



## **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**

### **27 August 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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- 4 WEBCAST INFORMATION
- 5 APOLOGIES & APPLICATIONS FOR LEAVE OF ABSENCE BY COUNCILLORS
- 6 DISCLOSURE & DECLARATION OF INTEREST/S
- 7 CONFIRMATION OF MINUTES

7.1 Confirmation of Minutes held 23 July 2024 Ordinary Meeting


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Department: General Manager's Office

Prepared By: Executive Assistant

Authorised By: General Manager

Reference: UINT/24/10839

Attachments: 1. Minutes 23 July 2024 Ordinary Meeting [↓](#) 

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**RECOMMENDATION**

That Council adopt the minutes of the Ordinary Meeting held 23 July 2024 as a true and correct record.



## 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

## ORDINARY COUNCIL MEETING MINUTES

23 JULY 2024

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|      | <b>Speaker: Mr Ambrose Hallman</b>   |    |
|      | 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:  |    |
|      | <b>Speaker: Mr Ross Anderson</b>   |    |
|      | 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/>

## ORDINARY COUNCIL MEETING MINUTES

23 JULY 2024

**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**

## ORDINARY COUNCIL MEETING MINUTES

23 JULY 2024

**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

## ORDINARY COUNCIL MEETING MINUTES

23 JULY 2024

**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**

## ORDINARY COUNCIL MEETING MINUTES

23 JULY 2024

## 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



## ORDINARY COUNCIL MEETING MINUTES

23 JULY 2024

## 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

## ORDINARY COUNCIL MEETING MINUTES

23 JULY 2024

**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**

## ORDINARY COUNCIL MEETING MINUTES

23 JULY 2024

## 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

## ORDINARY COUNCIL MEETING MINUTES

23 JULY 2024

## 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.

## ORDINARY COUNCIL MEETING MINUTES

23 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

**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

## ORDINARY COUNCIL MEETING MINUTES

23 JULY 2024

## 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.

## ORDINARY COUNCIL MEETING MINUTES

23 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

## 15.4 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



## ORDINARY COUNCIL MEETING MINUTES

23 JULY 2024

## 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 17<sup>th</sup> 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.

**7.2 Confirmation of Minutes held 16 August 2024 Extraordinary Meeting**

---

**Department:** General Manager's Office**Prepared By:** Executive Assistant**Authorised By:** General Manager**Reference:** UINT/24/13684**Attachments:** 1. Minutes Extraordinary Meeting held 16 August 2024 [↓](#) **RECOMMENDATION**

That the Minutes of 16 August 2024 Extraordinary Meeting be adopted as a true and correct record.

**OR**

That the Minutes of 16 August 2024 Extraordinary Meeting, be adopted with the following amendments as a true and correct record:



## **MINUTES of**

### **EXTRAORDINARY COUNCIL MEETING**

**Held on 16 August 2024 at 3:00 PM**

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

##### **Councillors:**

Mayor R Bell (Chair)  
Deputy Mayor R Crouch  
Cr T Bower  
Cr S Burrows  
Cr L Doran (via online)  
Cr McMullen  
Cr T O'Connor  
Cr L Petrov  
Cr T Toomey

##### **Apologies:**

Ms T Averay, General Manager  
Mr R Raby, Director Infrastructure & Development

##### **Staff:**

Dr R Abell, Acting General Manager  
Mr M McLindin, Group Manager Civil Services  
Ms W Westbrook, Executive Assistant

## EXTRAORDINARY COUNCIL MEETING MINUTES

16 AUGUST 2024

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## EXTRAORDINARY COUNCIL MEETING MINUTES

16 AUGUST 2024

**1 OPENING & WELCOME**

The Chair declared the meeting opened at 3:06pm.

**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.

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

Nil

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

Nil

**7 PURPOSE OF EXTRAORDINARY MEETING****PROCEDURAL MOTION TO PROCEED WITH EXTRAORDINARY MEETING****RESOLUTION 01.08/24**

Moved: Cr Sarah Burrows

Seconded: Cr Tom O'Connor

That Council proceed with the Extraordinary Meeting 16 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

**8 LATE REPORTS/SUPPLEMENTARY/URGENT ITEMS (INCLUDING PETITIONS)**

The Chair advised there were no late, urgent and supplementary items or reports of business.

## EXTRAORDINARY COUNCIL MEETING MINUTES

16 AUGUST 2024

**9 REPORTS TO COUNCIL****9.1 LOCAL GOVERNMENT ELECTION 14 SEPTEMBER 2024 - DECISION REQUIRED ON REFERENDUM ACTION****RECOMMENDATION****Moved:** Cr Tom O'Connor**Seconded:** Cr Bruce McMullen**That Council :**

Resolve to not proceed with the Constitutional Referendum planned to for 14<sup>th</sup> September 2024 at the Local Government Election.

**For:** Crs Robert Bell, Bruce McMullen, Tom O'Connor and Lone Petrov**Against:** Crs Robert Crouch, Tim Bower, Sarah Burrows, Leanne Doran and Tara Toomey**LOST 4/5****FORESHADOWED MOTION****RESOLUTION 02.08/24****Moved:** Deputy Mayor Robert Crouch**Seconded:** Cr Tim Bower

Resolve to proceed with the Constitutional Referendum planned for 14<sup>th</sup> September 2024 as per resolution 07.02/24.

**For:** Crs Robert Crouch, Tim Bower, Sarah Burrows, Leanne Doran and Tara Toomey**Against:** Crs Robert Bell, Bruce McMullen, Tom O'Connor and Lone Petrov**CARRIED 5/4****10 COMMUNICATION OF COUNCIL DECISIONS****11 CONCLUSION OF MEETING**

The meeting was closed at 3:30pm.

**8 URGENT, SUPPLEMENTARY, AND LATE ITEMS OF BUSINESS (INCLUDING PETITIONS)****9 WRITTEN REPORTS FROM DELEGATES****9.1 Mayor's Activity Report - July 2024**

---

|                       |                                 |   |
|-----------------------|---------------------------------|---|
| <b>Department:</b>    | <b>General Manager's Office</b> |   |
| <b>Prepared By:</b>   | <b>Mayor</b>                    |   |
| <b>Authorised By:</b> | <b>Mayor</b>                    |   |
| <b>Goal:</b>          | 4.                              | We are an independent shire and well-governed community |
| <b>Strategy:</b>      | 4.1.                            | Informed and collaborative leadership in our community  |

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**SUMMARY**

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

**RECOMMENDATION**

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

**REPORT**

| <b>Mayor: Robert Bell</b>                      |   |                  |
|--|---|------------------|
| <b>Date of Council Meeting: 27 August 2024</b> |   |                  |
| <b>DATE</b>                                    | <b>COMMITTEE/MEETING/EVENT</b>                              | <b>LOCATION</b>  |
| 1 Jul 2024                                     | Mayor & GM Catch Meeting                                    | Uralla           |
| 3 Jul 2024                                     | 2AD Interview   | Telephone        |
| 3 Jul 2024                                     | ACEN Meeting  | Uralla           |
| 3 Jul 2024                                     | Energy Co Meeting   | Online - Zoom    |
| 4 Jul 2024                                     | Rocky River viewing – Bridge Op Plan with New England Times | Rocky River      |
| 8 Jul 2024                                     | NAIDOC Ceremony & Welcome to Country                        | Uralla           |
| 8 Jul 2024                                     | Meeting Minister Ms Jenny Aitchison MP                      | Uralla           |
| 8 Jul 2024                                     | Mayor & GM Catch Meeting                                    | Uralla           |
| 9 Jul 2024                                     | CMA Energy Update   | Online           |
| 9 Jul 2024                                     | RFS Command Centre Tour                                     | Armidale Airport |

|  |  |           |
|--|--|-----------|
| 9 Jul 2024   | Councillor Workshop & Debriefing Sessions <ul style="list-style-type: none"> <li>- Grant Opportunity EV Charger</li> <li>- GP (Uralla Doctor) update</li> <li>- Animal Management Policy review</li> <li>- DA boundary adjustment</li> <li>- Waste Truck update</li> <li>- Fibonacci Installation update</li> <li>- Courthouse future</li> <li>- Recycling Solar Panels</li> </ul> | Uralla    |
| 10 Jul 2024  | Mid North Coast Loads meeting  | Uralla    |
| 11 Jul 2024  | Meeting incoming Local Member – Brendan Moylan MP  | Uralla    |
| 11 Jul 2024  | Meeting Dr Amanda Cohn MLC   | Uralla    |
| 15 Jul 2024  | Mayor & GM Catch Meeting   | Uralla    |
| 17 Jul 2024  | 2AD Interview  | Online    |
| 18 Jul 2024  | ACEN Media Launch  | Uralla    |
| 19 Jul 2024  | Meeting TfNSW Renewable Energy Sector  | Uralla    |
| 22 Jul 2024  | Mayor & GM Catch Meeting   | Uralla    |
| 23 Jul 2024  | Hair Cut for Joy - Cancer Council  | McMaugh's |
| 23 Jul 2024  | Council Ordinary Meeting   | Uralla    |
| 24 Jul 2024  | Meeting Ms Abigail Boyd MLC  | Uralla    |
| 24 Jul 2024  | ACE Community Consultation   | Uralla    |
| 29 Jul 2024  | NEWA Meeting   | Armidale  |
| 29 Jul 2024  | Meeting Kingstown Store  | Uralla    |
| 30 Jul 2024  | Opening Centacare - Hon Emm McBride MP   | Armidale  |
| 31 Jul 2024  | 2AD Interview  | Telephone |
| Expense Claims for Councillors for the full term of Council 2021-2024: |  | \$0       |

## 10 PUBLIC FORUM

Nil



## 11 MAYORAL MINUTE

### 11.1 Mayoral Minute - Major Events for Uralla Shire Council Thank You

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**Reference:** UINT/24/12265

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This Mayoral Minute recognises the recent successful events held over the Winter Solstice weekend in June 2024 to launch key open spaces at Rotary Park, The Glen and Pioneer Park.

#### RECOMMENDATION

That Council:

1. Receives the Mayoral Minute.
2. Acknowledges the efforts and contributions of all staff and the members of the Uralla Township & Environs Committee involved in delivering Council's key open spaces at Rotary Park, The Glen, and the Fibonacci Installations at Pioneer Park.
3. Commends Council's Corporate Lead Officer, Communications and Events, Mr Chris Clark, for delivering an outstanding event and securing significant media coverage.

#### REPORT

On 21 June 2024, Uralla Shire Council proudly opened three major new public spaces, marking a significant milestone for our community.

The open spaces—Rotary Park, Constellations of the South at The Glen, and the Fibonacci Installations at Pioneer Park—elevate Uralla's profile as a visitor destination by enhancing recreational amenities for travellers along the New England Highway and creating new gathering places for locals.

Mr Clark also arranged for television travel show, Travel Oz, to cover not only the launch events and the newly opened public spaces, but also the Uralla Shire more widely. The 30-minute episode showcases many local businesses and attractions and will help promote Uralla Shire as a world class visitor destination for many years to come. Many visitors have encouraged Council to make the stargazing event an annual occurrence!

Mr Clark is to be commended for his passion, commitment and vision in delivering a hugely successful weekend that was enjoyed by locals and visitors alike and has helped put Uralla on the map for many travellers.




**Mayor Robert Bell**

## 12 NOTICE OF MOTION/QUESTIONS WITH NOTICE

Nil

## 13 REPORT OF COMMITTEES

### 13.1 Uralla Local Traffic Committee (ULTC) - Minutes of Meeting held 13 August 2024

|                       |   |
|-----------------------|---|
| <b>Department:</b>    | Infrastructure & Development  |
| <b>Prepared By:</b>   | Executive Support Officer Infrastructure & Development  |
| <b>Authorised By:</b> | Director Infrastructure & Development   |
| <b>Reference:</b>     | UINT/24/12160   |
| <b>Attachments:</b>   | 1. Uralla Local Traffic Committee Agenda 13 August 2024  <br>2. Uralla Local Traffic Committee Minutes 13 August 2024   |

#### LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK

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

#### SUMMARY

The agenda and minutes of the Uralla Local Traffic Committee (ULTC) meeting held on 13 August 2024 are attached for the information of Councillors.

Staff have reviewed the action items, as approved by the Committee, and advise that all items can be addressed within current resources.

#### RECOMMENDATION

That Council receives the Minutes of the Uralla Local Traffic Committee (ULTC) meeting held 13 August 2024 and notes the decisions of the Committee.

#### REPORT

The Uralla Local Traffic Committee (ULTC) Meeting was held on 13 August 2024.

The Committee made the following decisions regarding items put before them by Council officers.

#### 1 REQUEST FOR PEDESTRIAN CROSSING AT THE BACK OF URALLA CENTRAL SCHOOL ALONG JOHN STREET

##### COMMITTEE DECISION

The Uralla Local Traffic Committee not support a formal crossing from the school to the agricultural area.

#### 2 TRANSPORT FOR NSW - REQUEST BY MEMBERS OF THE LIVESTOCK BULK AND RUAL CARRIERS

**ASSOCIATION (LBRCA) SEEING INCREASED NETWORK ACCESS ON THE NSW LIVESTOCK LOADING SCHEME NETWORK****COMMITTEE DECISION**

The Uralla Local Traffic Committee note the request for increased network access under the NSW Livestock Loading Scheme Network and defer further consideration in conjunction with the review of Council's Transport Asset Management Plan later in the year.

**3 MAITLAND / HILL STREET PARKING****COMMITTEE DECISION**

That the Uralla Local Traffic Committee note the matter and refer to Manager Civil Infrastructure for investigation of all traffic associated matters around Maitland and Hill Street area with a further report back to the Committee with any improvements for future consideration.

**4 KINGSTOWN ROAD SAFETY AUDIT****COMMITTEE DECISION**

The Committee noted the Road Safety Audit Report for Kingstown Road (Existing Road) – Chainage 10km to 24km and Treatment Options, prepared by Constructive Solutions for Transport for NSW (TfNSW) - July 2024.

A copy of the Kingstown Road Safety Audit has been provided to Councillors in [NextCloud](#). TfNSW requires this to be regarded as confidential.

**CONCLUSION**

Director Infrastructure and Development confirms that actions recommended by the Committee are supported by officers and can be undertaken within existing resources.



## **URALLA LOCAL TRAFFIC COMMITTEE**

### **AGENDA & BUSINESS PAPERS**

**13 August 2024**

Commencing at 10:00 AM

**URALLA LOCAL TRAFFIC COMMITTEE BUSINESS AGENDA****13 AUGUST 2024****AGENDA**

|          |  |           |
|----------|--|-----------|
| <b>1</b> | <b>OPENING &amp; WELCOME .....</b>   | <b>3</b>  |
| <b>2</b> | <b>ACKNOWLEDGEMENT OF COUNTRY .....</b>  | <b>3</b>  |
| <b>3</b> | <b>APOLOGIES &amp; APPLICATIONS FOR LEAVE OF ABSENCE BY COUNCILLORS/ COMMITTEE MEMBERS .....</b>   | <b>3</b>  |
| <b>4</b> | <b>DISCLOSURE &amp; DECLARATION OF INTEREST/S.....</b>   | <b>3</b>  |
| <b>5</b> | <b>CONFIRMATION OF MINUTES.....</b>  | <b>3</b>  |
| <b>6</b> | <b>LATE REPORT/S .....</b>   | <b>3</b>  |
| <b>7</b> | <b>REPORTS TO COMMITTEE .....</b>  | <b>4</b>  |
| 7.1      | Request for Pedestrian Crossing at the back of Uralla Central School along John Street .....   | 4         |
| 7.2      | Transport for NSW - Request by Members of the Livestock Bulk and Rural Carriers Association (LBRCA) seeing increased Network Access on the NSW Livestock Loading Scheme Network..... | 7         |
| 7.3      | Maitland / Hill Street Parking .....   | 15        |
| <b>8</b> | <b>CONFIDENTIAL MATTERS.....</b>   | <b>17</b> |
| 8.1      | Confidential - TfNSW - Road Safety Audit (RSA) - Kingstown Road - Final Report .....   | 17        |
| <b>9</b> | <b>CONCLUSION OF MEETING .....</b>   | <b>18</b> |

**URALLA LOCAL TRAFFIC COMMITTEE BUSINESS AGENDA****13 AUGUST 2024**

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- 1 OPENING & WELCOME**
- 2 ACKNOWLEDGEMENT OF COUNTRY**
- 3 APOLOGIES & APPLICATIONS FOR LEAVE OF ABSENCE BY COUNCILLORS/  
COMMITTEE MEMBERS**
- 4 DISCLOSURE & DECLARATION OF INTEREST/S**
- 5 CONFIRMATION OF MINUTES**  
  
Uralla Local Traffic Committee held on 12 June 2024
- 6 LATE REPORT/S**

**URALLA LOCAL TRAFFIC COMMITTEE BUSINESS AGENDA****13 AUGUST 2024****7 REPORTS TO COMMITTEE****7.1 Request for Pedestrian Crossing at the back of Uralla Central School along John Street**

|   |  |  |
|---|--|--|
| <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/24/9184                                     |  |
| <b>Attachments:</b>   | 1.   | EMAIL - Principal - Uralla Central School - Request for Pedestrian Crossing on John Street |
| <b>LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK</b> |  |  |
| <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**

A request has been received from the Principal of the Uralla Central School seeking advice for the possibility of installing a crossing in John Street for students walking from the main school site to the school agriculture area.

**RECOMMENDATION**

**That the Uralla Local Traffic Committee not support a formal crossing from the school to the agricultural area.**

**REPORT**

The Principal of Uralla Central School has contacted Council seeking advice for the possibility of installing a crossing in John Street for students walking from the main school site to the school agriculture area.

The students use this area regularly and as a safety precaution, the school is seeking advice on how they could have a pedestrian crossing installed.

The children attending the agricultural area are more likely to be in smaller groups and crossing at times not necessarily in peak traffic times. Other pedestrian refuges are located at the main entry points to the school for when all children are entering at peak traffic times. While any crossing facility can be considered a safety precaution, it is not feasible to have crossings for every location where children might cross the roads and this can also lead towards reduced general safety awareness.

Any crossing structure, even if funding can be obtained, becomes an additional financial burden to Council for maintenance and future replacement considerations.

**URALLA LOCAL TRAFFIC COMMITTEE BUSINESS AGENDA****13 AUGUST 2024**

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**CONCLUSION**

It is suggested that the Committee not support consideration of a formal crossing from the school to the agricultural area.



**Sylvia Baxter**

**Subject:** FW: Crossing Installation

**From:** Brad Hunt <[bradley.hunt@det.nsw.edu.au](mailto:bradley.hunt@det.nsw.edu.au)>

**Sent:** Friday, June 14, 2024 6:50 AM

**To:** Council <[Council@uralla.nsw.gov.au](mailto:Council@uralla.nsw.gov.au)>

**Subject:** Crossing Installation

Dear Uralla Shire Council,

I am writing to seek your advice around the possibility of installing a crossing at the back of our school, along John Street, where our students walk from the main school site to the school agriculture area.

Our students use this area regularly and as a safety precaution, we are seeking advice on how we could have a pedestrian crossing installed.

Any assistance would be much appreciated.

Kind regards,

*Brad*

**Brad Hunt**

**Principal | Uralla Central School | URALLA NSW 2358**

**02 6778 4204 | [bradley.hunt@det.nsw.edu.au](mailto:bradley.hunt@det.nsw.edu.au)**

**President, Armidale Primary Principals Council**



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**URALLA LOCAL TRAFFIC COMMITTEE BUSINESS AGENDA****13 AUGUST 2024****7.2 Transport for NSW - Request by Members of the Livestock Bulk and Rural Carriers Association (LBRCA) seeking increased Network Access on the NSW Livestock Loading Scheme Network**

|   |  |   |
|---|--|---|
| <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/24/9635                                     |   |
| <b>Attachments:</b>   | 1.   | Email - TfNSW - Request by Members of the Livestock Bulk and Rural Carriers Association |
|   | 2.   | 2024 - LLS - Route Update Request - Class 3 Vehicle                                     |
| <b>LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK</b> |  |   |
| <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                        |
|   | 4.2.   | A strategic, accountable and representative Council                                     |

**SUMMARY**

A request has been received through Transport NSW for members of the Livestock Bulk and Rural Carriers Association (LBRCA) seeking increased network access under the NSW Livestock Loading Scheme Network.

**RECOMMENDATION**

**That the Uralla Local Traffic Committee note the request for increased network access under the NSW Livestock Loading Scheme Network and defer further consideration in conjunction with the review of Council's Transport Asset Management Plan later in the year.**

**REPORT**

A request has been received for increased network access under the NSW Livestock Loading Scheme Network for 23m and 25m B-Double trucks along MR73 Thunderbolts Way from Walcha to Uralla and continuing on to Bundarra. Currently this route is approved for 19m B-Double vehicles along with some other roads such as Bundarra Road out of Armidale, Torryburn Road and a section of Kingstown Road.

The only road in the shire approved for 23m and 25m B-Double vehicles under the NSW Livestock Loading Scheme is the New England Highway, and routes in other shires are mostly State Roads such as Waterfall Way or the Oxley Highway. In Inverell Shire, there are a number of 25m B-Double routes including the Thunderbolts Way to the shire boundary just north of Bundarra.

MR73 Thunderbolts Way is a Regional Road maintained by Council with funding assistance from Transport for NSW. The funding assistance does not provide for the long term maintenance of the route that should include routine maintenance such as roadside slashing and patching as well as long term resurfacing and pavement renewal. At present Council relies upon applying for special project grants for renewal of road sections, however these applications compete with the remainder of the state Councils for Regional Road network for funding.

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**URALLA LOCAL TRAFFIC COMMITTEE BUSINESS AGENDA****13 AUGUST 2024**

---

Council would need to consider the implications of increased B-Double loading for a number of bridge structures along the road that while all are concrete structures, some are now aging. There are also many sections of Thunderbolts Way that are still narrow traffic lanes with little or no road shoulders that are in need of pavement works to make the route satisfactory to cater for the safety of all road users.

While Council is proactive to support the agricultural sector and assist with transport efficiencies, it also needs to ensure that the local Uralla community does not bear the cost of maintaining a route for the benefit of other regional areas.

**CONCLUSION**

It is suggested that the Committee defer further consideration of the request until later in the year in conjunction with a review of Council's Transport Asset Management Plan.

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

No community engagement has been undertaken on this request by Council.

**Policy and Regulation**

Heavy Vehicle National Law 2013 (NSW)

Road Transport Act 2013 (NSW)

NSW Class 3 Livestock Transportation Exemption Notice 2021.

**Financial/Long Term Financial Plan**

Council needs to ensure that transport assets are financially managed for long term sustainability of the network so that roads are serviceable for the full lifetime of assets.

**Asset Management/Asset Management Strategy**

A review of the Transport Asset Management Plan is currently commencing with a view to provide an updated Plan to Council towards the end of the year or early in 2025.

**Workforce/Workforce Management Strategy**

Nil implications

**Legal and Risk Management**

Heavy vehicles can only operate on approved routes for the vehicle types and this is managed through the Heavy Vehicle National Law and the Road Transport Act.

**Performance Measures**

The road network needs to provide long term safe service for all road users.

**Project Management**

Roads and transport approvals are managed through Council's Infrastructure Department and Transport for NSW.

