development
Mr M McLindin, Group Manager Civil Services
Ms E Sims, Planning Officer - Strategic
Mr M Ahammed, Manager Finance & IT
Mr I Arah, Manager Environment & Waste
Ms W Westbrook, Executive Assistant - Minutes

Apologies: Ms E Lanyon, Manager Governance

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	Speaker: Mr Ambrose Hallman	
	The speaker made a presentation to Council for the Item DA-23-2024.	
	The Chair thanked the speaker for his presentation.	
	The Chair Introduced the speaker:	
	Speaker: Mr Ross Anderson	
	The speaker made a presentation to Council for the Item DA-23-2024.	
	The Chair thanked the speaker for his presentation	
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Audio: <https://urallashirecouncil.podbean.com/e/23rd-july-2024-ordinary-meeting-of-uralla-shire-council/>

1 OPENING & WELCOME

The Chair declared the meeting opened at 4:00pm.

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

Nil

6 DISCLOSURE & DECLARATIONS OF INTEREST/S

Cr Tara Toomey declared non-significant non-pecuniary interest in relation to item 14.7, due to Business being named in the report .

Cr Tom O'Connor declared non-significant non-pecuniary interest in relation to item 15.1, due to previous tenure as General Manager of Uralla Shire Council.

7 CONFIRMATION OF MINUTES

7.1 CONFIRMATION OF MINUTES HELD 25 JUNE 2024 ORDINARY MEETING

RESOLUTION 23.07/24

Moved: Deputy Mayor Robert Crouch

Seconded: Cr Sarah Burrows

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

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

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

Nil.

9 WRITTEN REPORTS FROM DELEGATES

9.1 MAYOR'S ACTIVITY REPORT - JUNE 2024

RESOLUTION 24.07/24

Moved: Mayor Robert Bell

Seconded: Cr Bruce McMullen

That Council received the Mayor's Activity Report for 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

10 PUBLIC FORUM

The Chair Introduced the speaker:

Speaker: Mr Ambrose Hallman

The speaker made a presentation to Council for the Item DA-23-2024.

The Chair thanked the speaker for his presentation.

The Chair Introduced the speaker:

Speaker: Mr Ross Anderson

The speaker made a presentation to Council for the Item DA-23-2024.

The Chair thanked the speaker for his presentation

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

RESOLUTION 25.07/24

Moved: Cr Sarah Burrows

Seconded: Cr Lone Petrov:

That Council 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, including delegation to Council's Interim Manager Development and Planning for issue of a Notice of Determination and subject to standard conditions, for the following reasons:

- a) The proposal would result in a lot layout which is not inconsistent with the surrounding pattern of development;
- 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 namely:
 - 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.

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

14.2 SWIMMING POOL 24/25 SEASON REPORT**RESOLUTION 26.07/24**

Moved: Cr Sarah Burrows

Seconded: Cr Tara Toomey

That Council:

- 1. Opens the Uralla Swimming Pool subject to supervisory staffing being available from Saturday 19th October 2024 until Sunday 30th 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.**

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

Against: Cr Tom O'Connor

CARRIED 8/1

14.3 CIVIL INFRASTRUCTURE WORKS REPORT**RESOLUTION 27.07/24**

Moved: Cr Tara Toomey

Seconded: Cr Leanne Doran

That Council note the Civil Works 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

14.4 FUNDING OF STAGE 2 ARTWORKS - PIONEER PARK**RESOLUTION 28.07/24**

Moved: Cr Bruce McMullen

Seconded: Cr Leanne Doran

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.

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

14.5 DRAFT AMENDED RENEWABLE ENERGY COMMUNITY BENEFIT POLICY**RESOLUTION 29.07/24**

Moved: Deputy Mayor Robert Crouch

Seconded: Cr Leanne Doran

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 with amendments as follows:
 - a) Page 94, include in full 'Capital Investment Value' (CIV)
 - b) Page 94, include CIV % and/or \$ per mw pa
 - c) Include reference to Community Benefit Restricted fund, noting a community advisory body will provide advice to Council on projects to be funded
 - d) Include reference to Council's Housing Strategy (currently under development) in paragraph 5
4. Undertake a further exhibition notification period of 28 days including a range of media.