**Sylvia Baxter**

**Subject:** FW: Livestock Loading Scheme Network - Additional Access in Uralla Shire LGA

**From:** Danielle Wilson <[Danielle.Wilson@transport.nsw.gov.au](mailto:Danielle.Wilson@transport.nsw.gov.au)>  
**Sent:** Friday, June 21, 2024 10:24 AM  
**To:** David Counsell <[dcounsell@uralla.nsw.gov.au](mailto:dcounsell@uralla.nsw.gov.au)>  
**Subject:** Livestock Loading Scheme Network - Additional Access in Uralla Shire LGA

Dear David,

We have recently been approached by members of the Livestock Bulk and Rural Carriers Association (LBRCA) seeking increased network access on the [NSW Livestock Loading Scheme Network](#).

These requests include roads in your LGA, and I am providing the information to Council, as the Road Manager, for your consideration. Your name was suggested to me as a contact for Council. If you aren't the responsible person, sorry for contacting you. Can you please pass this on to the correct person.

**The request:**

LBRCA is a community of transport operators delivering Australia's essential agricultural products throughout country NSW.

LBRCA members would like 19m B-double access replicated for 23m and 25m B-doubles from Walcha to Uralla, via Thunderbolts Way, to Bundarra. In your LGA, this involves:

- Thunderbolts Way from the LGA border (with Walcha), then
- Duke Street, Uralla
- Salisbury Street
- Bridge Street/New England Highway
- Hill Street
- Uralla Street North
- Thunderbolts Way, ending at Bundarra.

**Livestock Loading Scheme:**

The NSW Livestock Loading Scheme (NSWLLS) provides increased mass limits for livestock loads, and includes measures to minimise road pavement wear, protect vulnerable bridges, and reduce the incidence of livestock vehicle rollovers.

The Scheme operates under the [NSW Class 3 Livestock Transportation Exemption Notice 2021](#) (the Notice).

Eligible vehicles must be enrolled under the NSWLLS and comply with the conditions of the NSWLLS, including any conditions applied to routes by the road manager. Drivers must have undertaken the NSWLLS Driver Course and carry their NSWLLS Driver Card to operate an enrolled eligible vehicle under the NSWLLS.

You can find more information on the Scheme on the [TfNSW website](#), or in the [Notice](#).

You can review current access on the [National Network Map](#).

**Next steps:**

Review the request according to your assessment processes and determine if you will approve the additional access for vehicles travelling under the Livestock Loading Scheme.

If you:

- Approve the access, complete the attached form, and send to [RM.Enquiries@nhvr.gov.au](mailto:RM.Enquiries@nhvr.gov.au). NHVR will update the network map on your behalf. Note I have filled in the route details on the form, however you will need to add any conditions you intend to apply to the route on the map.
- Don't approve the access, please let me know the outcome, so I can inform LBRCA. There is no further action required on your part.

Thanks,  
Danielle

**Danielle Wilson**

Manager Road Performance  
Freight Branch  
Regional and Outer Metropolitan  
Transport for NSW

E [danielle.wilson@transport.nsw.gov.au](mailto:danielle.wilson@transport.nsw.gov.au)  
P 02 9983 2593

[transport.nsw.gov.au](http://transport.nsw.gov.au)

Level 3  
4 Parramatta Square  
Parramatta NSW 2150



Transport  
for NSW



I acknowledge the Aboriginal people of the country on which I work, their traditions, culture and a shared history and identity. I also pay my respects to Elders past and present and recognise the continued connection to country.

Please consider the environment before printing this email.

## ORALLA LOCAL TRAFFIC COMMITTEE BUSINESS AGENDA

13 AUGUST 2024

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OFFICIAL



## Route update request – Class 3 vehicle

Heavy Vehicle National Law Sections 119 & 142 & MDL Regulation Section 15

### Route update request

Please fill in the requested fields below and return to the National Heavy Vehicle Regulator.

Note: For information on how to complete this form, refer to [Instructions on how to complete Route Update Request form](#)

#### Request type

- ☒ Add /amend route  
☐ Add /amend/remove conditions  
☐ Amend/remove restrictions

#### Initiated by

- ☐ Road manager consent request process  
☐ An approach from the road manager

Portal case number:

and/or

Legacy reference:

Route - provide a turn by turn description of the area or route to be amended/added/removed (please attach a map or Route ID of the area or route)

23m and 25m B-double: Thunderbolts Way from the LGA border (Walcha), then  
Duke Street, Uralla  
Salisbury Street  
Bridge Street/New England Highway  
Hill Street  
Uralla Street North  
Thunderbolts Way, ending at Bundarra

See additional form to enter list of restricted structures if any

#### Notice title

New South Wales Class 3 Livestock Transportation Exemption Notice 2021 (No.3)

#### Vehicle type

- ☐ Truck & Dog (Tas) ☐ 4.6m High Vehicles (NSW)  
☐ Other (please specify)

#### Vehicle description

23m and 25m B-double

#### Network (if applicable)

New South Wales Livestock Loading Scheme

Route update request: 13 NHVR (13 64 87)  
RM Enquiries@nhvr.gov.au

www.nhvr.gov.au

1 of 3

## Route update request – Class 3 vehicle



*Heavy Vehicle National Law Sections 119 & 142 & MDL Regulation Section 15*

Road conditions (if applicable)\*

Travel conditions (if applicable)\*

\*These conditions can only apply to the specific route. Changes to the conditions contained within a Notice cannot be changed using this form.

Route update request: 13 NHVR (13 64 87)  
RM Enquiries@nhvr.gov.au

[www.nhvr.gov.au](http://www.nhvr.gov.au)

2 of 3





## Route update request – Class 3 vehicle

Heavy Vehicle National Law Sections 119 & 142 & MDL Regulation Section 15

Restriction description (if applicable)\* e.g. Location of bridge or restricted road limits. Include geographical coordinates.

Reason (if applicable)\*

**Note:** The removal of any route is subject to Part 4.7 of the Heavy Vehicle National Law (HVNL). In particular, Division 3 requires consultation period of 28 days before a route can be removed.

\*These conditions can only apply to the specific route. Changes to the conditions contained within a Notice cannot be changed using this form.

☐ **Written statement of road manager consent**

The road manager consents to the heavy vehicle access described in this route update request, and the road manager delegate holds an appropriate delegation to sign for this consent on behalf of the road manager.

Road manager e.g. council name

Uralla Shire Council

Name of road manager delegate

Road manager delegate title/position

Signature

☐ I accept the electronic signature has the same status as a written signature

Date

The National Heavy Vehicle Regulator's privacy practices are regulated by the Information Privacy Act 2009 (Qld).  
For more information, contact the Office of the Information Commissioner ([www.oic.qld.gov.au](http://www.oic.qld.gov.au)).

**URALLA LOCAL TRAFFIC COMMITTEE BUSINESS AGENDA****13 AUGUST 2024****7.3 Maitland / Hill Street Parking**

|   |  |
|---|--|
| <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/24/9851   |
| <b>Attachments:</b>   | 1. EMAIL - Concern regarding Parking - Corner Maitland and Hill Streets  |
| <b>LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK</b> |  |
| <b>Goal:</b>  | 2. We drive the economy to support prosperity<br>4. We are an independent shire and well-governed community  |
| <b>Strategy:</b>  | 2.3. Communities that are well serviced with essential infrastructure<br>4.1. Informed and collaborative leadership in our community<br>4.2. A strategic, accountable and representative Council |

**SUMMARY**

Future traffic parking congestion around the area of the Maitland and Hill Street intersection has been raised and it is suggested that an investigation of the whole intersection area be undertaken.

**RECOMMENDATION**

That the Uralla Local Traffic Committee note the matter and refer to Manager Civil Infrastructure for investigation of all traffic associated matters around Maitland and Hill Street area with a further report back to the Committee with any improvements for future consideration.

**REPORT**

Any initial concern has been brought to Council's attention of the current parking requirements associated with the Tablelands Community Support centre and Tablelands Community Transport vehicle parking including the driveway access to off street car parks. This parking on the north east area of the intersection adjoins the recently renovated Court House. As use of the facilities increases, roadside parking will likely increase.

There are a number of further issues around this location including local business customer parking and the alignment of Hill Street on the eastern side of the intersection with an adjacent service road.

Rather than waiting until future congestion or traffic safety concerns arise, a review of the intersection can be commenced to review parking as well as safe driveway access, intersection safe sight lines and the location of current regulatory parking signage.

Council's Infrastructure Department would compile a concept plan of the current intersection arrangement including intersection approaches of 50m on each street and review any improvements that would benefit traffic safety with future increase in activity surrounding the area.

**CONCLUSION**

It is suggested that the Committee note the issues identified and refer to Manager Civil Infrastructure for investigation of the Maitland and Hill Street intersection area with a further report back to the Committee for future consideration.

**From:** [David Counsell](#)  
**To:** [Janine Johnson](#)  
**Subject:** RE: Parking corner Maitland and Hill Street  
**Date:** Thursday, 27 June 2024 12:13:00 PM  
**Attachments:** [image001.png](#)

Thank you Janine, I will raise the matter with our Local Traffic Committee and investigate so that we may be able to offset any future parking and traffic safety issues around this location before they arise. Dave

**From:** Janine Johnson <jjohnson@uralla.nsw.gov.au>  
**Sent:** Thursday, June 27, 2024 11:55 AM  
**To:** David Counsell <dcounsell@uralla.nsw.gov.au>  
**Subject:** Parking corner Maitland and Hill Street

Good morning David,

As discussed there is limited parking in the vicinity of the corner of Maitland and Hill Street and with possible future volume of vehicles requiring parking I have a concern for a potential impact on parking for TCS and TCT consumers. As you are also aware TCT and TCT also have a fleet of vehicles stationed here at the TCS/TCT building.

I had suggestions to:

- a. Remove some of the trees to facilitate additional parking, or
- b. Open the back fence to facilitate some staff/consumer parking in the yard of TCS/TCT/Community Centre.

Thank you for your consideration of this potential problem.

Best regards

Janine Johnson  
Manager Community Care  
Uralla Shire Council | Tablelands Community Support | PO Box 48 Uralla NSW 2358  
**p** 02 6778 6353 | **m** 0427 919 420  
[jjohnson@uralla.nsw.gov.au](mailto:jjohnson@uralla.nsw.gov.au) | [www.uralla.nsw.gov.au](http://www.uralla.nsw.gov.au)



**Vision:** In 2031 the Uralla Shire will be vibrant with a growing economy supporting a sustainable quality of life that values its heritage.

**Mission:** Uralla Shire Council listens to and facilitates the aspirations of the community.

**Values:** Unity | Safety | Commitment to Service

**URALLA LOCAL TRAFFIC COMMITTEE BUSINESS AGENDA****13 AUGUST 2024**

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**8 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*:

**8.1 Confidential - TfNSW - Road Safety Audit (RSA) - Kingstown Road - Final Report**

This matter is considered to be confidential under Section 10A(2) - e, f and g 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, prejudice the maintenance of law, details of systems and/or arrangements that have been implemented to protect council, councillors, staff and Council property and advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

URALLA LOCAL TRAFFIC COMMITTEE BUSINESS AGENDA

13 AUGUST 2024

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**9 CONCLUSION OF MEETING**



## MINUTES of

## URALLA LOCAL TRAFFIC COMMITTEE

Held on 13 August 2024 at 10:00 AM

### Attendance at Meeting:

#### Committee Members:

Bob Barwell (BB) Local Member Representative

#### Staff:

Myles McLindin (MMcL) Group Manager Infrastructure Services  
David Counsell (DC) Manager Civil Infrastructure  
Sylvia Baxter (SB) Executive Support Officer Infrastructure & Development

#### Apologies:

Tracey Niddrie (TN) Transport for NSW  
Connor Williams (CW) Uralla Police  
Bruce McMullen (BMcM) Councillor

#### Observers:

Nil

## URALLA LOCAL TRAFFIC COMMITTEE MINUTES

13 AUGUST 2024

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**URALLA LOCAL TRAFFIC COMMITTEE MINUTES****13 AUGUST 2024**

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**1 OPENING & WELCOME**

The Chair declared the meeting opened at 10:10am.

**2 ACKNOWLEDGEMENT OF COUNTRY**

The Chair read the acknowledgement of country.

**3 APOLOGIES & APPLICATIONS FOR LEAVE OF ABSENCE BY COUNCILLORS /COMMITTEE MEMBERS**

Tracey Niddrie, Bruce McMullen, Connor Williams

**4 CONFIRMATION OF MINUTES****RECOMMENDATION**

**That Council adopts the minutes of the Uralla Local Traffic Committee held 12 June 2024, as a true and correct record.**

**Meeting proceeding with only one member for purpose of noting and acknowledging documents tabled.**

Last Meeting Minutes Update:

- TfNSW – conducting full review of pedestrian crossing/accident site on highway. TN has inspected. Waiting to receive official results.
- Hill Street Taxi Stand – ordering signs to have changed to 15 minute parking.
- Bridge Street Bus zone – completed.
- Bowling Club Parking – upgraded/completed.
- Wood Street angled parking – signs have been ordered.

**5 LATE REPORT/S**

The Chair advised there were no late, urgent and supplementary items or reports of business.

**6 REPORTS TO COMMITTEE****6.1 REQUEST FOR PEDESTRIAN CROSSING AT THE BACK OF URALLA CENTRAL SCHOOL ALONG JOHN STREET****RECOMMENDATION**

**That the Uralla Local Traffic Committee not support a formal crossing from the school to the agricultural area.**

BB – not only the road but also the island would pose an issue.

**Action:**

**Endorsed.**



## URALLA LOCAL TRAFFIC COMMITTEE MINUTES

13 AUGUST 2024

**6.2 TRANSPORT FOR NSW - REQUEST BY MEMBERS OF THE LIVESTOCK BULK AND RUAL CARRIERS ASSOCIATION (LBRCA) SEEING INCREASED NETWORK ACCESS ON THE NSW LIVESTOCK LOADING SCHEME NETWORK****RECOMMENDATION**

That the Uralla Local Traffic Committee note the request for increased network access under the NSW Livestock Loading Scheme Network and defer further consideration in conjunction with the review of Council's Transport Asset Management Plan later in the year.

BB – Looking at current damage on roads from quarries.

DC – Need to look at Council's Asset Management plan and come back to later in the year.

**Action:**

Committee note the request from LBRCA.

**6.3 MAITLAND / HILL STREET PARKING****RECOMMENDATION**

That the Uralla Local Traffic Committee note the matter and refer to Manager Civil Infrastructure for investigation of all traffic associated matters around Maitland and Hill Street area with a further report back to the Committee with any improvements for future consideration.

DC – Council will be holding events at Court House so need to create some parking, also STOP signs at all intersections will need to be installed.

**Action:**

Take on board and review, bring back to Committee at a later date.

**7 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*:

**7.1 Confidential - TfNSW - Road Safety Audit (RSA) - Kingstown Road - Final Report**

This matter is considered to be confidential under Section 10A(2) - e, f and g 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, prejudice the maintenance of law, details of systems and/or arrangements that have been implemented to protect council, councillors, staff and Council property and advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

**RECOMMENDATION**

That the Committee note the report.

## URALLA LOCAL TRAFFIC COMMITTEE MINUTES

13 AUGUST 2024

DC – we could apply these issues to a whole range of roads. A couple of points raised at side roads are a concern, causeways are identified. Council could conduct signposting, focus on clearing back vegetation, coming back to put up guardrail but need capital investment and put through Traffic Management Plan and budget, possibly grants.

BB – Look to possibility of grant money to improve not just that section of road but lots of roads.

**Action:**

1. Infrastructure Department will review the report along with its normal Works Program;
2. Also look at a more significant program of major capital works to include in financial plan.

**8 OTHER MATTERS**

- Investigation of Leece Road – ongoing. A lot of traffic with new developments.
- Parking arrangements around St Joseph's School – has been inspected with TfNSW – some concepts ie, off street parking. Replaced bus parking signs in Wood Street.
- Council Community Christmas Event – Council community event to be held on 22 November 2024 involving closing Salisbury Street (between Pioneer Park and corner Bridge Street) – looking to ULTC to acknowledge date to verify with funding authority. Signage will be put in place. Activities along Bridge Street, ie, buskers, other activities.  
Road would need to be reopened the next morning, Saturday 23 November 2024.

**RECOMMENDATION**

**Traffic Committee acknowledges the USC Christmas event and doesn't have any objection to closing Salisbury Street (between Pioneer Park and corner Bridge Street) for the Christmas Event being held on 22 November 2024.**

**Other Matters:**

DC

- Pinegrove Road – Council staff have been undertaking vegetation clearing in the area – will be completing installation of reduced speed signs on Pinegrove and Bundarra Roads.
- General Roadside Vegetation – Council is looking at program of clearing vegetation where it obstructs vision – Retreat Road, Kingstown Road and Invergowrie Area.

BB

- Kingstown Road – Wilsons Creek – bump on road on corner – has white paint on it possibly painted by community member. Will need to be graded.

**9 CONCLUSION OF MEETING**

The meeting was closed at 10:45am.

Next meeting: To be confirmed.

**13.2 Bundarra School of Arts Hall and Community Consultative s355 Committee - Minutes of Meeting held 31 July 2024**

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**Department:** Infrastructure & Development**Prepared By:** Executive Support Officer Infrastructure & Development**Authorised By:** Director Infrastructure & Development**Reference:** UINT/24/12291

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**Attachments:** 1. MINUTES - Bundarra School of Arts Hall and Community Consultative s355 Committee Meeting - 31 July 2024 [!\[\]\(e474458956c9a37fbf9586ddb60a7fa1\_img.jpg\) !\[\]\(4d1d3f2547aeece54bb6babd23f4121b\_img.jpg\)](#)

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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   |
| <b>Strategy:</b> | 1.2. | A safe, active and healthy shire                          |
|                  | 1.4. | Access to and equity of services                          |
|                  | 4.1. | Informed and collaborative leadership in our community    |
|                  | 4.3. | An efficient and effective independent local government   |

---

**SUMMARY**

The Minutes of the Bundarra School of Arts Hall and Community Consultative s355 Committee meeting held 31 July 2024 are presented to Council in Attachment 1 to this report.

**RECOMMENDATION**

**That Council:**

- 1. Receives the Minutes of the Bundarra School of Arts Hall and Community Consultative s355 Committee meeting held 31 July 2024.**
- 2. Notes the Committee's Recommendations which were tabled at the meeting.**

**REPORT**

The Bundarra School of Arts Hall and Community Consultative s355 Committee meeting was held on 31 July 2024. The Meeting was attended by Deputy Mayor Crouch and Councillor Doran, and the Director Infrastructure and Development. The Committee was represented by Theresa Layton, John Layton, Jeff Dezius, and Jenny Dezius.

**CONCLUSION**

The Bundarra School of Arts Committee Meeting took place at Bundarra on 31 July 2024. The minutes of that meeting are attached to this report for Council's consideration and noting.

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

The Committee provides an excellent forum for genuine local community engagement and provides valuable feedback which assists to guide staff decision-making and recommendations to Council.

**Policy and Regulation**

The Bundarra School of Arts Committee is a 355 Committee of Council

**Financial/Long Term Financial Plan**

Nil

**Asset Management/Asset Management Strategy**

Reports from the Committee provides valuable input which assists to maintain the currency of Council's Asset Management Plans.

**Workforce/Workforce Management Strategy**

Nil

**Legal and Risk Management**

Nil

**Performance Measures**

Nil

**Project Management**

Council Staff and Councillor Representatives



## **MINUTES of**

# **Bundarra School Of Arts Hall and Community Consultative s355 Committee**

**Held on 31 July 2024 at 6:30pm**

### **Attendance at Meeting:**

|                           |  |
|---------------------------|--|
| <b>Committee Members:</b> | Councillor Bob Crouch – Deputy Mayor<br>Councillor Leanne Doran<br>John Layton - Chair<br>Theresa Layton<br>Jeff Dezius<br>Jenny Dezius<br>Mick Raby – Director Infrastructure & Development |
| <b>Apologies:</b>         | Nil.   |
| <b>Observers:</b>         | Nil.   |

## AGENDA

|          |   |          |
|----------|---|----------|
| <b>1</b> | <b>OPENING &amp; WELCOME .....</b>                    | <b>2</b> |
| <b>2</b> | <b>APOLOGIES BY COMMITTEE MEMBERS.....</b>            | <b>2</b> |
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| 4.1      | Items From Previous Meetings .....                    | 2        |
| 4.2      | Bundarra Cemetery Memorial Plaque Commemoration ..... | 2        |
| 4.3      | Illegal dumping on TSR on Bakers Creek Road. ....     | 2        |
| 4.4      | General Discussion From Previous Meeting .....        | 3        |
| 4.7      | Items from the Committee .....                        | 3        |
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| 5.1      | Name For Multi-Purpose Park? .....                    | 3        |
| <b>6</b> | <b>CONCLUSION OF MEETING .....</b>                    | <b>4</b> |

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BUNDARRA SCHOOL OF ARTS HALL & COMMUNITY CONSULTATIVE S355 COMMITTEE MINUTES31 JULY 2024

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**1 OPENING & WELCOME**

The Chair declared the meeting opened at 6:31pm.

~~The Chair read the acknowledgement of country.~~

**2 APOLOGIES BY COMMITTEE MEMBERS**

Nil.

**3 CONFIRMATION OF MINUTES****4 ITEMS****4.1 Items From Previous Meetings**

- Install lights to multi-purpose toilets:  
JL met with Dean & Aaron, lights to be installed by Friday 2 August 2024.
- Elections, use of hall:  
State by-election and local gov elections held at hall.
- Council's Bundarra agent re caravan/camping/hall bookings and payments:  
Done and closed
- Suggestion to remove "honesty box" at Emu Crossing and install a sign stating donations can be made to the Bundarra General Store.

**Recommendation:**

**Close off these items.**

**4.2 Bundarra Cemetery Memorial Plaque Commemoration**

- Request That The Unveiling Of The New Plaque At The Cemetery Before Election To Allow Attendance By Current Councillors – 31 August Or 7 September, Date To Be Confirmed.

**UPDATE:**

Greg Livermore, CEO of the Local Aboriginal Lands Council (LALC), has confirmed LALC will conduct a Smoking Ceremony at 11:00am on Tuesday 3 September 2024 at the Bundarra Cemetery.

**Recommendation:**

**Council note the Local Aboriginal Land Council will conduct a Smoking Ceremony at 11:00am on Tuesday 3 September 2024 at the Bundarra Cemetery to mark the installation of the Memorial.**

**4.3 Illegal dumping on TSR on Bakers Creek Road.**

- Suggestion - RID Squad (Regional Illegal Dumping) sponsored by Council, connected with EPA and they have powers. Also option for Ranger to handle. Need to come up with an alternative option for dumping of dead animals.

**Recommendation:**

**DID to research availability of the RID.**

**4.4 General Discussion From Previous Meeting**

- Bundarra Transfer Station

Landfill cell no longer open for waste. Green waste piling up and may present a fire hazard in summer. Should be 2 skip bins, one for construction waste, one bin for landfill. Still need to redesign layout to enable access for trailers to reach bins, plus to enable 'tipping' into bin.

- Waste transfer strategy still being developed.
- Investigating possibility of a change room in Hall

JL & JD to see what could work and let MR know – pending.

- \*Bakers Creek, Barraba Road

MR to provide update on road repair. Upgrade from end or tar to bridge and crossing upgrade.

JL & JD reported road not too bad at the moment (surprising with the rain at the moment)

- \*Gwydir river road breaking up – could get flood damage funding? Mr to investigate.

Trees (especially dead trees) leaning in and need trimming [Gwydir River Road 2kms in from Thunderbolts Way, south of Bundarra].

**Recommendation:**

**Council Note the discussions.**

**4.7 Items from the Committee**

- What happens to the money collected from the Hall rent, caravan park and donations from the Emu campsite?
- MR - theoretically the money should be going to Bundarra projects, working on a reliable cash handling system, MR to find out and provide update
- Upgrade toilets at emu crossing & caravan park (plus for 2 points below), mapping / recording the projects in Bundarra, MR reported this has nearly been finished (a video format), provide info to committee
- Progress of improvements to the skate park:
- Are we still getting our path from hospital two blocks north?

Lights on the bridge walkway? TfNSW have constructed some of the walkway, will come back to do more. MR mentioned to TfNSW lighting – MR to make contact and provide update - see where their community consultation is up to, questions about when will they contact school, will walkway be closed while construction occurs, how wide will it be?

**Recommendation:**

**Council Note the Committee's questions which will be responded to by DID.**

**5 LATE ITEM/S****5.1 Name For Multi-Purpose Park?**

For committee to consider, suggestion Souter Park or the Skate Park (is what local kids call it).

**Recommendation:**

**Council Note a park naming request from the Committee may be received by Council in the future.**



**6 CONCLUSION OF MEETING**

The meeting was closed at 8:05pm.

Next meeting Wednesday 6 November at 6:30pm






## 14 REPORTS TO COUNCIL

### 14.1 One (1) into Eight (8) Lot Subdivision - Lot 2 DP577140 - 828 Bundarra Road - Saumarez Ponds

---

|                       |  |
|-----------------------|--|
| <b>Department:</b>    | <b>Infrastructure &amp; Development</b>          |
| <b>Prepared By:</b>   | <b>Acting Manager Planning Development</b>       |
| <b>Authorised By:</b> | <b>Director Infrastructure &amp; Development</b> |
| <b>Reference:</b>     | UINT/24/12994                                    |

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|                     |  |
|---------------------|--|
| <b>Attachments:</b> | 1. Applicant Response to Request for Further Information and Submissions <a href="#">↓</a>  |
|                     | 2. Submissions (Redacted) <a href="#">↓</a>   |
|                     | 3. Plan of Development <a href="#">↓</a>    |
|                     | 4. Draft Notice of Determination <a href="#">↓</a>    |
|                     | 5. Typical Rural Property Access - TfNSW Advice <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

##### Caretaker Restrictions:

Under the document “*Pre-election guide for Council’s April 2024*” issued by the Office of Local Government, the decision determination will fall during the ‘caretaker period’ 16 August 2024 – 14 September 2024. During this period, Council must not:

*‘determine a “controversial development application”, except where a failure to make such a determination would give rise to a deemed refusal, or such a deemed refusal arose before the commencement of the caretaker period’*

“Controversial development application” means a development application for designated development under section 4.10 of the *Environmental Planning and Assessment Act 1979* or which at least 25 persons have made submissions during community consultation.

The application does not constitute a controversial development application (Two [2] submissions received) and may therefore be determined by Council within the caretaker period.

#### SUMMARY

Council has received a Development Application for a One (1) into Eight (8) Lot Subdivision located at Lot 2 DP577140, also described as 828 Bundarra Road, Saumarez Ponds.

The land is zoned R5 (Large Lot Residential) under the Uralla LEP 2012 and has a combined area of approximately 38 Ha. Seven (7) lots have an area of between 2.32 – 4 Ha, with a balance 22.9 Ha lot.

The application has been referred to the Council for determination given two (2) submissions were received following notification of the proposal.

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 (as conditioned) achieves compliance with relevant provisions of the Uralla Local Environmental Plan 2012 and Uralla Development Control Plan 2012.

General:

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.

***\*Refer Conclusion in this report for further discussion on an Alternative resolution***

**RECOMMENDATION\***

1. **That Council approves the Development Application (ref: DA-11-2024) for a Subdivision (1 Lot into 8 Lots) at Lot 2 DP577140, land known as 828 Bundarra Road, SAUMAREZ PONDS, subject to the conditions of consent in the attached Notice of Determination; and**
2. **That Council notes the submissions received in relation to the Development Application.**

**REPORT**

**Description of Site and Surrounding Area**

*Subject Site*

The subject is legally described as Lot 2 DP577140, and also described as 828 Bundarra Road, Saumarez Ponds. A summary of site characteristics is as follows:

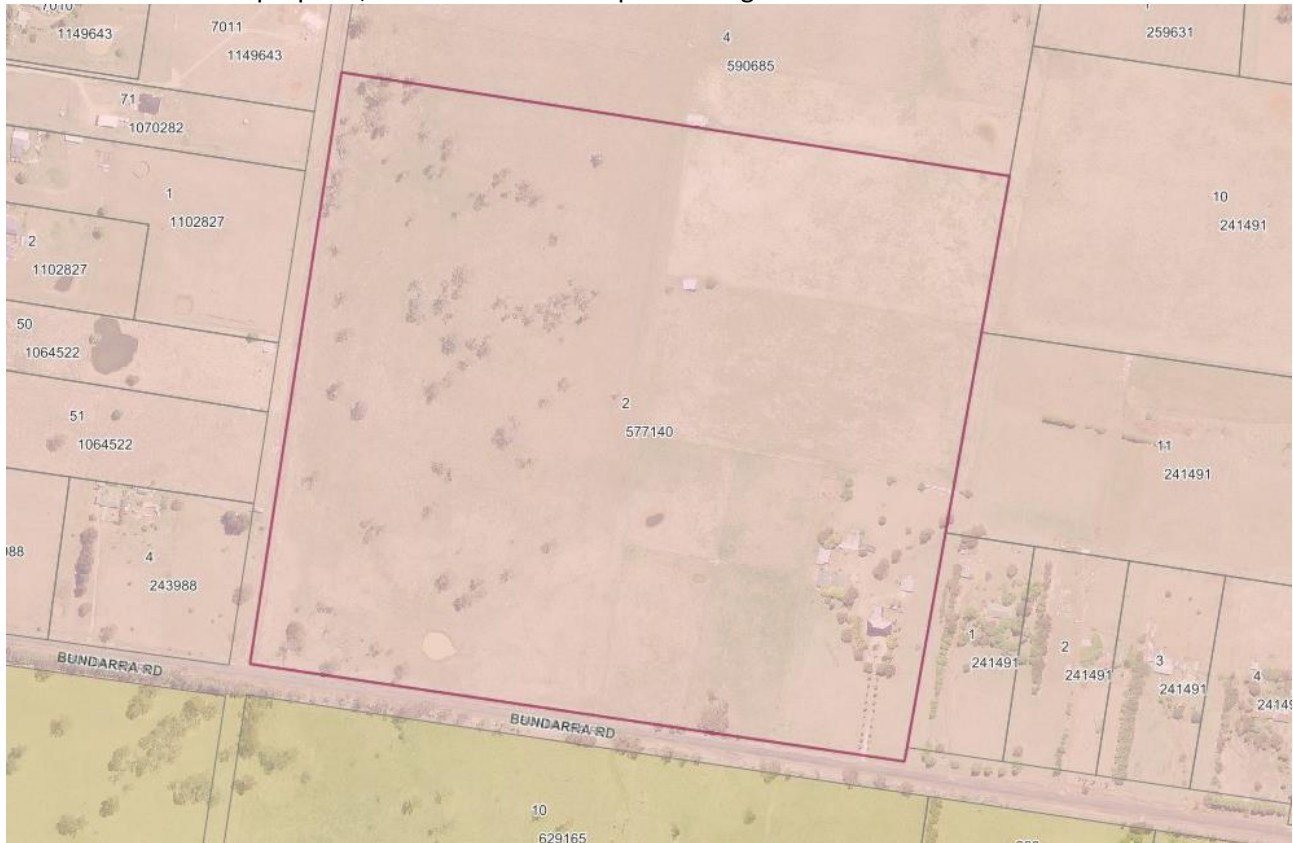
- All land is located within the R5 Large Lot Residential Zone under the Uralla LEP 2012 (the LEP).
- The land has an area of approximately 38 Ha.
- The land is open grazing country, with scattered stands of vegetation (both younger and remnant species). The land appears to be currently sown with an annual crop (Oats or similar).
- Two (2) dwellings are located on the land, within the north-western and south-eastern corners (within proposed Lots 1 and 7 respectively).
- The land is gently sloping, with a slight depression towards the south of the land in the middle of the Bundarra Road frontage.
- The land has western frontage to an unformed (although works have occurred) road reserve (Council owned, approximately 580m span) and Bundarra Road (approximately 650m span).
- Bundarra Road is a Classified (Regional) Road, with a regular 100km/hr limit. Council is the Roads Authority for this road in accordance with Section 7 of the Roads Act 1993.
- The land is not affected by any mapped waterways, or other known constraints.

*Surrounding Area*

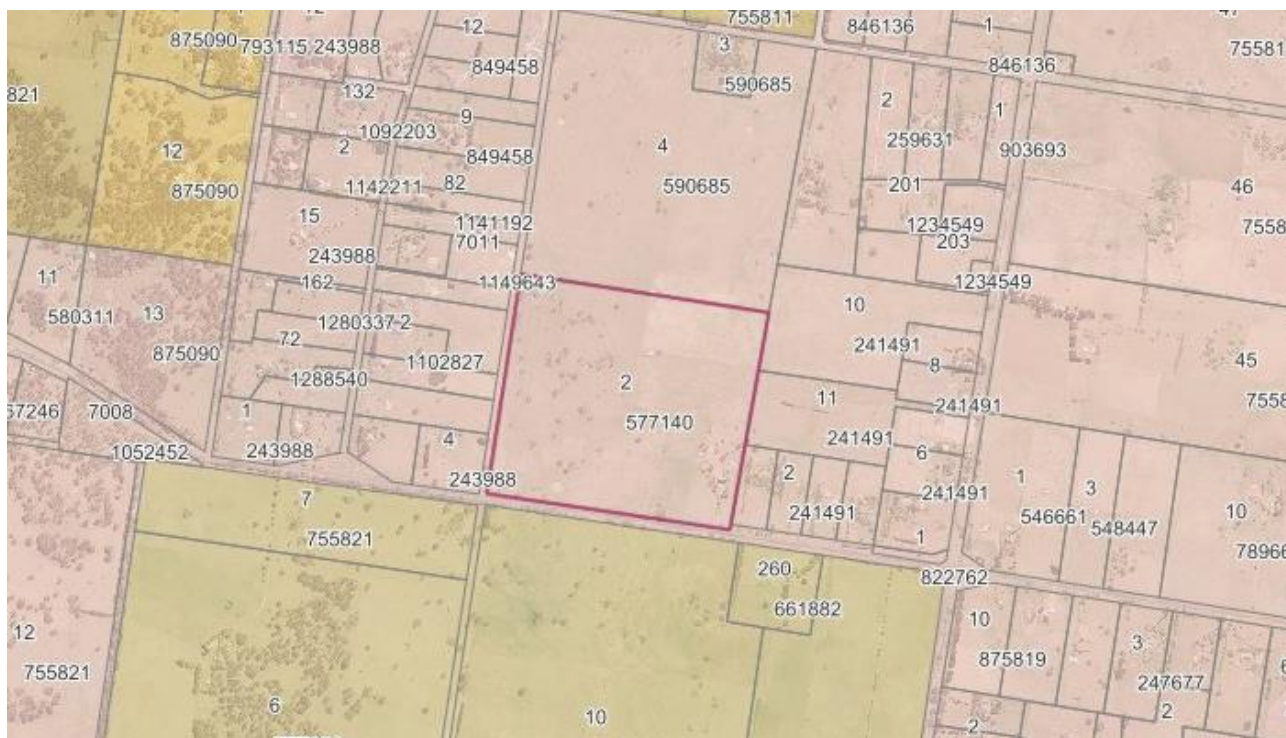
Surrounding lands to the east, west and north are also under the R5 Large Lot Residential zone under the LEP, and are also subject to the same 2Ha minimum lot size provision. Various lot sizes are exhibited, with a mix of around 2 – 8 Ha. No lots appear vacant. Access to these areas is by Marble Hill and Dumaresq Roads. Land to the north has recently been approved for a 1 Lot into 19 Lot Subdivision (Council ref: DA-57-2023). This consent has not been enacted upon.

Land to the south (opposite side of Bundarra Road) is within the RU1 Zone under the LEP.

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



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



A wide, straight asphalt road stretches into the distance under a cloudy sky. Large trees line the left side, and a grassy field with a fence is on the right.

**Figure 3: Image showing frontage from Eastern approach**





Figure 4: Image showing frontage from Western approach



Figure 5: Image showing grade of land adjacent to bitumen edge.



**Figure 6: Image showing constructed access over Council's road reserve and temporary fencing/gates.**

### **Relevant Planning History**

#### Subject Site:

DA-24-2022 – New Dwelling (manufactured) – Approved 3 June 2022

DA-24-2022 – Modification to the above consent, to relocate dwelling – approved 28 September 2022

- The consent has been enacted on, with the dwelling sitting within proposed Lot 7.
- It is noted that access was approved to be taken by the existing access at the eastern part of Bundarra Road. The road reserve has been constructed without consent.

#### Neighbouring sites:

Lot 4 DP590685 – Mundays Lane -DA-57-2023 – 1 Lot into 19 Lot Subdivision – approved 4 April 2024.

There is no planning history on other adjoining sites which is of relevance.

### **Description of the Development**

The application seeks approval for the following works:

- 1 Lot into 8 Lot Subdivision; and
- Ancillary works in the form of access upgrades.

The layout would create Seven (7) lots have an area of between 2.32 – 4 Ha (R5 sized), with a balance 22.9 Ha lot remaining.

The proposal would form the following layout (as conditioned):

|                 |
|-----------------|
| Proposed Layout |
|-----------------|



| Lot | Size (Ha) | Key/Relevant Features                          | Access                                 |
|-----|-----------|--|--|
| 1   | 4.0       | Contains existing dwelling (SE Corner of land) | Bundarra Road (existing crossover)     |
| 2   | 2.47      | Vacant   | Bundarra Road via shared crossover     |
| 3   | 2.68      |  |  |
| 4   | 2.51      |  | Western Road Reserve                   |
| 5   | 2.52      |  |  |
| 6   | 2.32      |  |  |
| 7   | 3.05      | Contains existing dwelling (NW Corner of land) | Bundarra Road and Western Road Reserve |
| 8   | 22.9      | Vacant   |  |

A summary of key parts of the proposal are included below:

- Access

Access would be taken by both Bundarra Road and a road reserve to the west of the land. There would be one point of access created at Bundarra Road:

- Shared access to Lot 2, 3 and 8.

The currently unformed road reserve would service Lots 4 – 7.

- Ancillary Works

If approved, secondary permits would be required:

- Subdivision Works Certificate
- Subdivision Certificate
- Section 138 of the *Roads Act 1993* approval (work within Council's land)





**Figure 7: Extract from Plan of Development****Notification**

In line with Council's Community Participation Plan and Development Control Plan, the application was notified to adjoining occupiers, starting 17 April 2024, with a closing date of 9 May 2024. Two (2) submissions (both properly made) were received following notification of the proposal at the time of preparation of this report.

**Referrals**Internal

Development Engineer – No objection, subject to:

- Consideration of future access arrangements for Lot 8 (balance lot);
- Upgrade of road reserve intersection with Classified Road;
- Upgrade of road reserve to a suitable vehicular standard; and
- Road pavement widening to ensure safety for undertaking of refuse collection and school buses.

It is noted that the applicant has agreed to dedication of land for road widening, however construction of a wider pavement for layby or providing access to Lot 4 from the Western road reserve did not form part of this discussion. However, it is not a requirement that recommended conditions are agreed by an applicant before decision.

Manager Environment & Waste – no objection, subject to minimum 4m layby areas for refuse trucks.

External

The following agencies were consulted regarding the application:

| Agency  | Referral Clause                                 |
|---|---|
| <b>Essentially Energy</b>   | SEPP (Transport and Infrastructure) 2021, s2.48 |
| Comments  |   |
| <p>Strictly based on the documents submitted, Essential Energy has no comments to make as to potential safety risks arising from the proposed development. Essential Energy makes the following general comments:</p> <p>If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment;</p> <ul style="list-style-type: none"> <li>• Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with;</li> <li>• Any activities in proximity to electrical infrastructure must be undertaken in accordance with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure;</li> <li>• Prior to carrying out any works, a "Dial Before You Dig" enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 1995 (NSW); and</li> <li>• It is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW (<a href="http://www.safework.nsw.gov.au">www.safework.nsw.gov.au</a>) has publications that provide guidance when working close to electricity infrastructure. These include the Code of Practice – Work near Overhead Power Lines and Code of Practice – Work near Underground Assets.</li> </ul> |   |

| Agency  | Referral Clause                        |
|---|--|
| <b>Transport for NSW</b>  | Roads Act 1993 – s138 (Non-integrated) |
| Comments  |  |
| <p>Bundara Road is a classified (Regional) road. Council is the Roads Authority for this road in accordance with Section 7 of the Roads Act 1993. As the Roads Authority, Council sets standards, determines priorities, and carries out works.</p> |  |

It is appropriate for Council to consider and determine if the proposed arrangements for the proposed subdivision are acceptable from a safety and efficiency perspective.

Given the above, TfNSW entrusts Council to assess and manage the traffic implications of this development application.

TfNSW recognises that any proposed or conditioned access on Bundara Road would require Section 138 consent from Council and concurrence from TfNSW under Section 138 of the Roads Act 1993. Provided Council is satisfied the design for the access is acceptable and designed in accordance with the attached Rural Property Access Standard, TfNSW would issue its concurrence under Section 138 of the Roads Act 1993.

Note: the Standard Drawing referenced is attached.

Where relevant, the above comments are recommended to form Advisory Notes to the consent.

### Key Assessment Steps

- 10 May 2024 – Request for Further Information (RFI) made. The request and recommendations were as follows:

#### Requests:

##### Biodiversity Offsets Scheme Threshold

- Pursuant to Part 7, Clause 7.4 of the Biodiversity Conservation Act 2016, the land does not appear to be located on located category 1-exempt land (within the meaning of Part 5A of the [Local Land Services Act 2013](#)).

Land excluded from the Local Land Services Act 2013 appears to be required to be considered under Clause 7.4. Please provide updated Koala and Biodiversity Impact Assessments.

##### Development with frontage to classified road

- Pursuant to Chapter 2, Part 2.3, Division 17, Subdivision 2, Section 2.119 of State Environmental Planning Policy (Transport and Infrastructure) 2021, the proposal does not demonstrate sufficient grounds for the granting of consent for 3 – 4 vacant lots fronting Bundarra Road.

Council considers that practicable, safe vehicular access to the land can be provided from the adjoining road reserve which would not compromise the safety, efficiency, and ongoing operation of the classified road.

Please provide an amended plan of development and updated SoEE addresses the above SEPP.

- Notwithstanding the above point, please provide an amended plan of development which shows road widening at Bundarra Road equivalent to the adjoining lot to the east.

#### Recommendations:

- Provide a conceptual plan of development for future stages of the development.
- The development is a missed opportunity in terms of its connection with the approved development to the north (ref: DA-57-2023). It is considered that a more permeable, masterplanned form of development could be undertaken, which provided walkable routes without needing to utilise Bundarra Road. This is worth noting given both the current application at hand and approved application referenced above appear to be under the same ownership.
- Given between the two sites there is potentially around 40+ lots, consideration should be given to provision of infrastructure such as dedication of parkland or embellishment of existing facilities/land. While this was not captured under DA-57-2023, the additional intensification of the area through this application warrants consideration.

The above recommendations would support higher level objectives of the EP&A Act (good design and amenity of the built environment) and Objectives 18 and 21 of the New England North West Regional Plan 2041.

- 21 May 2024 – Submissions provided to applicant (refer to attachment).
- 11 June 2024 – Response to RFI and grounds of submission received (refer to attachment).
- 1 July 2024 – Amended Biodiversity Report requested (directly to consultant).
- 2 August 2024 – Request for determination without delay received.
- 6 August 2024 to Current – negotiations occurred to secure land dedication for road widening, together with acceptance of Biodiversity Report.