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

14.6 DRAFT TERMS OF REFERENCE FOR THE RENEWABLE ENERGY COMMUNITY BENEFIT COMMUNITY ADVISORY BODY**RESOLUTION 30.07/24****Moved:** Deputy Mayor Robert Crouch**Seconded:** Cr Lone Petrov**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 with the following amendments:
 - a. 5.3 Advisory body to be 4 years. In first term 5 of the members to have 2 year terms and others to have 4 year terms to ensure continuity.
 - b. 6.1.1 to be amended to require all Advisory Body members to be residents of the Shire.
 - c. Delete 6.1.1.2 and renumber.
 - d. 6.5.1 to be replaced with 'their appointed term ends' and 'death' being moved to 6.5.2.4.
 - e. 7.1.3.1 Councillors to be given a list of all applications and the panel's recommendations.
 - f. Change 9.2.2 - if a member cannot attend a meeting they should notify the chairperson in advance and seek leave of absence.
 - g. 9.3.1 Draft minutes to be supplied to Advisory Body members within 3 working days and members have 3 working days to reply.
 - h. 9.3.2 Minutes and recommendation from the Advisory Body must be provided to the next Ordinary meeting of Council.
 - i. Change to 9.4.1: 'The Uralla Shire Council Code of Meeting Practice (2022) shall guide the meeting procedures of the Advisory Body, *except where varied by these Terms of Reference*;
 - j. Delete 10.2.
 - k. Amend Background as follows:
 - i. Add within first paragraph, after within Uralla Shire "*both in and out of the REZ.*"
 - ii. Delete text after 'benefit contributions', until full stop, then continue from '*These contributions.....*'
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.

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 URALLA SHIRE 2024 COMMUNITY CHRISTMAS CELEBRATIONS**RESOLUTION 31.07/24****Moved:** Cr Tim Bower**Seconded:** Cr Sarah Burrows**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 Council for approval.

For: Crs Robert Bell, Robert Crouch, Tim Bower, Sarah Burrows, Leanne Doran, Bruce McMullen, Tom O'Connor and Lone Petrov**Against:** Nil**Absent:** Crs Tara Toomey**CARRIED 8/0****Cr Tara Toomey declared a non-pecuniary interest and left the room at 6:15pm.**

At 6:25 pm, Cr Tara Toomey returned to the meeting.

14.8 LOANS AS AT 30 JUNE 2024**RESOLUTION 32.07/24****Moved:** Cr Tim Bower**Seconded:** Cr Sarah Burrows**That Council notes that the total loan position as of 30 June 2024 is \$1,323,528.****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**

14.9 INVESTMENTS AS AT 30 JUNE 2024**RESOLUTION 33.07/24****Moved:** Cr Tom O'Connor**Seconded:** Cr Leanne Doran**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).

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****14.10 REGISTER RESOLUTIONS ACTIONS STATUS AS AT 16 JULY 2024****RESOLUTION 34.07/24****Moved:** Cr Leanne Doran**Seconded:** Cr Bruce McMullen**That Council notes the Resolution Actions Status Report as at 16 July 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 35.07/24

Moved: Cr Sarah Burrows

Seconded: Cr Tara Toomey

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.

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

RESOLUTION 4436.07/24

Moved: Cr Sarah Burrows

Seconded: Cr Tom O'Connor

That Council return to Open Session of Council with 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

16 COMMUNICATION OF COUNCIL DECISIONS

The Chair communicated the Council decisions from the closed session.

15.1 WRITE OFF DEBTS AND CORRECTION OF ERRONEOUSLY ISSUED INVOICE

RESOLUTION 44.07/24

Moved: Cr Leanne Doran

Seconded: Cr Lone Petrov

That Council:

- 1. Agrees to correct the two invoices erroneously issued to the Department of Regional NSW, totalling \$57,000 (\$22,500 and \$34,500) by issuing credit notes in the last financial year, 2023-24.**
- 2. Agrees to write off \$56,303 in outstanding invoices with the NSW Rural Fire Service.**

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

15.2 THE URALLA LANDFILL MASTER PLAN AND RESIDUAL WASTE OPTIONS ASSESSMENT**RESOLUTION 45.07/24**

Moved: Deputy Mayor Robert Crouch

Seconded: Cr Lone Petrov

That Council:

1. Notes and receives the Talis Uralla Landfill Master Plan and the Residual Waste Options Assessment
2. Delegates authority to the General Manager to open negotiations with both Armidale Regional Council and Tamworth Regional Council regarding future potential access to their respective landfills and the potential gate fees.
3. Receives a future report and advice following further staff analysis and research of the issues raised in the Talis report.
4. Creates a protected Waste Reserve Fund.
5. Assesses the financial implications of the Talis report and incorporates appropriate issues into Council's Long Term Financial Plan
6. Undertakes best-practice re-profiling at the Uralla Landfill in order to maximise the remaining life of that facility.
7. Investigate the Curby soft plastic scheme or similar as part of the further staff analysis.
8. Notes that community engagement and education including with schools will be an important part of any future waste management solution.

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

15.3 INTERIM KERBSIDE WASTE COLLECTION CONTRACT**RESOLUTION 46.07/24**

Moved: Cr Sarah Burrows

Seconded: Cr Leanne Doran

That Council:

1. Accepts the tender from JR Richards and Sons to provide kerbside waste collection in Invergowrie, Bundarra, Uralla, Kentucky, and Walcha for a period of six months and thereafter for a further six months subject to satisfactory performance.
2. Delegates authority to the General Manager to enter the Contract.
3. Notes the assessed cost of \$353,630.64 for delivering the service for the six months contract based on current hourly rate of \$184.76 and total estimated 319 hours per month.

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

15.4 PROPOSED PURCHASE OF SIDE LOADER WASTE VEHICLE

RESOLUTION 47.07/24

Moved: Cr Tom O'Connor

Seconded: Cr Leanne Doran

That Council:

1. Receives the contracted vehicle unless an alternative buyer can be arranged before the contracted vehicle's delivery to Council.
2. Delegates authority to the General Manager to negotiate with any party for the purposes of divesting Council of the contracted vehicle at lowest possible cost to Council.
3. If required to receive the vehicle prior to arranging an alternative buyer, delegates authority to the General Manager to utilise sufficient cash reserves to acquit the purchase contract.

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

Against: Crs Tim Bower and Tara Toomey

CARRIED 7/2

15.5 THUNDERBOLT WIND FARM PROPOSED PLANNING AGREEMENT

RESOLUTION 48.07/24

Moved: Deputy Mayor Robert Crouch

Seconded: Cr Leanne Doran

That Council

1. Delegates to the General Manager authority to finalise the terms of a Planning Agreement with Neoen Australia Pty Ltd and clarify the provisions of clause 15 in relation to GST before proceeding to public notification of the Agreement.
2. Delegates to the General Manager the function of executing the Planning Agreement with Neoen Australia Pty Ltd on the terms finalised in accordance with Recommendation (1) should no substantive issues arise during public notification.

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

15.6 NEW ENGLAND WEEDS AUTHORITY UPDATE**RESOLUTION 49.07/24****Moved: Cr Tim Bower****Seconded: Cr Tara Toomey****That Council:**

- 1. Notes the attached report of 8 July 2024 from the New England Weeds Authority (NEWA) Interim Administrator Mr John Rayner.**
- 2. Agrees that the New England Weeds Authority (NEWA) be dissolved, with a target date of November 2024.**
- 3. Authorises the General Manager to develop a working agreement and arrangement for future service delivery in consultation with the other member Councils, including consideration of a new entity via a Lead Council Model.**
- 4. Notes that an Interim Administrator's Report will be provided to the Minister for Local Government on 17 August 2024 and a decision made about whether the Board will be suspended for a further three months.**
- 5. Supports the extension of the Interim Administrator for a further period of three months from 17th August 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**17 CONCLUSION OF MEETING**

The meeting was closed at 8:41pm.