### Key Supporting Documents

| Document  | Comments  |
|---|---|
| Biodiversity Assessment, dated 1 March 2024, prepared by Stephen Cotter | <p>The report demonstrates that the proposal would have a satisfactory impact in terms of considerations under Part 7 of the Biodiversity Conservation Act 2016 and Environment Protection and Biodiversity Conservation Act 1999.</p> <p>The report provides the following recommendations:</p> <ul style="list-style-type: none"> <li>• Restrict clearing of any isolated canopy trees for future dwellings.</li> <li>• Boundary fencing to all lots should consist of plain wire strands or other methods but exclude use of barbed wire to limit harm to fauna.</li> <li>• Encourage replanting of native tree and shrub species in the landscaping for future dwellings to improve available habitat for native species.</li> <li>• Restrict livestock grazing of the property to allow native grasses to regenerate.</li> </ul> <p>Some error is identified in the report, with the land not excluded land under the LLS Act, however ultimately this is not significant in the context of the comprehensiveness of the report.</p> |
| Koala Assessment dated 1 March 2024, prepared by Stephen Cotter         | Discussed under relevant SEPP.  |

### Biodiversity Conservation Act 2016 (the BC Act)

Part 7 of the BC Act outlines the requirements to be taken into consideration through the assessment of a development application. This act has been referred to separately given it is not expressly listed as a prescribed matter under Section 4.15 of the EP&A Act.

| Part 7 Biodiversity assessment and approvals under Planning Act   |   |
|---|---|
| Relevant Provisions   |   |
| Provisions  | Comment   |
| <p><b>7.2 Development or activity “likely to significantly affect threatened species”</b></p> <p>(1) For the purposes of this Part, development or an activity is likely to significantly affect threatened species if—</p> <p>(a) it is likely to significantly affect threatened species or ecological communities, or their habitats, according to the test in section 7.3, or</p> <p>(b) the development exceeds the biodiversity offsets scheme threshold if the biodiversity offsets scheme applies to the impacts of the development on biodiversity values, or</p> <p>(c) it is carried out in a declared area of outstanding biodiversity value.</p> | <p>The submitted document determines that the proposal is satisfactory with regards to matters a – c.</p> |

|   |   |
|---|---|
| <b>7.3 Test for determining whether proposed development or activity likely to significantly affect threatened species or ecological communities, or their habitats</b>   | The submitted document includes a comprehensive 5 part test of significance, which determines that the proposal is acceptable.      |
| <b>7.5 Relationship with Planning Act</b><br>(1) This Part prevails to the extent of any inconsistency between this Part and the Environmental Planning and Assessment Act 1979 (or any instrument under that Act).   | Noted.  |
| <b>7.7 Biodiversity assessment for Part 4 development (other than State significant development or complying development)</b><br>(1) This section applies to an application for development consent under Part 4 of the Environmental Planning and Assessment Act 1979, except—<br>(a) an application for development consent for State significant development, or<br>(b) an application for a complying development certificate.<br>(2) If the proposed development is likely to significantly affect threatened species, the application for development consent is to be accompanied by a biodiversity development assessment report. | The submitted document includes a comprehensive consideration of threatened species and determines that the proposal is acceptable. |

## 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> <li>(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),</li> <li>(v) (Repealed)</li> </ul> <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> |
|--|

## Section 4.15 – Evaluation

|                                      |  |
|--------------------------------------|--|
| <b>4.15(1)(a) the provisions of—</b> | <b>(i) any environmental planning instrument</b> |
|--------------------------------------|--|

## 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>   |  |
| (1) A consent authority must not consent to the carrying out of any development on land unless—<br>(a) it has considered whether the land is contaminated, and<br>(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<br>(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. | Council's officer is satisfied that the land is not likely to have been subject to a previous contaminating use, including any purpose under Table 1 to the <i>contaminated land planning guideline</i> .<br><br>Based on desktop searches and site inspection, there is no indication of historic sheep dips or similar visible on the land. There would also be sufficient area for ground truthing and alternative dwelling sites to be considered within each proposed lot.<br><br>Noting this characteristic, a Preliminary Site Investigation has not been requested for the proposed development. Not other parts of the clause are considered relevant |

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

Chapter 4 – Koala habitat protection 2021

Chapter 4 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.

| Chapter 4 Koala Habitat Protection 2020  |   |
|--|---|
| Relevant Provisions  |   |
| Provisions   | Comment   |
| <b>Part 4.2 Development control of koala habitats</b>  |   |
| <b>4.9 Development assessment process—no approved koala plan of management for land</b><br>(1) This section applies to land to which this Chapter applies if the land— | Clause (5) outlines the standard requirements for a Koala Assessment Report (KAR), which is necessary in order for Council to support the application under Clause (2).<br><br>The submitted KAR meets the required standards and establishes that the proposal would have acceptable |

|  |  |
|--|--|
| <p>(a) has an area of at least 1 hectare (including adjoining land within the same ownership), and</p> <p>(b) does not have an approved koala plan of management applying to the land.</p> <p><b>(2) Before a council may grant consent to a development application for consent to carry out development on the land, the council must assess whether the development is likely to have any impact on koalas or koala habitat.</b></p> <p>(3) If the council is satisfied that the development is likely to have low or no impact on koalas or koala habitat, the council may grant consent to the development application.</p> <p>(4) If the council is satisfied that the development is likely to have a higher level of impact on koalas or koala habitat, the council must, in deciding whether to grant consent to the development application, take into account a koala assessment report for the development.</p> <p>(5) However, despite subsections (3) and (4), the council may grant development consent if the applicant provides to the council—</p> <p>(a) information, prepared by a suitably qualified and experienced person, the council is satisfied demonstrates that the land subject of the development application—</p> <p>(i) does not include any trees belonging to the koala use tree species listed in Schedule 3 for the relevant koala management area, or</p> <p>(ii) is not core koala habitat, or</p> <p>(b) information the council is satisfied demonstrates that the land subject of the development application—</p> <p>(i) does not include any trees with a diameter at breast height over bark of more than 10 centimetres, or</p> <p>(ii) includes only horticultural or agricultural plantations.</p> <p>(6) In this section—</p> <p><b>koala assessment report</b>, for development, means a report prepared by a suitably qualified and experienced person about the likely and potential impacts of the development on koalas or koala habitat and the proposed management of those impacts.</p> | <p>Koala impacts. The KAR also provides the following recommendations:</p> <ul style="list-style-type: none"> <li>• <i>Boundary fencing for each lot should consist of plain wire and/or netting to avoid harm caused by barbed wire fencing and facilitate movement into adjoining areas of native vegetation.</i></li> <li>• <i>Companion animals should be restrained within the fenced area at night to avoid dog attacks.</i></li> <li>• <i>The proposed dwellings shall be located in the central part of each lot and avoid clearing of any existing canopy trees.</i></li> <li>• <i>Vehicle movements are restricted to the formed access roads with a speed limit of 40km/Hr.</i></li> <li>• <i>Future landowners are encouraged to plant of native tree and shrub species to increase potential habitat.</i></li> </ul> <p>Where relevant, these are recommended to be included as conditions of consent.</p> <p>Council's Development Control Plan does not expressly contain a chapter relating to tree clearing limitations on private land (and vegetation on R5 land is largely Council's jurisdiction). It is therefore recommended that restrictions to clearing are imposed as a restriction on title.</p> <p>This would override provisions for exempt clearing under Part 2.5 (Clearing of native vegetation on primary production land in Zones R5, C2, C3 and C4 that does not require permit or approval), Divisions 2 and 3 of Chapter 2 (Vegetation in non-rural areas) of State Environmental Planning Policy (Biodiversity and Conservation) 2021. This is reasonable also given the land would be no longer used for primary production.</p> |
|--|--|

### State Environmental Planning Policy (Primary Production) 2021

| Part 2.2 State significant agricultural land                    |  |
|---|--|
| Relevant Provisions   |  |
| Provisions  | Comment  |
| Clause 2.7  |  |
| 2.7 Objects of Part<br>The objects of this Part are as follows— | This SEPP has been included for completeness, however is the officers view that this SEPP is of no influence to the application. |

|   |  |
|---|--|
| <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> |  |
|---|--|

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

|   |         |
|---|---------|
| Chapter 2, Part 2.3, Division 5, Subdivision 2  |         |
| <b>Development likely to affect an electricity transmission or distribution network</b> |         |
| Relevant Provisions   |         |
| Provisions  | Comment |
| Clause 2.48   |         |
| Satisfactory – See earlier referral comments  |         |

|   |   |
|---|---|
| Chapter 2, Part 2.3, Division 17, Subdivision 2, Section 2.120  |   |
| <b>Impact of road noise or vibration on non-road development</b>  |   |
| Relevant Provisions   |   |
| Provisions  | Comment   |
| Clause 2.120  |   |
| <p>(1) This section applies to development for any of the following purposes that is on land in or adjacent to the road corridor for a freeway, a tollway or a transitway or any other road with an annual average daily traffic volume of more than 20,000 vehicles (based on the traffic volume data published on the website of TfNSW) and that the consent authority considers is likely to be adversely affected by road noise or vibration—</p> <p>(a) residential accommodation,</p> <p>(b) a place of public worship,</p> <p>(c) a hospital,</p> <p>(d) an educational establishment or centre-based child care facility.</p> <p>(2) Before determining a development application for development to which this section applies, the consent authority must take into consideration any guidelines that are issued by the Planning Secretary for the purposes of this section and published in the Gazette.</p> <p>(3) If the development is for the purposes of residential accommodation, the consent authority must not grant consent to the development unless it is satisfied that</p> | <p>Bundarra Road has a capacity of less than 20,000 vehicles per day. It is therefore not reasonable to require certain noise-attenuation conditions for new dwellings.</p> |

|  |  |
|--|--|
| appropriate measures will be taken to ensure that the following LAeq levels are not exceeded—                                |  |
| (a) in any bedroom in the residential accommodation—35 dB(A) at any time between 10 pm and 7 am,                             |  |
| (b) anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time. |  |

|  |                                  |
|--|----------------------------------|
| Chapter 2, Part 2.3, Division 17, Subdivision 2, Section 2.119   |                                  |
| <b>Development with frontage to classified road</b>  |                                  |
| Relevant Provisions  |                                  |
| Provisions   | Comment                          |
| Clause 2.119   |                                  |
| <p>(1) The objectives of this section are—</p> <p><b>(a) to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and</b></p> <p>(b) to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.</p> <p><b>(2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that—</b></p> <p><b>(a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and</b></p> <p><b>(b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—</b></p> <p><b>(i) the design of the vehicular access to the land, or</b></p> <p>(ii) the emission of smoke or dust from the development, or</p> <p><b>(iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and</b></p> <p>(c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.</p> | Requires discussion – see below. |

#### Further comments:

The application was referred to TfNSW in an advisory capacity. It is noted that the proposal itself does not require the concurrence of TfNSW (however vehicular crossovers would require concurrence).

Council raised concerns with the application as part of the RFI, with the proposal failing to achieve or demonstrate the bolded aspects of the Clause, largely given the land *has* a practicable and safe alternative access option from the currently unformed road reserve at the western boundary. An amended plan of development was also requested. The applicant's response is as follows:

*"Of the eight lots proposed, only Lot 4 requires a new direct access to a classified road. To this end, the proposed development is consistent with Clause 2.119 of the SEPP as:*

- *where practicable and safe, vehicular access to the land is provided by a road other than the classified road;*
- *the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:*



- the design of the vehicular access to the land, or
- the emission of smoke or dust from the development, or
- the nature, volume or frequency of vehicles using the classified road to gain access to the land.

The proposed development is very much consistent with surrounding residential subdivision, and the creation of 6 new tenancies could not be reasonably be described as having a significant effect on overall traffic volumes. Consultation with various State agencies was undertaken prior to the R5 zoning, and no objections were raised.

With regard to the road widening, Council can only require this land dedication under a plan made under the EP&A Act, Roads Act, or compulsory acquisition of land under the Land Acquisition (Just Terms Compensation) Act 1991. No such mechanism is in place, therefore this requirement is not currently enforceable."

It is noted that:

- Negotiations later occurred to secure agreement for dedication of land to road reserve at Bundarra Road; and
- Council's officer had no objections in relation to the suitability of the proposal in terms of emissions from the road in relation to establishing sensitive receptors (dwellings).

The view that "Consultation with various State agencies was undertaken prior to the R5 zoning, and no objections were raised" is considered immaterial, and does not exempt consideration of the SEPP. Further, it is likely that these consultations occurred around 12 years ago.

In terms of considering "**where practicable and safe**, vehicular access to the land is provided by a road other than the classified road" given the land is a greenfield site it is considered that complete access from (and associated upgrade of) the unformed road reserve is practicable (capable of being done) and is inherently safe. To achieve this, it would likely require construction of an internal access road, from the western road reserve across the northern boundary of lots fronting Bundarra Road. This would eliminate any new points of conflict at Bundarra Road.

At the same time, the applicant has clarified that only Lot 4 would have an individual direct access. This does not take into account the shared access which would be required for Lots 2, 3 (and also shared by 8). It is also the officers recommendation that Lot 4 should have access via a battle-axe handle from the Western road reserve, based on the SEPP. It is difficulty to justify this lot accessing Bundarra Road, where an alternative is very feasible.

It is considered that following negotiations and amendment to access point for Lot 4, the dedication of land allowing for future road widening or similar (together with pavement extension works to allow for safe bus stopping and rubbish movements) would on balance be an acceptable outcome acceptable. Ultimately, Council's officer considers the dispensation against Clause 2.119(2)(a) is supportable and would have an impact on the ongoing operation and function of the classified road within acceptable limits (as conditioned).

No other State Environmental Planning Policies require consideration.

#### URALLA LOCAL ENVIRONMENTAL PLAN 2012

The proposal is consistent with the LEP having regard to the following:

| Relevant Provisions  |   |
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| Provisions   | Comment   |
| Part 2 Permitted or prohibited development   |   |
| <b>2.6 Subdivision—consent requirements</b><br><br>(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  |   |
|---|---|
| <p><b>4.1 Minimum subdivision lot size</b></p> <p>(1) 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>(2) This clause applies to a subdivision of any land shown on the <a href="#">Lot Size Map</a> that requires development consent and that is carried out after the commencement of this Plan.</p> <p>(3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the <a href="#">Lot Size Map</a> in relation to that land.</p>  | <p>The proposal complies with the minimum 2ha minimum lot size for the land.</p> <p>While it is noted that the proposal would cause some conflict with the objectives, it is considered essentially that the rural land use has been lost by virtue of the R5 zoning.</p> |
| Part 5 Miscellaneous provisions   |   |
| <b>5.21 Flood planning</b>  | The subject site is not mapped as being flood affected.   |
| Part 6 Additional local provisions  |   |
| <p><b>6.1 Earthworks</b></p> <p>(1) The objectives of this clause are as follows—</p> <p>(a) to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land,</p> <p>(b) to allow earthworks of a minor nature without requiring separate development consent.</p> <p>(2) Development consent is required for earthworks unless—</p> <p>(a) the earthworks are exempt development under this Plan or another applicable environmental planning instrument, or</p> <p>(b) the earthworks are ancillary to other development for which development consent has been given.</p> <p>(3) Before granting development consent for earthworks, the consent authority must consider the following matters—</p> <p>(a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,</p> <p>(b) the effect of the proposed development on the likely future use or redevelopment of the land,</p> <p>(c) the quality of the fill or the soil to be excavated, or both,</p> | <p>Earthworks will be required to facilitate the subdivision. It is considered that earthworks would be acceptable. Notwithstanding, Council's officer is satisfied that as conditioned earthworks would comply with Clause 6.1(3).</p>                                   |

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| <p>(d) the effect of the proposed development on the existing and likely amenity of adjoining properties,</p> <p>(e) the source of any fill material and the destination of any excavated material,</p> <p>(f) the likelihood of disturbing relics,</p> <p>(g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area,</p> <p>(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</p>                                 |  |
| <p><b>6.4 Essential services</b></p> <p>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—</p> <p>(a) the supply of water,</p> <p>(b) the supply of electricity,</p> <p>(c) the disposal and management of sewage,</p> <p>(d) stormwater drainage or on-site conservation,</p> <p>(e) suitable road access.</p> | <p>Council's officer is satisfied that the proposed subdivision is capable of being supplied with relevant essential services. In summary:</p> <ul style="list-style-type: none"> <li>• Water would be able to be captured on-site, which is acceptable for the zone;</li> <li>• It is expected that electricity would be able to be provided;</li> <li>• Sewerage disposal would be considered in conjunction with construction of a dwelling on each lot, however initially there does not appear to be significant constraints in achieving a solution;</li> <li>• Given no new roads are created, stormwater impacts would largely be considered through applications for dwellings. Notwithstanding, some work would occur to ensure that road reserves become a lawful point of discharge for the development; and</li> <li>• As conditioned, the proposal would have suitable road access.</li> </ul> |

No other aspects of the LEP require discussion.

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| <p><b>4.15(1)(a) the provisions of—</b></p> | <p><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></p> |
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There are no proposed planning instruments which are relevant to the assessment of the proposal.

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| <p><b>4.15(1)(a) the provisions of—</b></p> | <p><b><i>(iii) any development control plan</i></b></p> |
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## URALLA DEVELOPMENT CONTROL PLAN 2012

| Chapter 2 Subdivision   |   |
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| Relevant Provisions   |   |
| Provisions  | Comment   |
| 2.7 Subdivision in Large Lot Residential Areas  |   |
| <p><b>Aims and Objectives</b></p> <ul style="list-style-type: none"> <li>To ensure that subdivision in Rural Residential Areas is appropriate within the landscape;</li> <li>To ensure that subdivision will not result in increased risk from bushfire or other environmental hazards;</li> <li>To ensure that the intensification of land use does not result in undesirable environmental consequences; and</li> <li>To implement the 'user pays' principle for the provision of services to the subdivision.</li> </ul> <p><b>Relevant Performance Outcomes</b></p> <ul style="list-style-type: none"> <li>Minimum subdivision size is implemented as the Uralla LEP noting that strata subdivision below the LEP minimum lot size is not permitted;</li> <li>Subdivision design and construction meets Council's relevant engineering guidelines.</li> <li>Access handles for battle-axe blocks are to be excluded from the lot area for the purposes of minimum lot size calculations if the average width is below 25 metres.</li> </ul> | <p>The proposal would reasonably achieve the relevant aims and objectives, given the land is not affected by known environmental hazards, and (within the limits of the zoning and current planning instruments) the proposal would not result in unreasonable environmental consequences.</p> <p>As conditioned, the proposal acceptably meets the performance outcomes, and include provision of relevant services to appropriate standards and at the developers cost.</p> |
| <p><b>Acceptable Solutions</b></p> <p>In addition to meeting the lot size requirements of the Uralla LEP, any new lots created in a subdivision must provide at least one building envelope with the following attributes:</p> <ul style="list-style-type: none"> <li>Should minimize the clearing of existing vegetation,</li> <li>An existing all weather access or a feasible route for one to be constructed,</li> <li>Not within a known or potential flood planning area</li> <li>Not contaminated land,</li> <li>Must not be on a ridgeline visible from adjacent roads, and</li> <li>Should have suitable locations for the disposal of septic tank overflow (or an alternative</li> </ul>  | <p>The proposal meets the acceptable solutions. It is noted that as conditioned, restrictions would be placed on title which prevented removal of established vegetation.</p>   |

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| aerobic disposal system) (see Council's On-Site Waste Water Management Strategy);  |   |
| <p>New roads created by the subdivision shall be constructed and sealed according to Council's technical specifications;</p> <p>Council may require that existing roads be upgraded to a suitable standard to cater for any expected increase in traffic;</p>  | <p>The proposal does not meet the acceptable solution; however dispensation is recommended.</p> <p>The western road reserve would require forming to a suitable standard for a public road however it is not considered reasonable for it to be fully sealed in the context of currently servicing four lots.</p> |
| Council may require that a traffic study to be undertaken where there is a likelihood of a significant increase in traffic volumes resulting from the subdivision;   | A traffic study is not warranted for the proposal.  |
| <p>All prominent hilltops and ridges are to be preserved. Subdivisions should be designed so as to:</p> <ul style="list-style-type: none"> <li>• Exclude roads, powerlines and other services and amenities from hilltops,</li> <li>• Exclude dams and other earthworks from hilltops,</li> <li>• Any tanks and similar structures which are dependent upon gravity for their operation should be designed and located so as to blend in with the natural environment, and</li> <li>• Any clearing of vegetation for fence lines, building site, access tracks and asset protection zones shall be undertaken to comply with the provisions of the Local Land Services Act 2013 and the Biodiversity Conservation Act 2016;</li> </ul> | <p>The proposed layout is not affected by ridgeline considerations.</p> <p>It is considered that as conditioned, the proposal would have an acceptable impact in terms of clearing.</p> <p>It is noted that details regarding tanks may be considered under future dwelling applications.</p>                     |

| Chapter 13 Notification Procedures  |  |
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| 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 been notified to adjoining occupiers, in line with the Chapter.                            |
| 13.8 Amendments prior to Determination.   |  |
| <p>An applicant may make amendments to an application at any time before its determination, subject to Council's acceptance of those amendments. In these circumstances, Council will re-notify:</p> <ul style="list-style-type: none"> <li>• Those persons who made submissions on the original application; and</li> <li>• Any persons who own adjoining or neighbouring land (including those persons who were previously notified of</li> </ul> | The negotiations have not warranted further notification of the proposal to adjoining occupiers or submitters. |

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| the application) who may in Council's opinion potentially be detrimentally affected by the proposal as amended.  |  |
| <b>13.9 Notification Period</b>  |  |
| A person may inspect a plan and make a submission within the notification period which will be a minimum of 14 days.   | The period has complied with the requirement.  |
| <b>13.10 Consideration of Submissions</b>  |  |
| <p>Council will consider all submissions received within the specified time period before determining a Development Application. In making a determination the content of a submission must be balanced with the Council's statutory obligations. Submissions form a part of the assessment of an application and each application will be assessed on its merits.</p> <p>When determining a development application, Council will take into consideration any submissions it has received during the notification period. Delegated authority will not be used to determine a development application that has received a written objection to the proposal. Development applications that have had a written objection submitted will be referred to the relevant standing Council Committee for comment prior to being referred to Council for determination discussion.</p> <p><b>Applicant to be advised of Objections</b></p> <p>Written submissions cannot remain confidential as they may be used to assist in negotiations with the owner/applicant of the proposal or be included in Council business papers. The applicant, on request, will be advised of the terms of any objection and is entitled to read all submissions received. Where applications are amended in response to objections received, comments may be sought from previous objector/s.</p> <p><b>Notification of Determination</b></p> <p>Following determination of an application each person who made a submission will be advised in writing of Council's decision in determining an application as soon as practical.</p> | The assessment of the proposal (and further steps) have and will comply with these provisions. |

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| <b>Chapter 14 Contaminated Land</b>   |   |
| <b>Relevant Provisions</b>  |   |
| <b>Provisions</b>   | <b>Comment</b>  |
| <b>14.6 Acceptable Solutions</b>  |   |
| 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. |

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| <b>4.15(1)(a) the provisions of—</b> | <b>(iiia) any planning agreement that has been entered into under section 7.4, or any draft</b> |
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|  | <i>planning agreement that a developer has offered to enter into under section 7.4</i> |
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No planning agreement has been offered or entered into relating to the site.

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

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| <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> |
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| <b>Environmental Impacts – Built Environment</b>  |
| <p>The proposal is considered to have an acceptable impact on the built environment, as follows:</p> <ul style="list-style-type: none"> <li>- While it is noted that the proposal may cause harm by virtue of facilitating an intensification of the land, this is considered to be within reasonable limits, when considered in the context of the applicable minimum lot size and zoning.</li> <li>- The siting of dwellings on any resulting lots would be considered under separate planning processes, however a dwelling (the expected housing type) would fit comfortably within each lot.</li> <li>- Impacts relating to cumulative development are noted (e.g. potential loss of amenity from an uplift in density), however these are considered reasonable giving bearing to the minimum lot size and zoning.</li> </ul>   |
| <b>Environmental Impacts – Natural Environment</b>  |
| <p>The proposal is considered to have an acceptable impact on the natural environment, as follows:</p> <ul style="list-style-type: none"> <li>- As conditioned, the proposal would be required to comply with best-practice erosion and sediment control, dust suppression, noise, finding of any artefacts and similar ‘during construction’ type conditions.</li> <li>- The layout itself gives bearing to existing vegetation, and would not cause any extensive vegetation removal. In addition, the proposal has demonstrated through supporting material to have an acceptable impact in terms of matters for consideration under the Biodiversity Conservation Act 2016 and relevant SEPP’s.</li> <li>- The principle of development is largely established by the R5 zoning which the land benefits from. Notwithstanding, it is considered that the proposal is of a lower density type, which can successfully manage on-site wastewater requirements and general stormwater impacts. In this regard, the land is also able to be provided with a lawful point of discharge for the layout.</li> <li>- While the requirement for ‘best practice’ restrictions on land for sustainability are noted within a submission, in the absence of strong planning policy to require these there is not a ground for these inclusions. The developer may choose to include such restrictions.</li> <li>- The ‘wetness’ of the land is noted (particularly at Bundarra Road). This itself is not considered to be a reason for refusal, and will need to be explored and designed through follow up permits and the like. Ultimately, the land is not flood affected, therefore limiting this as a ground for negotiation.</li> </ul> |
| <b>Social and Economic Impacts</b>  |
|   |

In the officers view it is the social impacts of the development which are of particular consideration (noting that the development is considered acceptable in principle in terms of environmental matters). The proposal is considered acceptable on balance, as follows:

- The loss of farmland forms an important part of the principle of development, however in light of the R5 zoning of the land, the proposal is acceptable in this regard.
- Negotiations have occurred throughout the assessment process with regards to road safety: While the provision of any new access point at Bundarra Road is undesirable when considered against the relevant SEPP, it is considered that as conditioned, the proposal will have an acceptable impact on the safety and function of the Classified Road (despite access not being taken from a viable road reserve). These will include:
  - Dedication of land across Bundarra Road frontage (approximate 15m width);
  - Construction of driveway crossovers in accordance with relevant standards (also in accordance with TfNSW standards);
  - Widening of road pavement in vicinity of crossover, in order to create safe locations for bus and waste vehicles to safely pull off Bundarra Road;
  - Forming of an appropriate intersection; and
  - Applying restrictions preventing direct access to Bundarra Road, and an altered point of access for Lot 4.
- Other recommendations within submissions are commended (e.g. reduction in speed limit, walking/cycling track across frontage) but are not considered reasonable to condition as part of the proposal. Council's officer (with support from Development Engineer) consider that the proposal will be acceptable in terms of safety, as conditioned.
- It is agreed that the current lack of points of conflict together with the conducive visibility form to make the frontage an overtaking point, however again, as conditioned the proposal is considered to be acceptable. It is noted that should the balance lot be developed, further investigations would occur with regards to road safety and proportionate development standards.
- The submitters again should be commended with regards to their comments regarding cumulative impact, and considerations for built and social infrastructure (such as wider forming of road reserves for walking tracks and obtaining funding for Barry Munday Reserve). Ultimately these goals are outside of the limits of reasonableness to require as part of the application.
- Future dwellings would be liable to contribute towards Council's Section 7.12 Contribution fund, however it is agreed/noted that this does not necessarily result in local benefits.

**4.15(1)(c) -*****the suitability of the site for the development***

Council has previously determined that the site is suitable for the proposed development in re-zoning for the ULEP 2012. There are no aspects of the site to indicate that it would be unsuitable to accommodate the proposed development, as conditioned.

**4.15(1)(d) -*****(d) any submissions made in accordance with this Act or the regulations***

At the time of preparing this report, two (2) properly made submissions were received following notification of the application.

| Theme             | Further Details   | Officer Response  |
|-------------------|---|---|
| Cumulative Impact | Potential for ultimate yield of the land should be considered as part of application. | The submission theme is noted. In terms of the site itself, Council's officer has acknowledged that Lot 8 has potential to be |



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|   | <p>Together with land to the north, proposal would essentially create its own “village” (and should be assessed under Village subdivision provisions.</p> <p><i>“Council will only have this one opportunity to consider social and lifestyle implications for this 35 lot combined subdivisions and their integration and interaction into the Saumarez Ponds Village.”</i></p> <p>Piecemeal approach to developing the local area.</p> <p>While DA-57-2023 is approved, developer should be encouraged to link developments (e.g. by walking/cycling trail between the two areas).</p> <p>Ecological/spatial interconnectedness between the site and DA-57-2023 not considered.</p> <p>Masterplan needed for subdivision development in Uralla Shire. Council would be better placed if holistic view of land use was given priority.</p>   | <p>further development. Irrespective of this not forming part of the application, this likelihood has been taken into consideration in negotiations around access.</p> <p>In the absence of master planning expressed within relevant Planning Instruments, it is not reasonable to require that both sites effectively marry up. A Concept Plan for future stages of the development was requested as a recommendation (not a formal request) but declined.</p> <p>If approved, the applications may proceed independently however changes may occur following consent, should applicants be agreeable to layout amendments.</p> |
| Principle of Development  | Loss of viable farmland   | Considering the current R5 zoning of the land, the loss of farmland is considered acceptable.   |
| <p>Safety</p> <p>Note: preventing access to Bundarra Road cited several times</p> | <p><u>General</u></p> <p>Safety of Bundarra Road compromised by number of vehicles and sun directions (travelling to and from Armidale).</p> <p>Likely further traffic increases associated with renewable projects and Invergowrie developments. Historical ‘ribbon’ development of Bundarra Road pre-dates current considerations of vehicle numbers etc.</p> <p>Lack of verge, and deep channel at frontage of site to Bundarra Road.</p> <p>Frontage is a known overtaking point due to good visibility (following slowing at Barbados Corner).</p> <p>Conflicts with vehicles entering 100km/h zone.</p> <p>Poor condition of Bundarra Road surface.</p> <p>Seemingly lack of proportionate funding for Bundarra Road.</p> <p><u>Submitter Recommendations:</u></p> <p>All lots to be access from the western road reserve (submitter cites better example at Tanglewood Road [Armidale LGA]), with a tree buffer at Bundarra Road frontage).</p> <p><b>Note: images provided at end of this assessment.</b></p> | <p>The comments regarding the existing conditions and historical pattern of development are noted.</p> <p>While it would be desirable for the proposal to be amended to have access only from the western road reserve, the proposal (as conditioned) is considered acceptable when bearing consideration to Chapter 2, Part 2.3, Division 17, Subdivision 2, Section 2.119 of</p>  |

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|  | <p>Land is very wet at Bundarra Road frontage – while not a key safety consideration, access would be more dry from an internal access road which would be at a higher point in the land.</p> <p>Lot 8 should have two points of access from western road reserve only.</p> <p>*****</p> <p>Road reserve should be sealed to boundary of Lot 7. Sealing this road is in keeping with the USDCP principle of user pays. Direct access of Lots 2 to 5 and 8 to the Bundarra Rd should be reconsidered. Access may be safer for these Lots if a laneway at the back (North side) of the Lots links across to the Road Reserve laneway and all traffic accesses the Development at this Road Reserve single point.</p> <p>*****</p> <p>A large pull off area is needed for a school bus to make a safe bus stop. This area needs to be fully sealed as gravel areas rapidly deteriorate and become unsafe as drivers negotiate large pot holes.</p> <p>*****</p> <p>Safe walking/cycling track in front of Lots 1-5 (between proposed development boundaries and the drainage channel next to the Bundarra Rd) so children/people have safe access to the bus stop along Bundarra Rd (currently only a wide verge from Barbados Corner to 288 Bundarra Road). Council should consider extending this walking/cycling pathway along Bundarra Road from at least Dumaresq Rd to Marble Hill Rd as a safe walking/cycling track providing social connectivity within the Saumarez Ponds Village area.</p> <p>*****</p> <p>If Lots 2, 3 4 or 5 access the Bundarra Road directly, driveways should be extra wide so that cars with horse floats and trucks can enter the driveway without having to swing out into oncoming traffic. Consideration also needs to be given to the safe collection of garbage and recycling.</p> <p>*****</p> <p>An 80 km/h speed limit should be considered on the Bundarra Rd in this area</p> | <p>State Environmental Planning Policy (Transport and Infrastructure) 2021.</p> <p>The site characteristics of a likely point of future access falling within a 'wet' area of the land is noted, however this would ultimately be for the developer to design to suit and would be considered under separate approvals.</p> <p>*****</p> <p>In the context of the proposal servicing four lots from the western road reserve, it is not considered reasonable that the road should be fully sealed. While the DCP requires this, a dispensation is considered reasonable to limit sealing to 10m past the boundary of Lot 6. Should the balance lot be developed towards its ultimate density, further sealing would be required under separate planning permission.</p> <p>*****</p> <p>This ground is considered reasonable and is captured under recommended conditions of consent.</p> <p>*****</p> <p>It is noted that under the subject application, there would not be sufficient grounds to warrant construction of a pathway in front of, or beyond the site.</p> <p>*****</p> <p>This ground is considered reasonable and is captured under recommended conditions of consent through standard drawings.</p> <p>*****</p> <p>The application is considered acceptable for the 100km/h frontage. It is noted that</p> |
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|  | <p>Local roads (Dumaresq Rd, Marble Hill Rd, Mundays Lane, Ferris Lane and internally connected roads to these) need to have an 80 km/h speed limit.</p> <p>These are local areas with increasing population density and should be respected as such. This was proposed when DA-57-2023 was submitted but there does not appear to be any action on it as yet.</p> <p>Council should erect signs in the Saumarez Ponds area for cycle and pedestrian awareness.</p> <p>*****</p> <p>Connection of the Road Reserve to Bundarra Rd needs to be a full 2 vehicle road width and formed and sealed from the Bundarra Rd pavement</p> <p>This suggested laneway should be sealed and can easily be incorporated into the subdivision of Lot 8 at a later stage.</p> <p>*****</p> <p>Remaining section of road reserve should connect through to Mundays Lane as walking/cycling track and wildlife corridor, assist access to Barry Munday Reserve.</p> | <p>conditions would be applied for new accesses to align with TfNSW requirements.</p> <p>The proposal for changes to speed limits and signage are not material planning considerations. Again, the proposal is considered acceptable for the characteristics of the frontage.</p> <p>*****</p> <p>This is considered reasonable and is acceptable as conditioned.</p> <p>Comments regarding an alternative laneway are addressed earlier in this assessment.</p> <p>*****</p> <p>This is desirable but is not a reasonable condition within the limits of the proposal.</p> |
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|                          |   |  |
|--------------------------|---|--|
| Stormwater               | <p>Significant amounts of water flows in a North East direction across Lot 8 during extended rainfall periods. The dam situated in the North East corner of Lot 8 confirms this, as does the wetlands area around the dam and into the South East corner of the DA-57-2023 subdivision.</p> <p>Significant water flow and pooling the Bundarra Rd at around Lots 2 &amp; 3.</p> | <p>It is considered that the proposal would be acceptable bearing consideration to stormwater. Should Lot 8 be developed, overland flow coming from this land would be further considered.</p> <p>The pooling of water/depression along Bundarra Road is not considered a reason for refusal and would be considered in detail under separate applications for work on Council's road reserve.</p> |
| Power Supply             | <p>No outline of power provision/location of poles. Further extensions may harm rural setting.</p>  | <p>This ground is not considered reasonable, and there is no nexus in the scope of the proposal to expressly require that powerlines are provided underground.</p>   |
| Mobile Phone & NBN       | <p>Proposal will add to existing constrained services.</p>  | <p>This is noted but is not a reasonable condition/consideration within the limits of the proposal.</p>  |
| Environment (vegetation) | <p>Development needs to include enhancements to the environment. Koala habitat and birdlife canopy needs to be included in the Development.</p>   | <p>These grounds are considered desirable, however it is not considered reasonable to require provision of vegetative buffers and the like. Notwithstanding, conditions would</p>  |

|   |  |  |
|---|--|--|
|   | <p>Consideration for wildlife corridors (other than just plain wire fencing)</p> <p>Without planned environmental development, the DA will further degrade the environment.</p> <p>This rectification needs to be included in Council's requirements.</p>  | <p>be included to prevent clearing of established trees.</p> <p>Council's officer considers that as conditioned, the proposal will be acceptable and not cause unreasonable degradation.</p>   |
| Infrastructure                          | <p>Developer Contributions likely insufficient for the proposals impact on local infrastructure (e.g. even minimal for maintenance, no contribution for social infrastructure / new infrastructure)</p> <p>Existing infrastructure needs to be better managed.</p>   | This ground is noted.  |
| Housing Quality, Sustainability & Water | <p>Council should ensure that housing quality is of a high standard that meets sustainability guidelines. New residents should be encouraged to include rooftop solar panels, passive heating, double glazing, water conservation, drought tolerant gardens, etc.</p> <p>*****</p> <p>Local subterranean water is limited and over-subscribed. Existing bores in the area can fail in dry times. There should be no further bores sunk in the area and new residents should be encouraged to have sufficient rain water tanks for their needs.</p> | <p>This is considered desirable but is not a reasonable requirement to impose, particularly noting that there are current state-wide energy efficiency standards which are to be achieved when constructing a new dwelling.</p> <p>*****</p> <p>While it is not Council's role to comment on groundwater capacity, it is reasonable that a restrictions are applied to prevent any drilling of bores for potable water, noting the proximity to future on-site wastewater systems. Separate approvals would be required for drilling of a bore under section 52 of the <i>Water Management Act 2000</i>.</p> |
| Errors                                  | Descriptions within application material reference DA-57-2023  | Noted, however it is considered that as a whole the application material was satisfactory despite any errors.  |
| Naming                                  | Request aboriginal heritage be considered in any road naming.  | Noted  |



Figure 8: Aerial view of Tanglewood Road / Westview Road subdivision pattern referred to by submitter



Figure 9: Plan view of Tanglewood Road / Westview Road subdivision pattern referred to by submitter

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

On balance, the proposal satisfies relevant planning controls and would not be adverse to the public interest. Refer to previous discussions within the assessment with regards to the acceptability of road safety and similar matters.

Within the limits of the zoning and lot size characteristics, the proposal is acceptable from an ESD perspective.

## CONCLUSION

The proposed development is permissible with the consent of Council. A Section 4.15 assessment of the development indicates that the development is acceptable in this instance, particularly having bearing to matters raised in response to notification of the proposal, and the relevant aims, objectives and provisions of the Uralla Local Environmental Plan 2012 and Uralla Development Control Plan 2011.

The application is also considered acceptable on balance (as conditioned) with regards to matters raised under relevant SEPP's (in particular State Environmental Planning Policy [Transport and Infrastructure] 2021).

## Alternative

Notwithstanding the officer recommendation contained in this report, Council may wish to support the proposal subject to an alternative layout being provided preventing access from Bundarra Road, based on the relevant requirements of State Environmental Planning Policy [Transport and Infrastructure] 2021.

Given permissibility and the matter outlined below would be able to be resolved, the following alternative recommendation is provided for Council's consideration:

*That Council:*

- 1) *Authorises approval of Development Application (ref: DA-11-2024) for a Subdivision (1 Lot into 8 Lots) at Lot 2 DP577140, land known as 828 Bundarra Road, SAUMAREZ PONDS, under delegation to the General Manager, subject to:*
  - *Deferred Commencement – Matter: Provision of an amended plan of development providing vehicular access for all lots except Lot 1 from the existing road reserve (adjacent to western boundary of the site), rather than the Classified Road; and*
  - *Amendments to the conditions contained within the Notice of Determination only where in connection to with the Deferred Commencement matter.*

## COUNCIL IMPLICATIONS

### Community Engagement/Communication

The application was notified in accordance with the Uralla Community Engagement Plan related Community Participation Plan.

### Policy and Regulation

The proposal is consistent with matters for consideration pursuant to Section 4.15 of the Environmental Planning and Assessment Act 1979 including Uralla LEP 2011 and relevant State Environmental Planning Policies.

**Financial/Long Term Financial Plan**

No financial impacts.

**Asset Management/Asset Management Strategy**

Nil

**Workforce/Workforce Management Strategy**

Nil

**Legal and Risk Management**

The submitters and applicant will have appeal rights.

**Performance Measures**

Assessment has exceeded 42 days, due to reasonably proactive to negotiations with the applicant.

**Project Management**

Nil



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## 828 Bundarra Road Subdivision

### Response to Request for Information and submissions.

#### Requests

- Pursuant to Part 7, Clause 7.4 of the Biodiversity Conservation Act 2016, the land does not appear to be located on located category 1-exempt land (within the meaning of Part 5A of the Local Land Services Act 2013). Land excluded from the Local Land Services Act 2013 appears to be required to be considered under Clause 7.4. Please provide updated Koala and Biodiversity Impact Assessments. The environmental consultant has identified the land as category 1-exempt land. Regardless of any agreement on methodology and interpretation of mapping, the clearing required is 3,420 m<sup>2</sup> which is below the 5,000 m<sup>2</sup> threshold requiring a Biodiversity Development Assessment Report (BDAR) See provided BMAT report.
- Pursuant to Chapter 2, Part 2.3, Division 17, Subdivision 2, Section 2.119 of State Environmental Planning Policy (Transport and Infrastructure) 2021, the proposal does not demonstrate sufficient grounds for the granting of consent for 3 – 4 vacant lots fronting Bundarra Road. Council considers that practicable, safe vehicular access to the land can be provided from the adjoining road reserve which would not compromise the safety, efficiency, and ongoing operation of the classified road. Please provide an amended plan of development and updated SoEE addresses the above SEPP. Notwithstanding the above point, please , please provide an amended plan of development which shows road widening at Bundarra Road equivalent to the adjoining lot to the east. The SoEE has been amended. Of the eight lots proposed, only Lot 4 requires a new direct access to a classified road. To

1

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this end, the proposed development is consistent with Clause 2.119 of the SEPP as:

- where practicable and safe, vehicular access to the land is provided by a road other than the classified road;
- the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:
  - the design of the vehicular access to the land, or
  - the emission of smoke or dust from the development, or
  - the nature, volume or frequency of vehicles using the classified road to gain access to the land.

The proposed development is very much consistent with surrounding residential subdivision, and the creation of 6 new tenancies could not be reasonably be described as having a significant effect on overall traffic volumes. Consultation with various State agencies was undertaken prior to the R5 zoning, and no objections were raised.

With regard to the road widening, Council can only require this land dedication under a plan made under the EP&A Act, Roads Act, or compulsory acquisition of land under the Land Acquisition (Just Terms Compensation) Act 1991. No such mechanism is in place, therefore this requirement is not currently enforceable.

### **Submissions**

- *Masterplanning of DA-57/2023 and DA-11/2024.* DA-57/2023 is being undertaken by a different developer and was determined prior to the submission of DA-11/2024. The contract of sale for Munday Lane has been in place for over a year. The two developments are entirely unrelated apart from sharing a common boundary. The subdivision of 828 Bundarra Road was not even a concept during the development of DA-57/2023.
- *Dedication of land for pathways and wildlife corridors.* Again, no legal mechanisms are in place enabling Council to require any land dedication.

2

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The internal roads are 20m in width, and after the 6m wide road construction (in line with the Armidale Regional Council Engineering Codes utilised by USC), there is ample room for pedestrian thoroughfare.

- *Landscaping / tree cover.* This can be appropriately conditioned in line with the DCP at the time of dwelling construction.
- *Power supply should be underground.* Agreed, and should be conditioned.

**Submission – Uralla Shire DA-11-2024 – 828 Bundarra Rd**

Submitted 8-May-2024

**Summary**

1. DA-11-2024 is for 8 lots but is likely to extend to 16 lots when the 22 ha Lot 8 is further developed.
2. The site for DA-11-2024 is immediately adjacent to the site for DA-57-2023 that was recently approved by Council. These Developments infill the 83 ha farmland area between Munday Lane and Bundarra Road.
3. DA-11-2024 and DA-57-2023 are submitted by the same Applicant and are likely to be developed at the same time. The total number of Lots in the combined development is likely to be 35.
4. Interconnecting the two Developments with a walking/cycling path is strongly encouraged.
5. Saumarez Ponds area will continue to grow and be the 3<sup>rd</sup> largest population and dwelling area in the Uralla Shire behind Uralla township and Invergowrie.
6. These piecemeal Developments effectively turn the area into the **Saumarez Ponds Village** – but without any village planning.
7. Council is urged to consider a village approach to Developments, infrastructure and environmental issues (eg walking/cycling pathways, speed limits, interconnecting Developments, focal points for social interaction, wildlife corridors, improvement in tree cover, etc).
8. There are strong safety concerns regarding further vehicle access to Bundarra Rd, school bus access and pedestrians. Garbage and recycling collections could also be problematic.
9. The initial section of the Road Reserve should be sealed as part of the DA with the remaining section through to Munday Lane developed into a walk/cycling route and wildlife corridor.
10. Vehicle access from lots 2, 3, 4 and 5 should be encouraged to be via the Road Reserve rather than direct access onto Bundarra Rd.
11. Pedestrian/cycle access should be developed along the Bundarra Rd from at least Dumaresq Rd to Marble Hill Rd.
12. Environmental development should go hand in hand with the housing development.
13. Interconnecting new Developments with existing internal infrastructure is crucial in developing and promoting social interaction within the Village area.
14. Power supply should be underground to avoid a forest of power poles across existing farmland.
15. Capacity of existing Fixed Wireless NBN Internet services and Mobile Phone services are considered inadequate.
16. Ground water runoff is likely to be a problem for Lot 8 and Lot 3.
17. Subterranean water access should be restricted for new subdivisions.
18. Sustainable housing and gardens should be encouraged.

***Council will only have this one opportunity to consider social and lifestyle implications for this 35 lot combined subdivisions and their integration and interaction into the Saumarez Ponds Village.***

## Introduction

The Bundarra Road subdivision development (DA-11-2024) is 8 lots in an area of 42.55 ha. The layout for lot 8 in DA-11-2024 strongly indicates there will be further subdivision of Lot 8 at a later stage given there are two laneway access points – one from the Road Reserve and the other from Bundarra Rd. Lot 8 has an area of 22.9 ha so is likely to yield another 9 to 10 two hectare lots when subdivided. Therefore this 42.55 ha site is likely to have 16 (7+9) lots at some point in the (near?) future and Council should consider this in its discussions.

The Bundarra Road DA-11-2024 development site is immediately adjacent to the Mundays Lane Development (DA-57-2023) recently approved by Uralla Council. These Developments “back onto” each other (Figure 1) and combine to completely in-fill the 83 hectares of farm land between Mundays Lane and Bundarra Road (40.64 ha + 42.55 ha = 83.19 ha). The Applicants are the same for both Developments – “NSW Development Project Management Pty Ltd”. The dates of the various reports submitted with the Development Applications indicate that the Applicant was aware of the DA-11-2024 development when discussing the DA-57-2023 development with Council. In fact the “Site Description” in the Bio-Diversity Assessment for DA-11-2024 incorrectly states:

### 1.5 Site Description

The subject property is a small grazing property within the Saumarez Ponds settlement area. The property has been used for agricultural purposes for over 100 years and contains several dams. The site forms a roughly horseshoe arrangement with direct access to Munday's Lane.

... which is *exactly the same* as the (correct) description of the DA-57-2023 Application.

It is therefore reasonable to assume that both Developments will be developed at the same time using the same equipment and trades. Effectively this will mean that an 83 ha site will be developed into at least 27 lots - and likely 35 lots.

Council may have made different provisions in its approval of DA-57-2023 had it been made aware of the DA-11-2024 application at the time.

According to the 2021 Census data, the Saumarez Ponds area will become the 3<sup>rd</sup> largest population and housing district of Uralla Shire when these developments proceed (Table 1). The Developments will effectively transform the area into the “**Saumarez Ponds Village**”.

**Table 1.** Census data (2021) for Uralla Shire *(with projections after 35 lot Developments)*

| Locality                                     | People              | Families            | Dwellings           | Avg People / Household | Avg Vehicles / Dwelling |
|--|---------------------|---------------------|---------------------|------------------------|-------------------------|
| Uralla Township                              | 2,385               | 650                 | 1,168               | 2.2                    | 1.8                     |
| Invergowrie                                  | 794                 | 235                 | 328                 | 2.6                    | 2.3                     |
| Saumarez Ponds<br><i>(with developments)</i> | 416<br><i>(510)</i> | 128<br><i>(163)</i> | 171<br><i>(206)</i> | 2.7                    | 2.5                     |
| Bundarra                                     | 374                 | 102                 | 178                 | 2.3                    | 2.1                     |
| Rocky River                                  | 297                 | 73                  | 135                 | 2.4                    | 2.4                     |
| Kentucky                                     | 179                 | 53                  | 73                  | 2.5                    | 2.7                     |
| <b>Uralla Shire</b>                          | <b>5,971</b>        | <b>1,666</b>        | <b>2,746</b>        | <b>2.4</b>             | <b>2.1</b>              |

*See Appendix I for data and source.*





The Uralla Shire Development Control Plan (USDCP) has admirable aims and objectives for Subdivision in Village Areas:

## 2.6 Subdivision in Village Areas

### Where this Section Applies

The Section applies to the following land use zones:

- RU5 - Village

### Aims and Objectives

- To provide safe, convenient and attractive village neighbourhoods that meet the diverse and changing needs of the community by:
  - Offering a wide choice of good quality housing and associated community facilities,
  - Encouraging walking and cycling,
  - Minimising energy consumption,
  - Promoting a sense of place through neighbourhood focal points and the creation of a distinctive identity which recognises and, where relevant, preserves the natural environment,
  - Providing flexibility in land use.
- To ensure that subdivision will not result in increased risk from bushfire or flood;
- To ensure that the intensification of land use does not result in undesirable environmental consequences; and
- To implement the 'user pays' principle for the provision of services to the subdivision.

While these do not apply to R5 zoned land in the current USDCP, Council should consider some of these Aims and Objectives in assessing the proposed Development (DA-11-2024) and its relationship to DA-57-2023. ***Council will only have this one opportunity to consider social and lifestyle implications for this 35 lot combined subdivisions and their integration and interaction into the Saumarez Ponds Village.***

## Bundarra Road - Safety

The Bundarra Road services the second and third largest population areas of the Uralla Shire (Invergowrie and Saumarez Ponds respectively). It is a very busy local and through road. While traffic is constant, it peaks in the mornings and evenings - the safety of which is compounded by its unfavourable east/west orientation to the Sun as most traffic heads East in the morning and West in the afternoon. In the vicinity of the proposed development, there are deep drainage channels immediately adjacent to, and on both sides of, the road. There is no road verge. Serious accidents have already occurred at Barbatos Corner (intersection of Dumaresq Rd, Pinegrove Rd and Bundarra Rd). The road will continue to increase in traffic as further developments occur west of Saumarez Ponds in the Invergowrie area and as proposed renewables projects get underway. The road is generally in poor condition with large potholes recurring along the section between Dumaresq Rd and West beyond Marble Hill Rd. Cyclists in the region avoid the Bundarra Rd because it is too dangerous. Cars and trucks travel too fast and often pass too close, squeezing cyclists off the road as they overtake cyclists despite oncoming vehicles. The road surface is too narrow for cyclists and two vehicles to pass. In fact, the Bundarra Rd is barely wide enough for two trucks to pass, particularly as the edges of the bitumen get worn away.

The Bundarra Rd is a busy, major through road for the area but does not seem to get appropriate maintenance or development funding to make it safe.

DA-11-2024 needs to include:

- A large pull off area for a school bus to make a safe bus stop. This area needs to be fully sealed as gravel areas rapidly deteriorate and become unsafe as drivers negotiate large pot holes.
- Safe walking/cycling track in front of Lots 1-5 (between proposed development boundaries and the drainage channel next to the Bundarra Rd) so children/people have safe access to the bus stop along Bundarra Rd.
- Council should consider extending this walking/cycling pathway along Bundarra Road from at least Dumaresq Rd to Marble Hill Rd as a safe walking/cycling track providing social connectivity within the Saumarez Ponds Village area.
- If Lots 2, 3 4 or 5 access the Bundarra Road directly, driveways should be extra wide so that cars with horse floats and trucks can enter the driveway without having to swing out into on-coming traffic. Consideration also needs to be given to the safe collection of garbage and recycling.
- An 80 kmh speed limit should be considered on the Bundarra Rd in this area
- Council should erect signs in the Saumarez Ponds area for cycle and pedestrian awareness.

### **Road Reserve – subdivision access road and safe community connectivity**

It is proposed that the Road Reserve on the West of the Development will provide access to Lots 6, 7 and 8. Arguably, Lot 5 would be better served to use this as its Bundarra Rd access as well.

As a minimum, the initial connection of the Road Reserve to Bundarra Rd needs to be a full 2 vehicle road width and formed and sealed from the Bundarra Rd pavement to beyond the Southern boundary to the subdivision. This is simply a matter of safety and road durability.

However, this Road Reserve access road should be constructed and sealed up to the Northern boundary of Lot 7. A gravel road here will be very expensive for Council to maintain as there are few gravel roads in the area to justify routinely transporting large equipment for such a short road. If Lot 8 is further subdivided, this access road will be servicing another 9 Lots and a gravel road will not be appropriate. Sealing this road is in keeping with the USDCP principle of user pays.

Direct access of Lots 2 to 5 and 8 to the Bundarra Rd should be reconsidered. Access may be safer for these Lots if a laneway at the back (North side) of the Lots links across to the Road Reserve laneway and all traffic accesses the Development at this Road Reserve single point. This suggested laneway should be sealed and can easily be incorporated into the subdivision of Lot 8 at a later stage.

Council should consider developing the remaining (Northern) section of the Road Reserve through to Munday Lane as a walking/cycling track and wildlife corridor. This would provide safe pedestrian/cycle access to the Barry Munday Reserve and encourage walking and cycling while enhancing the connectivity of these Lots to the Saumarez Ponds Village community focal point and developing a sense of community. Council will also need to erect "No Motorbike" signs to avoid future noise and nuisance issues.

If the Development Application DA-11-2024 is withdrawn, Council should consider making the whole of the Road Reserve from Bundarra Rd to Munday Lane a walking/cycling track and wildlife corridor.

### **Connectivity to Northern Subdivision (DA-57-2023) and Community**

Development Applications DA-11-2024 and DA-57-2023 are a piecemeal approach to developing the local area. The Developer should be encouraged to link the two Developments by including a (5m? width) walking/cycling trail between the two DAs. For example, DA-57-2023 could be modified to have a public access lane between their Lots 8 & 9 while Council might allow slightly smaller lots than the 2 ha minimum for these two lots to encourage this link. When Lot 8 in DA-11-2024 is developed, this laneway should be incorporated into this development in a way that allows any new and existing Lots (1-7) access in a Northerly direction through this lane way. Such integration is for both enhancing sense of Community as well as a safety aspect during bush fires.

This subdivision connectivity should be in addition to the suggested walk/cycle track proposed earlier for the Road reserve.

Consideration should be given to extending this network of walking tracks in the area. Some local landholders may be amenable to having sign-posted walking tracks across their private land – in a similar manner to that seen in Europe and the UK. Suggested walking connections in this locale would be West from the Road Reserve to Marble Hill Rd and East to Dumaresq Rd. This inter-connectivity within region would significantly enhance social interactions and sense of community.

Council needs to genuinely consider the local infrastructure required to service the increase in population and local vehicle traffic from these and ongoing developments in the Saumarez Ponds district. The 3<sup>rd</sup> largest population base in the Uralla Shire requires infrastructure development for walking/cycling in a safe environment and social interaction opportunities at Barry Munday reserve. The Reserve has the bones of a useful resource, but needs power and water connections, toilet facilities and upgrades to the tennis courts and environs. Volunteers try to develop the area in a piecemeal fashion as time and money permits - but useful funding is difficult to obtain. Council should consider contributing more resources to developing and maintaining the Reserve.

The funds from the Developer Contributions are insufficient for the impact that these Developments are likely to have on existing local infrastructure. The Developer Contributions funds are unlikely to cover repairing pot holes in the roads let alone actually developing any Village infrastructure.

Existing infrastructure needs to be better managed. Local roads (Dumaresq Rd, Marble Hill Rd, Munday Lane, Ferris Lane and internally connected roads to these) need to have an 80 kmh speed limit. These are local areas with increasing population density and should be respected as such. This was proposed when DA-57-2023 was submitted but there does not appear to be any action on it as yet.

### **Water Flow**

Significant amounts of water flows in a North East direction across Lot 8 during extended rainfall periods. The dam situated in the North East corner of Lot 8 confirms this, as does the wetlands area around the dam and into the South East corner of the DA-57-2023 subdivision. There is also significant water flow and pooling at the Bundarra Rd at around Lots 2 & 3.

The subdivision will need to adequately provide for this amount of water. The area is called Saumarez Ponds for a reason.



## **Power Supply**

There is no outline of what the provision/location of power to the Lots will be. There is already a maze of overhead power lines in the area. Provision of underground power to these Lots should be considered. The area will lose its open space / farm land character with the development. Further extending the overhead powerlines network will make it look like a power pole forest.

## **Mobile Phone and NBN**

As a user, my experience is that existing mobile phone and NBN connections seem to be struggling with existing customers. The fixed wireless NBN struggles as further connections are made. This is a function of the technology – more customers, slower response. There appears to be one tower that services both Invergowrie and Saumarez Ponds. Both these areas continue to be developed.

The Development Application basically says this service is available – but without reference to quality. I suggest that another 35 households on Fixed wireless NBN will grind the system to a halt. As this happens, the mobile phone service will follow as people try to “hotspot” their phones for internet.

Advocating for improved services needs to start now, before the crunch period occurs.

## **Environmental**

The DA includes information about the lack of existing tree cover, plants, koalas, birds, etc. as a result of extensive farming practices over the past 100 years. There is general discussion about how this will be rectified. This rectification needs to be included in Council's requirements should this DA be approved.

The Development needs to proactively include enhancements to the local environment, rather than simply increasing sheds and housing. Koala habitat and birdlife canopy needs to be included in the Development. Consideration for wildlife corridors – other than just plain wire fencing. Without planned environmental development, the DA will further degrade the environment.

## **Housing quality, sustainability and water**

Council should ensure that housing quality is of a high standard that meets sustainability guidelines. New residents should be encouraged to include rooftop solar panels, passive heating, double glazing, water conservation, drought tolerant gardens, etc.

Local subterranean water is limited and over-subscribed. Existing bores in the area can fail in dry times. There should be no further bores sunk in the area and new residents should be encouraged to have sufficient rain water tanks for their needs. Uralla Council will need to accept that some households will need to purchase water from the Shire in dry times and facilitate this.

\* \* \* \* \*

## Appendix I. 2021 Census Data applicable to submission

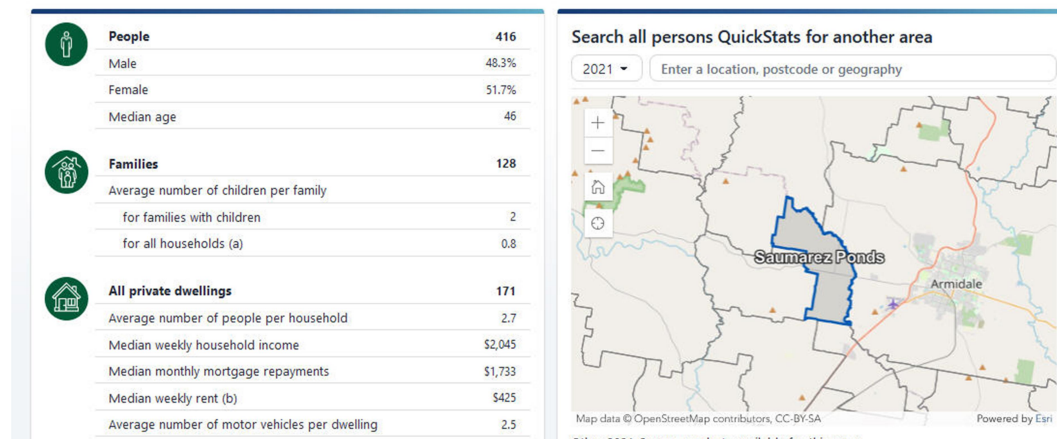
Source: Australian Bureau of Statistics website

<https://www.abs.gov.au/census/find-census-data/quickstats/2021>

### Saumarez Ponds

#### 2021 Census All persons QuickStats

Geography type [Suburbs and Localities](#)  
Area code SAL13510

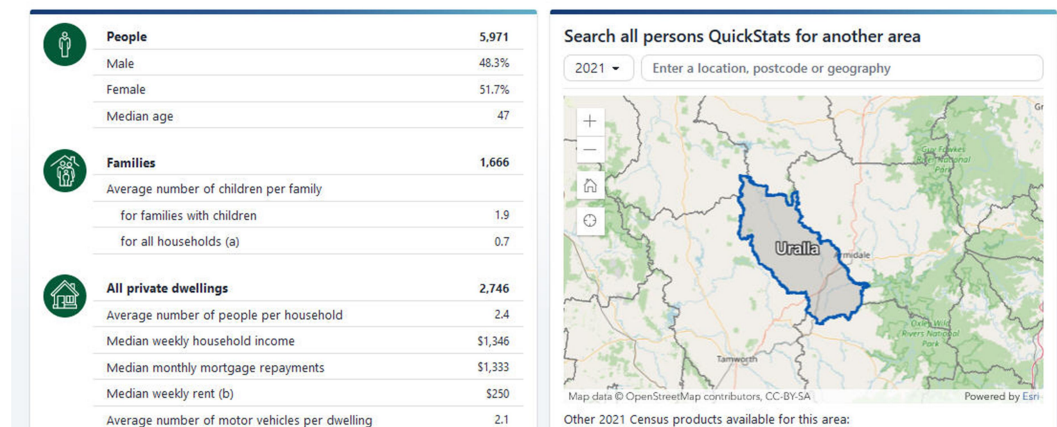


Uralla Shire:

### Uralla

#### 2021 Census All persons QuickStats

Geography type [Local Government Areas](#)  
Area code LGA17650



## Bundarra (L)

2021 Census All persons QuickStats

Geography type [Urban Centres and Localities](#)  
Area code UCL122028

|   |   |            |
|---|---|------------|
|  | <b>People</b>                                 | <b>374</b> |
|   | Male  | 51.2%      |
|   | Female  | 48.8%      |
|   | Median age                                    | 53         |
|  | <b>Families</b>                               | <b>102</b> |
|   | Average number of children per family         |            |
|   | for families with children                    | 1.8        |
|   | for all households (a)                        | 0.6        |
|  | <b>All private dwellings</b>                  | <b>178</b> |
|   | Average number of people per household        | 2.3        |
|   | Median weekly household income                | \$890      |
|   | Median monthly mortgage repayments            | \$719      |
|   | Median weekly rent (b)                        | \$200      |
|   | Average number of motor vehicles per dwelling | 2.1        |

### Search all persons QuickStats for another area

2021



Map data © OpenStreetMap contributors, CC-BY-SA  
Other 2021 Census products available for this area:

## Kentucky

2021 Census All persons QuickStats

Geography type [Suburbs and Localities](#)  
Area code SAL12110

|   |   |            |
|---|---|------------|
|  | <b>People</b>                                 | <b>179</b> |
|   | Male  | 43.8%      |
|   | Female  | 56.2%      |
|   | Median age                                    | 52         |
|  | <b>Families</b>                               | <b>53</b>  |
|   | Average number of children per family         |            |
|   | for families with children                    | 1.7        |
|   | for all households (a)                        | 0.6        |
|  | <b>All private dwellings</b>                  | <b>73</b>  |
|   | Average number of people per household        | 2.5        |
|   | Median weekly household income                | \$1,531    |
|   | Median monthly mortgage repayments            | \$1,629    |
|   | Median weekly rent (b)                        | \$120      |
|   | Average number of motor vehicles per dwelling | 2.7        |

### Search all persons QuickStats for another area

2021



Map data © OpenStreetMap contributors, CC-BY-SA  
Other 2021 Census products available for this area:

## Uralla Township

## Uralla

## 2021 Census All persons QuickStats

Geography type [Urban Centres and Localities](#)  
Area code UCL115143

|   |   |         |
|---|---|---------|
|  | <b>People</b>                                 | 2,385   |
|   | Male  | 46.7%   |
|   | Female  | 53.3%   |
|   | Median age                                    | 46      |
|  | <b>Families</b>                               | 650     |
|   | Average number of children per family         |         |
|   | for families with children                    | 1.9     |
|   | for all households (a)                        | 0.6     |
|  | <b>All private dwellings</b>                  | 1,168   |
|   | Average number of people per household        | 2.2     |
|   | Median weekly household income                | \$1,106 |
|   | Median monthly mortgage repayments            | \$1,252 |
|   | Median weekly rent (b)                        | \$250   |
|   | Average number of motor vehicles per dwelling | 1.8     |

## Search all persons QuickStats for another area

2021

Enter a location, postcode or geography



Map data © OpenStreetMap contributors, CC-BY-SA


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Other 2021 Census products available for this area:

## Rocky River (Uralla - NSW)

## 2021 Census All persons QuickStats

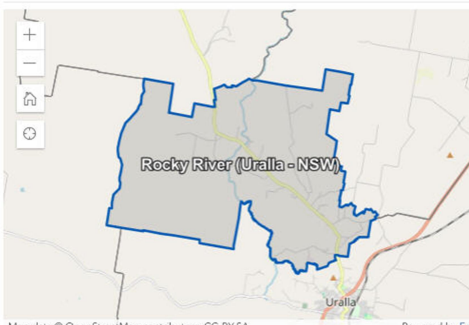
Geography type [Suburbs and Localities](#)  
Area code SAL13405

|   |   |         |
|---|---|---------|
|  | <b>People</b>                                 | 297     |
|   | Male  | 49.2%   |
|   | Female  | 50.8%   |
|   | Median age                                    | 48      |
|  | <b>Families</b>                               | 73      |
|   | Average number of children per family         |         |
|   | for families with children                    | 1.9     |
|   | for all households (a)                        | 0.7     |
|  | <b>All private dwellings</b>                  | 135     |
|   | Average number of people per household        | 2.4     |
|   | Median weekly household income                | \$1,343 |
|   | Median monthly mortgage repayments            | \$1,387 |
|   | Median weekly rent (b)                        | \$220   |
|   | Average number of motor vehicles per dwelling | 2.4     |

## Search all persons QuickStats for another area

2021

Enter a location, postcode or geography



Map data © OpenStreetMap contributors, CC-BY-SA




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Other 2021 Census products available for this area:

# Invergowrie


2021 Census All persons QuickStats

Geography type [Suburbs and Localities](#)  
Area code: SAL11992

|   |   |         |
|---|---|---------|
|  | <b>People</b>                                 | 794     |
|   | Male  | 50.5%   |
|   | Female  | 49.5%   |
|   | Median age                                    | 43      |
|  | <b>Families</b>                               | 235     |
|   | Average number of children per family         |         |
|   | for families with children                    | 1.9     |
|   | for all households (a)                        | 0.8     |
|  | <b>All private dwellings</b>                  | 328     |
|   | Average number of people per household        | 2.6     |
|   | Median weekly household income                | \$1,906 |
|   | Median monthly mortgage repayments            | \$1,647 |
|   | Median weekly rent (b)                        | \$350   |
|   | Average number of motor vehicles per dwelling | 2.3     |

### Search all persons QuickStats for another area

2021

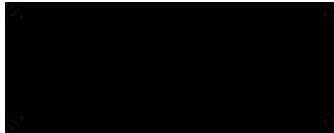


Map data © OpenStreetMap contributors, CC-BY-SA  
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Other 2021 Census products available for this area:

**Submission by way of Objection for Development Application****DA -11-2024**

Submitted by Louise Allen (M.L Allen)



9 May 2024

I am writing to express concerns over the subdivision proposed for development DA -11-2024.

Background: We have lived [REDACTED], at Saumarez Ponds, for over 4 decades and know our area. We appreciate the lifestyle we have enjoyed and appreciate why people would want to live here.

Some people might consider any opposition to new developments as a NIMBY response (i.e. a 'not in my backyard' response,) so, I hope my thoughts are accepted, based on many years of enjoyment and observation of the large farms that have surrounded our small 5-acre block.

Personally, I feel a real sense of loss, to learn that another large part, of what was a viable farm, has been put up for subdivision. It is an exciting time for agriculture and for a new generation of younger farmers. Once this property gets parcelled up, the infrastructure impacts will be such, that, there is no chance of returning it to a viable farm, as it sits in the landscape today.

The main issues that I will address in my submission will be:

1. Access to the subdivision and road safety.
2. The social amenity provision for this subdivision and connectivity with the adjoining subdivision.
3. Appreciating the whole landscape.

### **1. Access and Road Safety issues**

#### ***1.1 Recommendation that all proposed new bare lots of DA - 11 - 2024 be accessed from the Road Reserve (i.e. Lots 2, 3, 4, 5, 6 and 8.)***

The Bundarra Road is one of the busiest roads in our Shire, servicing areas with a large commuting population from Invergowrie, Saumarez Ponds and areas west along the Bundarra Road.

My recommendation is that accessing the Bundarra Road, with individual driveways, is not the safest option, now, or into the future.

*Is the Bundarra Road (west of Barbatos Corner) pedestrian-friendly?* On the northern side, which is the side proposed for the new subdivision, there are a small number of smaller acreage properties located to the west of Barbatos Corner and up to 828 Bundarra Road. On these properties there is reasonably wide (mown) grass verge. The wide verge can be used for walking, it certainly requires mowing and is used by the mail delivery service to drive along the verge, off- road to deliver to a few of the mail boxes.



40 to 50 years ago the linear blocks were developed on a road that was vastly less busy than it is today.

Today, if separate driveways are planned into the subdivision i.e. for Lots 2, 3, 4, 5 and 8, as shown on the lot layout plan, Road Safety is the biggest concern I would have for the future residents.

My discussion points will try to show why the use of the Road Reserve is the best safe option for entrance to the subdivision.

*An observation of traffic along this stretch of the Bundarra Road, west of Barbatos Corner to Marble Hill Road. What is traffic like in the area?*

It is not just the numbers of vehicles that use the road, it is the travelling speed, and poor decision -making, that some drivers exhibit when travelling to and from town.

Sadly, there have been fatalities and collisions at the Barbatos Corner Intersection.

*The stretch of road between Barbatos Corner and the Road Reserve, has become the overtaking stretch of the road.*

*There is a lack of driver patience on this stretch of the road.*

The traffic might slow at the Barbatos Corner intersection, but drivers are impatient to get to top – speed, and do not anticipate local residents turning off the Bundarra Road, into property entrances.

The expectation of many drivers is that everyone will travel at top speed, once a vehicle enters the Bundarra Road.

If there are plans to turn off the road into a property driveway, especially if it involves crossing to the opposite side of the road, drivers need to be extremely vigilant.



This is another reason why subdivision access should be directed to the Road Reserve.

*The position of the sun and the east / west orientation of much of the Bundarra Road.*

At certain times of the year, the position of the western sun, in the late afternoon, is directly in line with the Bundarra Road.

Many road users, travelling west, will have experienced the danger of driving into the afternoon sunlight, with reduced visibility when this is the case.

*The heavy use of trucks along the Bundarra Road.*

The increasing number of trucks collecting quarry material is commonly noted by residents. Heavy trucks are part of regular traffic movements and need to be factored in for planning along the Bundarra Road, being especially mindful of the increased future demands of renewables and energy- zone constructions.

### ***1.2 Recommendation that a school bus- stop be planned, near the entrance to the Road Reserve.***

This is an example of adding social amenity to the development proposal.

Uralla Council would need to plan a safe drop-off area for the afternoon bus route, nearby, and on the southern side of the road from the entrance to the Road Reserve.

### ***1.3 Recommendation an internal subdivision road be constructed, from the Road Reserve along the northern side of the blocks Lots 5, 4, 3 and 2.***

As noted, road safety will be enhanced by removing the access from the Bundarra Road.

The blocks can still have attractive driveways from the new internal road.

There is no benefit to having a house face south towards the Bundarra Road.

That is a planning characteristic of 40 -50 years ago, where houses faced road frontages.

The new residents would benefit if they regarded the Bundarra Road as the back of their lots. Planting shelter plantings on their southern boundaries would help reduce the impact of vehicle lights at night, and noise from traffic, along a very busy road. A good example of this can be seen closer to Armidale, in the Tanglewood Rd South and Westview Road development.

*An internal road will avoid the cost of constructing expensive individual entrances, and hard -to- maintain driveways, along the Bundarra Road.*

By having an internal road on the northern side of these blocks, it would eliminate the expenses of engineered culverts and driveways from the Bundarra Road.

The flow of water to the south of some of the blocks is evident in wet weather. 30 mls of rain is enough to see water lying on the southern boundaries and into the road- side channel. The stands of trees can be seen sitting in slow drainage areas. These low -lying areas are

mentioned in the environmental report. The water flow in the landscape can be slow. It can take weeks to dry.

It would be less expensive to construct drives on the better-drained northern sides of the blocks.

*Additional vehicles associated with households*

As many rural residents also have trailers, recreational vehicles and horse floats, any driveways off the Bundarra Road would need to be generous in width and distance to an entrance gate, so that the movements onto and off the road is smooth and safe.

***1.4 Recommendation that the laneway access proposed for Lot 8 needs specific planning consideration.***

The best options for a second access into Lot 8 needs to be thought through, now, with this application.

It should be assumed that Block 8 will always be marketed as a block with sub-division potential.

Lot 8 should not need access granted to the Bundarra Road for all the reasons given, about road safety concerns for the proposed subdivision.

***1.5 Recommendation that Lot 8 has two access roads from the Road Reserve.***

There is road space allocated on the plan between Lot 6 and 7.

Lot 8 could also access a new internal roadway between Lot 5 and 6.

Lot 6 would need to be slightly re-positioned and maybe Lot 7's southern boundary be slightly re-positioned.

## **(2) Connectivity and Social Amenity**

*The development of a subdivision, without any provision for social amenity, needs further work.*

It is important to think of the social aspects of living in a community. Council should expect this as part of each subdivision proposal.

Two subdivisions are now going to be located next to each other. The obvious connectivity between the two areas should be considered.

If residents can utilise their local living environment to run, walk, cycle and exercise dogs, they need to be able to safely move in the area near where they live. Access roads should not just be focussed on vehicle movement.

If the Road Reserve could be regarded as a communal facility, this would be a boost to the social amenity of this subdivision and the Lot 4 Mundays Lane subdivision.

It could be possible to develop a people- friendly space – a grass track from this subdivision to Mundays Lane. The properties on both sides of the Road Reserve, to Mundays Lane, could form a natural link.

If people felt a connection to other locals, there might even be future community engagement in native vegetation planting and enhancing it as a natural vegetation corridor.

If recreational access across to Mundays Lane was available, for pedestrians and cyclists, (not vehicles or motorbikes), it would encourage greater use of the Barry Munday Recreation reserve.

Providing a bus pick- up zone is an addition to the social amenity of the area.

These amenities need to be in place at the planning stage.

***2.1 Recommendation that the subdivision plan show designated social amenity provision.***

**(3) Appreciating the whole landscape**

The two subdivision acreages are part of the one landscape.

The contour lines and drainage patterns are connected across fence boundaries.

The way water moves through the soil is connected from this area to the Saumarez Creek.

Wetlands, significant and minor, are where they have been for millennia.

Human impact is going to be significant.

It is a great shame that the first development was submitted, and a decision arrived at, without knowing that a second proposal was on the back- burner.

*The quality and size of the whole property, one landscape, deserved to be given the benefit of master planning.*

Obviously, given the time and efforts put in by Councillors to meet with the local community, read the documents and submissions for the Lot 4 Mundays Lane Subdivision, and consider it at two meetings,

it would be understandable if there was a strong negative response, felt by councillors, about the timing of the submissions.

*Regardless, of whether people think that parcels of land are uniquely separate, nature will show the interconnectedness of this land.*

This is best illustrated by the natural small wetland depression in Lot 10 in the previous Lot 4 Mundays Lane subdivision.

The waters from Lot 8 in this proposal DA -11-2024, will move through to Lot 10 and then on through Lots 11, 12 and 13 in the Mundays Lane subdivision.

The connectivity of the two large parcels of land, offered such an opportunity to address some of the major concerns expressed about the first application. That opportunity has been denied.

What needs to be put in place by council to avoid the long-term effects of piecemeal development plans being put to Council?

A Master plan is needed for the planning department, so that it is the Council taking the lead, with a vision for community development.

Uralla Council would be better placed now if a holistic view of land use was given priority.

A whole-of-area planning view was necessary, to achieve a better outcome for the two adjoining developments in Saumarez Ponds.

Planning is needed before the next application for 'in- filling' of the landscape.

Planning is needed for future developments along the Bundarra Road.

***(3.1) Recommendation that the council planning department formulates a Master Plan for subdivision development in the Uralla Shire, regarding current road use patterns, sustainable developments for the future and fire safety considerations.***

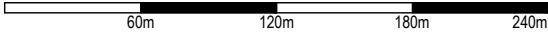
In conclusion, my hope is that the best outcomes will be found for the planned development and that each land owner develops a love of this landscape. Saumarez Ponds has its more recent history of being developed by early settlers, but the longer that you live here, the deeper is the appreciation of the land; what these 'Tableland ponds' must have meant for indigenous people, and which continue to be vital to a healthy ecosystem for birds and wildlife.

In considering names for the new subdivisions, I hope that Aboriginal names are chosen.

Louise Allen

9 May 2024





**Notes**

1. The location of underground service lines are indicative only.
2. Areas and dimensions shown are for planning and Development Application purposes only. These are subject to registration of final title survey plan.
3. Aerial imagery (© SIX Maps / Digital Globe) is indicative and provided for site context.

RR: 1:3000 @ A3  
Datum: N/A  
Origin: N/A  
RL: N/A  
Contour: N/A

Date: 30.01.24  
Ref: 1376 Danieli rev E  
Surveyor: Michael Croft  
Drawn: SB  
Sheet: 1 of 1

**PLAN SHOWING LOT LAYOUT  
OVER LOT 2 IN DP 577140**  
828 Bundarra Road, SAUMAREZ PONDS NSW 2350  
Client: Danieli family



PO Box 1563 | Armidale NSW 2350 | T: 02 6772 1077 | M: 0414 782 867 | E: office@croftsurveying.com | www.croftsurveying.com



**NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION**

|   |  |
|---|--|
| <b>Application number</b>                   | DA-11-2024<br>PAN-416621   |
| <b>Applicant</b>                            | Matt Clarkson<br>Unit 2 46B Hill Street Scone NSW 2337                                 |
| <b>Description of development</b>           | Subdivision - One (1) Lot into Eight (8) Lots  |
| <b>Property</b>                             | 828 BUNDARRA ROAD SAUMAREZ PONDS 2350<br>2/-/DP577140<br>10/-/DP241491<br>4/-/DP590685 |
| <b>Determination</b>                        | Approved<br>Consent Authority - Council  |
| <b>Date of determination</b>                | 27/08/24   |
| <b>Date from which the consent operates</b> | 27/08/24   |
| <b>Date on which the consent lapses</b>     | 27/08/24   |

Under section 4.18(1) of the EP&A Act, notice is given that the above development application has been determined by the granting of consent using the power in section 4.16(1)(a) of the EP&A Act, subject to the conditions specified in this notice.

**Right of appeal / review of determination**

If you are dissatisfied with this determination:

**Request a review**

You may request a review of the consent authority's decision under section 8.3(1) of the EP&A Act. The application must be made to the consent authority within 6 months from the date that you received the original determination notice provided that an appeal under section 8.7 of the EP&A Act has not been disposed of by the Court.

**Rights to appeal**

You have a right under section 8.7 of the EP&A Act to appeal to the Court within 6 months after the date on which the determination appealed against is notified or registered on the NSW planning portal.

The Dictionary at the end of this consent defines words and expressions for the purposes of this determination.



Simon Vivers  
Interim Manager Development and Planning  
Person on behalf of the consent authority

### Terms and Reasons for Conditions

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

### General Conditions

1

Erection of signs

1. This section applies to a development consent for development involving building work, subdivision work or demolition work.

2. It is a condition of the development consent that a sign must be erected in a prominent position on a site on which building work, subdivision work or demolition work is being carried out—

a. showing the name, address and telephone number of the principal certifier for the work, and

b. showing the name of the principal contractor, if any, for the building work and a telephone number on which the principal contractor may be contacted outside working hours, and

c. stating that unauthorised entry to the work site is prohibited.

3. The sign must be—

a. maintained while the building work, subdivision work or demolition work is being carried out, and

b. removed when the work has been completed.

4. This section does not apply in relation to—

a. building work, subdivision work or demolition work carried out inside an existing building, if the work does not affect the external walls of the building, or

b. Crown building work certified to comply with the *Building Code of Australia* under the Act, Part 6.

Condition reason:

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

2

Approved plans and supporting documentation

Development must be carried out in accordance with the following approved plan and documents, except where the conditions of this consent expressly require otherwise.

Approved plans

|                                  |                             |              |
|----------------------------------|-----------------------------|--------------|
| Plan Reference                   | Drawn by                    | Date of plan |
| 1376 Danieli Rev E, Sheet 1 of 1 | Croft Surveying and Mapping | 30.01.2024   |

Approved documents

|   |                |                  |
|---|----------------|------------------|
| Document title  | Prepared by    | Date of document |
| Biodiversity Assessment Report & Koala Habitat Assessment | Stephen Cotter | 01.03.2024       |

In the event of any inconsistency between the approved plans and documents, the approved Documents prevail. In the event of any inconsistency with the approved plan and a condition of this consent, the condition prevails.

For the avoidance of doubt, this consent relates only to Lot 2 DP577140.

Condition reason: To ensure all parties are aware of the approved plans and supporting documentation

| 3   | <p><b>Subdivision Works Certificate</b></p> <p>In accordance with the provisions of Section 6.12 and 6.13 of the Environmental Planning and Assessment Act 1979, works approved by this consent must not commence until:</p> <ul style="list-style-type: none"> <li>• A Subdivision Works Certificate has been issued by Council or an Accredited Certifier. Either Council or an Accredited Certifier can act as the “Principal Certifier”;</li> <li>• A Principal Certifier has been appointed and Council has been notified; and</li> <li>• At least two (2) days notice has been given to Council of the intention to commence work.</li> </ul> <p>The documentation required under this condition must show that the proposal complies with all development consent conditions and is not inconsistent with the approved plans.</p> <p><b>Condition reason:</b> To ensure the development proceeds in an appropriate manner.</p>   |                   |         |  |   |   |   |
|---|---|-------------------|---------|--|---|---|---|
| 4   | <p><b>Application for Subdivision Certificate</b></p> <p>An Application for a Subdivision Certificate is to be submitted via the NSW Planning Portal, with all relevant documentation and plans, including a statement of how each of the conditions has been satisfied.</p> <p>Details of any staging, compliance with relevant consent conditions, and all required easements, positive covenants and restrictions as to user are to be included on the documentation submitted for a Subdivision Certificate for the subject lots, to ensure that the relevant consent requirements are addressed.</p> <p><b>Condition reason:</b> To ensure that the relevant consent requirements are addressed.</p>   |                   |         |  |   |   |   |
| 5   | <p><b>Staging (if required)</b></p> <p>Any staging of the subdivision and staging of related works/infrastructure required under this consent, is to ensure that each stage addresses all relevant conditions of this consent and is self-sufficient in terms of servicing and functionality. Details of any staging, compliance with relevant consent conditions, and all required easements, positive covenants and restrictions as to user are to be included on the documentation submitted for a Subdivision Certificate.</p> <p>Details of any staging plans and any proposal (i.e. surveyor plans) to amend the proposed lot numbering for the subdivision, may be required to be the subject of an application for the modification of this consent, if necessary, to ensure that the consent properly reflects the manner in which the subdivision is to be implemented.</p> <p><b>Condition reason:</b> To ensure the development proceeds in an acceptable manner.</p> |                   |         |  |   |   |   |
| 6   | <p><b>Approved Plan - Amendments</b></p> <p>Notwithstanding the details hereby approved, the approved plan of development is varied as follows:</p> <table border="1" data-bbox="347 1323 946 1823"> <thead> <tr> <th>Variation to Plan</th><th>Details</th></tr> </thead> <tbody> <tr> <td>Dedication of land at Bundarra Road frontage to Council; and</td><td>The land subject to dedication shall be the entire span at the Bundarra Road frontage. The amended southern boundary all lots fronting Bundarra Road shall be level with the southern boundary of Lot 1 DP241491.</td></tr> <tr> <td>Provision of an Access Handle to Lot 4 located off the unformed road reserve.</td><td>The access handle must: <ul style="list-style-type: none"> <li>• be no less than 5m wide;</li> <li>• have a 3m wide driveway/pavement width, with a compacted 150mm base</li> <li>• have a minimum 2 coat seal finish.</li> </ul> </td></tr> </tbody> </table>                        | Variation to Plan | Details | Dedication of land at Bundarra Road frontage to Council; and | The land subject to dedication shall be the entire span at the Bundarra Road frontage. The amended southern boundary all lots fronting Bundarra Road shall be level with the southern boundary of Lot 1 DP241491. | Provision of an Access Handle to Lot 4 located off the unformed road reserve. | The access handle must: <ul style="list-style-type: none"> <li>• be no less than 5m wide;</li> <li>• have a 3m wide driveway/pavement width, with a compacted 150mm base</li> <li>• have a minimum 2 coat seal finish.</li> </ul> |
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|   |  |
|---|--|
|   | <p>Details are be demonstrated as part of:</p> <ul style="list-style-type: none"> <li>• A Subdivision Certificate application; and</li> <li>• Any required Subdivision Works Certificate documentation</li> </ul> <p>Minor variances to lot layout may occur as a result of the condition, however no lot shall be less than 2ha in size, and any access handle shall be excluded from this area standard.</p> <p><b>Condition reason:</b> To ensure that future development of the land and wider area is appropriately safeguarded.</p>  |
| 7 | <p><b>ADVICE - Essential Energy</b></p> <ul style="list-style-type: none"> <li>• Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with;</li> <li>• Any activities in proximity to electrical infrastructure must be undertaken in accordance with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure;</li> <li>• Prior to carrying out any works, a "Dial Before You Dig" enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 1995 (NSW); and</li> <li>• It is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW (<a href="http://www.safework.nsw.gov.au">www.safework.nsw.gov.au</a>) has publications that provide guidance when working close to electricity infrastructure. These include the Code of Practice – Work near Overhead Power Lines and Code of Practice – Work near Underground Assets.</li> </ul> <p><b>Condition reason:</b> N/A - Advice</p> |

### Subdivision Work

#### Before issue of a subdivision works certificate

|   |   |
|---|---|
| 8 | <p><b>Work on Council Land (s138)</b></p> <p>For all construction work on Council land, the developer is required to submit an Application to Conduct Work on Land to Which Council is the Regulatory Authority, which will incorporate seeking any necessary approvals for work in road reserves under the Roads Act 1993. The relevant work requires under this consent includes:-</p> <ul style="list-style-type: none"> <li>• Provision of new driveway crossovers and associated layby areas to the satisfaction of Council;</li> <li>• Construction of intersection within road reserve; and</li> <li>• Upgrade of road reserve</li> </ul> <p>Details shall be in accordance with specified development standards and approved prior to the issue of a Subdivision Works Certificate.</p> <p><b>Condition reason:</b> To ensure that new lots have lawfully constructed access.</p> |
| 9 | <p><b>Road Naming</b></p> <p>Suggestions (and reasons) for the name of the road reserve shall be submitted with an application for a Subdivision Works Certificate for the development.</p> <p>Proposed new road name should <b>not</b> be included on Title Plans submitted to Council with an application for a Subdivision Certificate, until such time as the name of any new road(s) has been approved by Council and other relevant authorities. Street name signs and posts are to be erected in accordance with Council's Engineering Code, at the cost of the developer.</p> <p>ADVISING: The Geographical Names Board of NSW favours names with historical, zoological, botanical or geographic association with the locality. Council can provide advice on appropriate names on request.</p>  |

|    |  |   |
|----|--|---|
| 10 | <b>Stormwater</b>  |   |
|    | Before the issue of a Subdivision Works Certificate, details of all proposed stormwater drainage works required for the development are to be submitted for approval by Councils Development Engineer. Designs are to comply with the requirements of the Armidale Regional Council Engineering Code Design Specification D5 and associated Handbook.  |   |
|    | <b>Condition reason:</b> To ensure stormwater from the development is appropriately managed.   |   |
| 11 | <b>Erosion and Sediment Control</b>  |   |
|    | Before the issue of a Subdivision Works Certificate, an Erosion and Sediment Control Plan (ESCP) and accompanying specifications for the construction phase of the works shall be submitted to and approved by the relevant Certifying Authority or Council (where a certifier is not required).   |   |
|    | The approved ESCP controls shall be implemented, inspected and approved prior to the commencement of any site works and maintained for the life of the construction period and until revegetation measures have taken hold. The ESCP shall include, but not be limited to:   |   |
|    | <ul style="list-style-type: none"> <li>• Provision for the diversion of runoff around disturbed areas;</li> <li>• Location and type of proposed erosion and sediment control measures;</li> <li>• Location of and proposed means of stabilisation of site access;</li> <li>• Approximate location of site sheds and stockpiles;</li> <li>• Proposed staging of construction and ESCP measures;</li> <li>• Clearance of sediment traps on a regular basis and after major storms;</li> <li>• Proposed site rehabilitation measures, including seeding of all bare un-grassed areas and turfing where erosion or scouring is likely to occur;</li> <li>• Standard construction drawings for proposed erosion and sediment control measures.</li> </ul> |   |
|    | <b>Condition reason:</b> To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways during the construction phase.   |   |
| 12 | <b>Construction Management Plan</b>  |   |
|    | Before the issue of a Subdivision Works Certificate, a construction site management plan must be prepared, and provided to the Principal Certifier or Council (where a certifier is not required). The plan must include the following matters.  |   |
|    | <ul style="list-style-type: none"> <li>• Provisions for public safety;</li> <li>• Pedestrian and vehicular site access points and construction activity zones;</li> <li>• Details of construction traffic management including: Proposed truck movements to and from the site; Estimated frequency of truck movements; and Measures to ensure safety near the site</li> <li>• Details of bulk earthworks to be carried out;</li> <li>• The location of site storage areas and sheds (if required);</li> <li>• The equipment used to carry out works;</li> <li>• The location of a garbage container with a tight-fitting lid;</li> <li>• Dust, noise and vibration control measures; and</li> <li>• The location of temporary toilets</li> </ul>     |   |
|    | A copy of the construction site management plan must be kept on-site at all times while work is being carried out.   |   |
|    | <b>Condition reason:</b> To require details of measures that will protect the public, and the surrounding environment, during site works and construction.   |   |
| 13 | <b>Development Standards - Road and Crossovers</b>   |   |
|    | Road, Intersection and Crossovers shall be designed in accordance with the following standards:  |   |
|    | Description of Work  | Standards   |
|    | Road Reserve &   | Armidale Regional Council Engineering Design Code Specification D1, Rural |

|   |  |
|---|--|
| Boundary  | <ul style="list-style-type: none"> <li>Road reserve is required to be sealed only to a distance of ten (10) metres past the shared boundary between Lots 5 and 6 (carriageway and shoulder width requirements to remain); and</li> <li>Road reserve to be constructed from termination of bitumen seal to southern boundary of Lot 7 in accordance with Access Place standards, within Table D1.4 - Characteristics of Roads in Rural Residential Subdivisions</li> </ul> <p>Intersection to consider Auxiliary Lane Right Turn Treatment, if required.</p>  |
| Driveway Crossovers - Western Road Reserve Frontage   | <p>Armidale Regional Council Standard Rural Property Access Drawing No 030-073, Sheet 1 of 2.</p> <p>Crossovers shall be sealed from the road edge to the property boundary (where the Crossover fronts the bitumen seal)</p> <p>A shared crossover may be provided (if desired) for up to 2 lots, and width of crossover increased accordingly</p>  |
| Driveway Crossover - Bundarra Road Frontage - Lots 2, 3 and 8   | <p>Transport for NSW Typical Rural Property Access, Northern Region, Version 2, Sheet 1 of 1, dated 19/05/2024, with the following exception:</p> <ul style="list-style-type: none"> <li>The crossover shall be no less than 6m wide at the narrowest point.</li> </ul> <p>The design is to include a layby on the departure side of the crossover, with a minimum width of 4.0m from the edge of bitumen/ edgeline of Bundarra Road, and a minimum span suitable for a bus and waste collection vehicle.</p> <p>In addition, access/entrances to Lots 2 and 3 shall only be via a shared access point within Lot 8, to ensure that there are not excessive points of conflict, should Lot 8 be developed in future.</p> |
| Driveway Crossover - Bundarra Road Frontage - Lot 1   | <p>Provision of a sealed driveway crossover for a minimum distance of 5m from the edge of bitumen/edgeline.</p>  |
| Plans demonstrating compliance with the above matters to be provided to the relevant Certifying Authority for approval before the issue of a Subdivision Works Certificate for the development. |  |
| <b>Condition reason:</b> To ensure safe and practical access and to maintain the safety and function of the Classified Road.  |  |

**Before subdivision work commences**

No additional conditions have been applied to this stage of development.

**During subdivision work**

|    |   |
|----|---|
| 14 | <p><b>Discovery of relics and Aboriginal objects</b></p> <p>While site work is being carried out, if a person reasonably suspects a relic or Aboriginal object is discovered:</p> <ol style="list-style-type: none"> <li>the work in the area of the discovery must cease immediately;</li> <li>the following must be notified <ol style="list-style-type: none"> <li>for a relic – the Heritage Council; or</li> <li>for an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the National Parks and Wildlife Act 1974, section 85.</li> </ol> </li> </ol> |
|----|---|

|    |   |
|----|---|
|    | <p>Site work may recommence at a time committed in writing by:</p> <ol style="list-style-type: none"> <li>1. for a relic – the Heritage Council; or</li> <li>2. for an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the National Parks and Wildlife Act 1974, section 85.</li> </ol> <p><b>Condition reason:</b> To ensure the protection of objects of potential significance during works.</p>   |
| 15 | <p><b>Hours of work</b></p> <p>The hours of construction work are to be restricted to between 7.00am and 6.00pm on Monday to Friday and 8.00am to 1.00pm on Saturdays, to maintain the amenity of the locality.</p> <p>Any proposed construction work to be undertaken outside these hours or on Public Holidays must be the subject of prior written agreement from Council - consideration may be given to special circumstances and non-audible work if applicable.</p> <p>ADVISING: Breaches of this condition may result in the issuing of a Penalty Infringement Notice or prosecution.</p> <p><b>Condition reason:</b> To protect the amenity of the surrounding area.</p> |
| 16 | <p><b>Noise and Vibration requirements</b></p> <p>While site work is being carried out, noise generated from the site must not exceed an LAeq (15 min) of 5dB(A) above background noise, when measured at a lot boundary of the site.</p> <p><b>Condition reason:</b> To protect the amenity of the neighbourhood during construction.</p>  |
| 17 | <p><b>Tree protection during work</b></p> <p>While site work is being carried out, tree protection measures must accord with:</p> <ol style="list-style-type: none"> <li>1. the relevant requirements of AS 4970 Protection of trees on development sites.</li> </ol> <p>This includes maintaining adequate soil grades and ensuring all machinery, builders refuse, spoil and materials remain outside tree protection zones.</p> <p><b>Condition reason:</b> To protect trees during the carrying out of site work.</p>   |
| 18 | <p><b>Control of Dust</b></p> <p>Effective dust control measures to be maintained during construction to maintain public safety/amenity and construction activities are to be restricted solely to the subject site. Failure to take effective action may render the developer liable to prosecution under the NSW Protection of the Environment Operations Act.</p> <p><b>Condition reason:</b> To protect the neighborhood amenity from the effects of dust.</p>  |
| 19 | <p><b>Civil Works</b></p> <p>No storage of building materials, soil or equipment is to occur on Council's property or roads without the written consent of Council or nominee. No unfenced, potentially dangerous activity or material to be located in close proximity to the boundary or road reserve adjoining the site. No unsupervised transit of plant, equipment or vehicles across public areas or other obstruction of those areas is permitted.</p> <p><b>Condition reason:</b> To protect public safety.</p>   |

### Before issue of a subdivision certificate

|    |  |
|----|--|
| 20 | <p><b>Repair of infrastructure</b></p> <p>Before the issue of a Subdivision Certificate:</p> <ol style="list-style-type: none"> <li>1. any public infrastructure damaged as a result of the carrying out of work approved under this consent (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles) must be fully repaired to the written satisfaction of Council, and at no cost to Council; or</li> </ol> <p>if the works in (a) are not carried out to Council's satisfaction, Council may carry out the works required</p> |
|----|--|



|            | using the security deposit required to be paid under this consent.  |       |         |      |   |         |   |        |   |            |  |       |  |
|------------|---|-------|---------|------|---|---------|---|--------|---|------------|--|-------|--|
|            | <b>Condition reason:</b> To ensure any damage to public infrastructure is rectified.  |       |         |      |   |         |   |        |   |            |  |       |  |
| 21         | <b>Telecommunications and Electricity</b>   |       |         |      |   |         |   |        |   |            |  |       |  |
|            | Before the issue of a Subdivision Certificate, written advice from telecommunications and electricity providers, confirming that satisfactory arrangements have been made for the provision of telecommunications and electricity services to the development, are to be submitted to the Principal Certifier or Council.   |       |         |      |   |         |   |        |   |            |  |       |  |
|            | The location of any new pole or ground mounted substation for the development is to be confirmed with and approved by Council.  |       |         |      |   |         |   |        |   |            |  |       |  |
|            | ADVISING: Such infrastructure shall be located within the property where feasible.  |       |         |      |   |         |   |        |   |            |  |       |  |
|            | <b>Condition reason:</b> To ensure the development is capable of being provided with relevant utilities.  |       |         |      |   |         |   |        |   |            |  |       |  |
| 22         | <b>Fencing</b>  |       |         |      |   |         |   |        |   |            |  |       |  |
|            | Before the issue of a Subdivision Certificate, the developer shall provide a dog/stock proof fence to the lot boundaries in accordance with relevant restrictions.  |       |         |      |   |         |   |        |   |            |  |       |  |
|            | <b>Condition reason:</b> To ensure an adequate standard of fencing to is provided to the proposed new lots and for boundary delineation.  |       |         |      |   |         |   |        |   |            |  |       |  |
| 23         | <b>Completion of Works</b>  |       |         |      |   |         |   |        |   |            |  |       |  |
|            | For the avoidance of doubt, conditions of this consent requiring any of the following to be carried out:  |       |         |      |   |         |   |        |   |            |  |       |  |
|            | <ul style="list-style-type: none"> <li>• Earthworks;</li> <li>• Stormwater drainage;</li> <li>• Erosion and sedimentation control;</li> <li>• Road and Driveway Crossover Work;</li> <li>• Road Naming (including new road signage);</li> <li>• Fencing; and</li> <li>• Provision of infrastructure</li> </ul>  |       |         |      |   |         |   |        |   |            |  |       |  |
|            | are to be completed and inspected by the relevant Certifying Authority prior to the issue of a Subdivision Certificate.   |       |         |      |   |         |   |        |   |            |  |       |  |
|            | <b>Condition reason:</b> To ensure the required work is carried out.  |       |         |      |   |         |   |        |   |            |  |       |  |
| 24         | <b>Title Restrictions/Covenants</b>   |       |         |      |   |         |   |        |   |            |  |       |  |
|            | Appropriate title restrictions/covenants shall be created in relation to the following matters and submitted with an application for a Subdivision Certificate for the development:   |       |         |      |   |         |   |        |   |            |  |       |  |
|            | <table border="1"> <thead> <tr> <th>Theme</th><th>Details</th></tr> </thead> <tbody> <tr> <td>Dogs</td><td>Restriction on the ownership or accommodation of dogs by the residents of any lot, given the rural residential nature of the locality which includes farming enterprises with livestock i.e. dogs kept on the proposed lots are to be housed within a suitable enclosure to prevent the dogs from escaping from the property, consistent with the NSW Companion Animals Act 1998.</td></tr> <tr> <td>Fencing</td><td>Restriction requiring boundary fencing to all new R5 sized lots to consist of plain wire strands or other methods but exclude use of barbed wire to limit harm to fauna (in accordance with Biodiversity Impact Assessment and Koala Assessment).</td></tr> <tr> <td>Access</td><td>Restriction/easement burdening Lot 8 and benefitting lots 2 and 3 for the purpose of a shared access, until such time that Lot 8 is developed; AND<br/>Restriction preventing direct access from Lots 2, 3, 4 and 5 to Bundarra Road</td></tr> <tr> <td>Vegetation</td><td>Restriction to prevent removal of any existing trees greater than 3m in height within all lots other than Lot 1, given the land is not defined as for 'primary production'</td></tr> <tr> <td>Water</td><td>Restriction on all lots other than Lot 1, to prevent any bore water to be used as drinking water, given proximity to on-site wastewater systems.</td></tr> </tbody> </table> | Theme | Details | Dogs | Restriction on the ownership or accommodation of dogs by the residents of any lot, given the rural residential nature of the locality which includes farming enterprises with livestock i.e. dogs kept on the proposed lots are to be housed within a suitable enclosure to prevent the dogs from escaping from the property, consistent with the NSW Companion Animals Act 1998. | Fencing | Restriction requiring boundary fencing to all new R5 sized lots to consist of plain wire strands or other methods but exclude use of barbed wire to limit harm to fauna (in accordance with Biodiversity Impact Assessment and Koala Assessment). | Access | Restriction/easement burdening Lot 8 and benefitting lots 2 and 3 for the purpose of a shared access, until such time that Lot 8 is developed; AND<br>Restriction preventing direct access from Lots 2, 3, 4 and 5 to Bundarra Road | Vegetation | Restriction to prevent removal of any existing trees greater than 3m in height within all lots other than Lot 1, given the land is not defined as for 'primary production' | Water | Restriction on all lots other than Lot 1, to prevent any bore water to be used as drinking water, given proximity to on-site wastewater systems. |
| Theme      | Details   |       |         |      |   |         |   |        |   |            |  |       |  |
| Dogs       | Restriction on the ownership or accommodation of dogs by the residents of any lot, given the rural residential nature of the locality which includes farming enterprises with livestock i.e. dogs kept on the proposed lots are to be housed within a suitable enclosure to prevent the dogs from escaping from the property, consistent with the NSW Companion Animals Act 1998.   |       |         |      |   |         |   |        |   |            |  |       |  |
| Fencing    | Restriction requiring boundary fencing to all new R5 sized lots to consist of plain wire strands or other methods but exclude use of barbed wire to limit harm to fauna (in accordance with Biodiversity Impact Assessment and Koala Assessment).   |       |         |      |   |         |   |        |   |            |  |       |  |
| Access     | Restriction/easement burdening Lot 8 and benefitting lots 2 and 3 for the purpose of a shared access, until such time that Lot 8 is developed; AND<br>Restriction preventing direct access from Lots 2, 3, 4 and 5 to Bundarra Road   |       |         |      |   |         |   |        |   |            |  |       |  |
| Vegetation | Restriction to prevent removal of any existing trees greater than 3m in height within all lots other than Lot 1, given the land is not defined as for 'primary production'  |       |         |      |   |         |   |        |   |            |  |       |  |
| Water      | Restriction on all lots other than Lot 1, to prevent any bore water to be used as drinking water, given proximity to on-site wastewater systems.  |       |         |      |   |         |   |        |   |            |  |       |  |
|            | <b>Condition reason:</b> To ensure that appropriate restrictions are imposed for the life of the development.   |       |         |      |   |         |   |        |   |            |  |       |  |

- -

No additional conditions have been applied to this stage of development.

**General advisory notes**

This consent contains the conditions imposed by the consent authority which are to be complied with when carrying out the approved development. However, this consent is not an exhaustive list of all obligations which may relate to the carrying out of the development under the EP&A Act, EP&A Regulation and other legislation. Some of these additional obligations are set out in the [Conditions of development consent: advisory notes](#). The consent should be read together with the *Conditions of development consent: advisory notes* to ensure the development is carried out lawfully.

The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent.

Building work or subdivision work must not be carried out until a construction certificate or subdivision works certificate, respectively, has been issued and a principal certifier has been appointed.

A document referred to in this consent is taken to be a reference to the version of that document which applies at the date the consent is issued, unless otherwise stated in the conditions of this consent.

### Dictionary

The following terms have the following meanings for the purpose of this determination (except where the context clearly indicates otherwise):

**Approved plans and documents** means the plans and documents endorsed by the consent authority, a copy of which is included in this notice of determination.

**AS** means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the consent is issued.

**Certifier** means a council or a person that is registered to carry out certification work under the *Building and Development Certifiers Act 2018*.

**Construction certificate** means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation and *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

**Council** means URALLA SHIRE COUNCIL.

**Court** means the Land and Environment Court of NSW.

**EPA** means the NSW Environment Protection Authority.

**EP&A Act** means the *Environmental Planning and Assessment Act 1979*.

**EP&A Regulation** means the *Environmental Planning and Assessment Regulation 2021*.

**Independent Planning Commission** means Independent Planning Commission of New South Wales constituted by section 2.7 of the EP&A Act.

**Occupation certificate** means a certificate that authorises the occupation and use of a new building or a change of building use for an existing building in accordance with this consent.

**Principal certifier** means the certifier appointed as the principal certifier for building work or subdivision work under section 6.6(1) or 6.12(1) of the EP&A Act respectively.

**Site work** means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.

**Stormwater drainage system** means all works and facilities relating to:

- the collection of stormwater,
- the reuse of stormwater,
- the detention of stormwater,

- connections to easements and public stormwater systems.

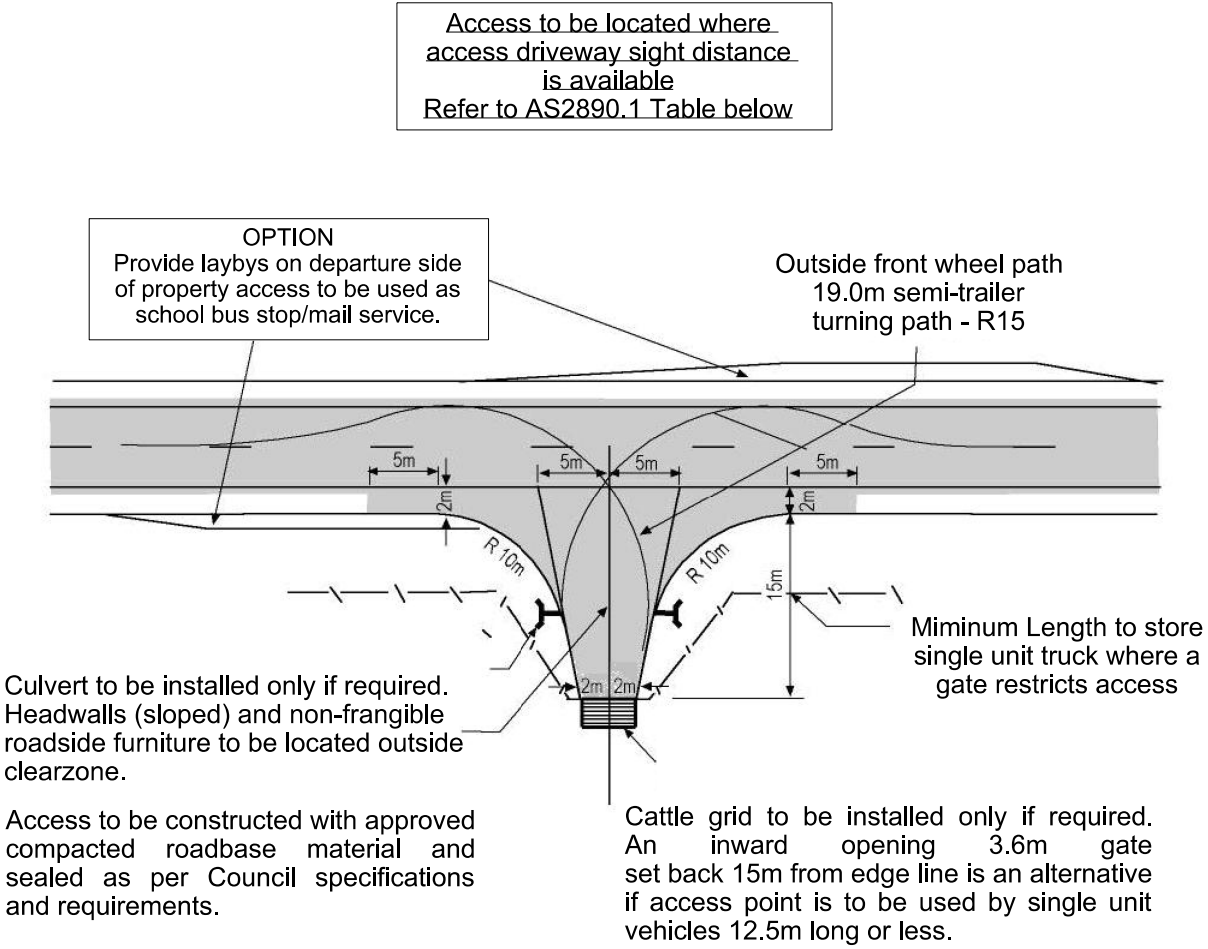
**Strata certificate** means a certificate in the approved form issued under Part 4 of the *Strata Schemes Development Act 2015* that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.

**Subdivision certificate** means a certificate that authorises the registration of a plan of subdivision under Part 23 of the *Conveyancing Act 1919*.

**Subdivision work certificate** means a certificate to the effect that subdivision work completed in accordance with specified plans and specifications will comply with the requirements of the EP&A Regulation.

**Sydney district or regional planning panel** means Northern Regional Planning Panel.

Typical Rural Property Access Standards



1. Single Unit Truck

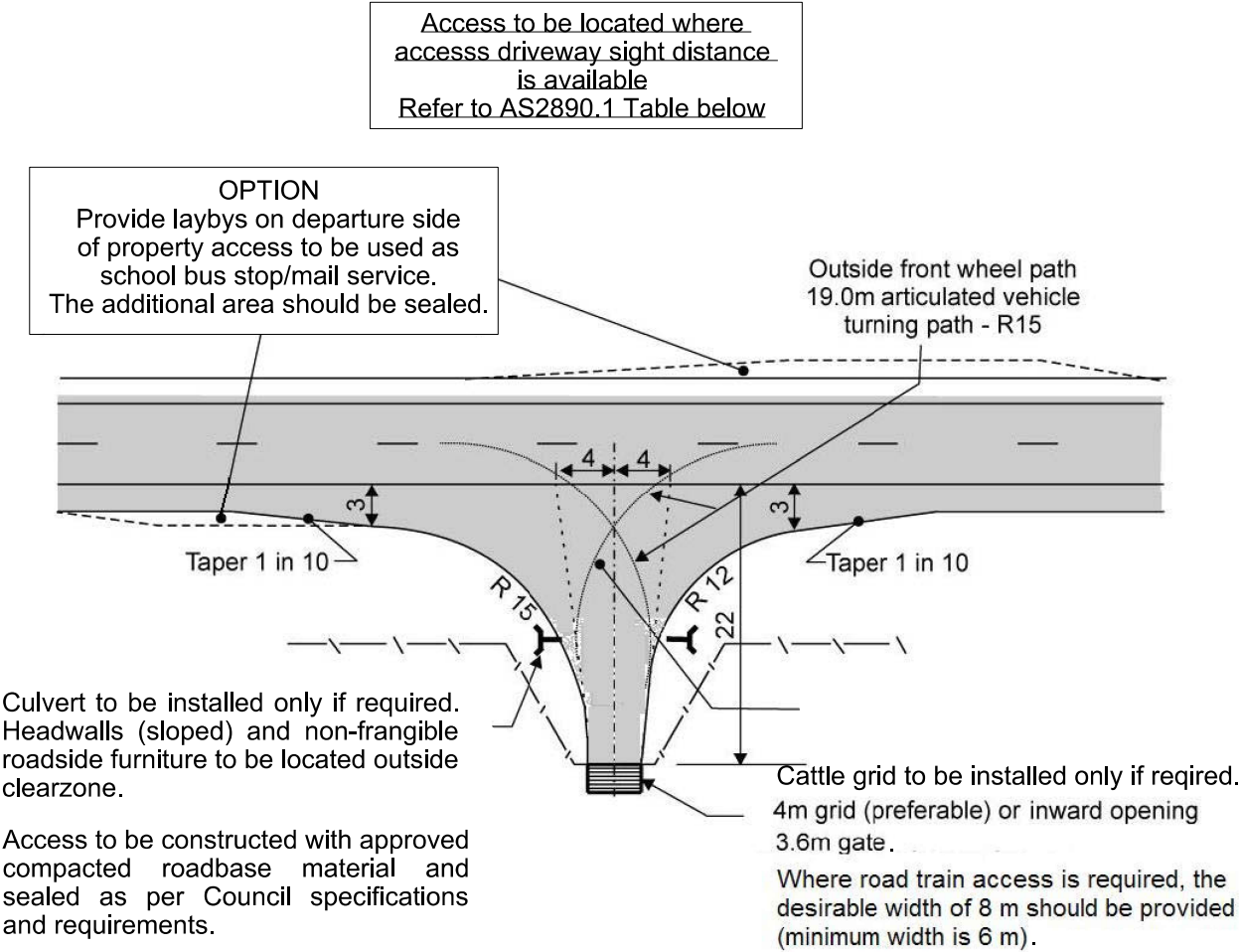
Reference: Austroads Guide to Road Design Pt 4 Fig 7.2

| Frontage road speed<br>(Note 4)<br>km/h | Distance (Y) along frontage road<br>m            |                |  |
|---|--|----------------|--|
|   | Access driveways other<br>than domestic (Note 5) |                | Domestic property<br>access (Note 6)                           |
|   | Desirable<br>5 s gap                             | Minimum<br>SSD |  |
| 40                                      | 55   | 35             | 30   |
| 50                                      | 69   | 45             | 40   |
| 60                                      | 83   | 65             | 55   |
| 70                                      | 97   | 85             | 70   |
| 80                                      | 111  | 105            | 95   |
| 90                                      | 125  | 130            | Use values from 2 <sup>nd</sup><br>and 3 <sup>rd</sup> columns |
| 100                                     | 139  | 160            |  |
| 110                                     | 153  | 190            |  |

FIGURE 3.2 SIGHT DISTANCE REQUIREMENTS AT ACCESS DRIVEWAYS

NOTE 4: This is the posted or general speed limit unless the 85<sup>th</sup> percentile speed is more than 5km/h above the limit in which case the tabulated speed nearest the 85<sup>th</sup> percentile shall be adopted.

SOURCE: AS/NZS 2890.1 : 2004



2. Articulated Vehicles

Reference: Austroads Guide to Road Design Pt 4 Fig 7.4

- NOTES:
- A: Council may require work to be undertaken to Auspec standards [www.natspec.com.au](http://www.natspec.com.au)
- B: All ongoing maintenance to rural property access is the responsibility of the property owner.
- C: Additional notes to Figure 3.2 can be found in AS/NZS 2890.1:2004 (Incorporating Amendment No.1)

ISSUED: 19/05/2020  
REVISED: 18/07/2016  
BY: FB  
FOR: SIGHT DISTANCE REQUIREMENT TABLE  
ON: 18/07/2016  
BY: FB  
FOR: SIGHT DISTANCE REQUIREMENT TABLE  
ON: 18/07/2016  
BY: FB  
FOR: SIGHT DISTANCE REQUIREMENT TABLE  
ON: 18/07/2016

| No. | Amendment Description            | Initials | Date       |
|-----|----------------------------------|----------|------------|
| 2   | UPDATED SIGHT DISTANCE TABLE     | FB       | 19.05.2020 |
| 1   | SIGHT DISTANCE REQUIREMENT TABLE | FB       | 18.07.2016 |

| SCALES       |
|--------------|
| NOT TO SCALE |





|   |   |
|---|---|
|  |  |
| DRAWN   | F.BROWN   |

| TRANSPORT FOR NSW             |
|-------------------------------|
| MODEL DRAWINGS                |
| TYPICAL RURAL PROPERTY ACCESS |
| NORTHERN REGION               |

| REVIEWED DATE |
|---------------|
| 19/05/2020    |

| VERSION   |
|-----------|
| 2         |
| SHEET No. |
| 1         |
| OF        |
| 1         |

## 14.2 RFS Contributions 2024/25

|   |   |
|---|---|
| <b>Department:</b>  | <b>Infrastructure &amp; Development</b>   |
| <b>Prepared By:</b>   | <b>Group Manager Infrastructure Services</b>  |
| <b>Authorised By:</b>   | <b>Director Infrastructure &amp; Development</b>  |
| <b>Reference:</b>   | UINT/24/12423   |
| <b>Attachments:</b>   | <ol style="list-style-type: none"> <li>2023-24 Allocations - NSW Rural Fire Fighting Fund - Letter dated December 2023 <a href="#">↓</a> </li> <li>Billfolds - Workers Compensation (Firefighters' Presumptive Rights to Compensation) Bill 2018 <a href="#">↓</a> </li> <li>Reference Article - LGNSW ESL increase catastrophic for councils <a href="#">↓</a> </li> <li>Reference Article - ABC News - Councils ask NSW Government to keep emergency levy subsidy <a href="#">↓</a> </li> </ol> |
| <b>LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK</b> |   |
| <b>Goal:</b>  | 3. We are good custodians of our environment  |
| <b>Strategy:</b>  | 3.1. To preserve, protect and renew our beautiful natural environment   |

**SUMMARY**

Local governments (including Uralla Shire Council) are annually responsible for 11.7% of the total combined operating costs of the state-wide operations of the Rural Fire Service (RFS), Fire and Rescue NSW (FRNSW), and the State Emergency Service (SES). The remainder of the cost is funded by the NSW Insurance Industry (73.7%) and the NSW Government (14.6%).

On an annual basis Council learns what its annual outgoing commitment will be upon receipt of an invoice from the NSW Government (via Armidale Regional Council, given Armidale, Uralla and Walcha operate as a single Emergency Management Area).

In the 2022/23 FY the actual ES Levy imposed on Council was \$125,634. This figure was then used as the basis to estimate the ES Levy contribution for purposes of setting Council's 2023/24 FY annual budget. The assessed figure was \$140,000 or an 11% increase on the year before. This figure was used in the 2023/24 FY annual budget adopted by Council.

Council has now been informed (via invoice) that its actual contribution for 2023/24 FY has risen from \$140,000 to \$205,048 (a greater than 46% increase).

This report recommends actions to appropriately acquit the invoice and to lobby the NSW Government for changes to the existing Emergency Services Levy funding model.

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

1. Approves the invoiced amount from Armidale Regional Council.
2. Continues to lobby the NSW Government to review the allocation of funding for the Emergency Services Levy and Rural Fire Services Assets.

**REPORT**

For the purposes of setting its 2023/24 FY budget for the ESL, Council adopted to include an assessed 11% increase above its previous year's contribution. This set a budget figure of \$140,000 to pay the ESL in Council's 2023/24 Annual Budget.

Council's annual contribution in this regard is collected by the NSW Government as the annual Emergency Services Levy (ESL).

The NSW local councils receive their component of the joint annual invoice in retrospect of their annual budgets for the same period. In summary, Council receives the bill after Council has set its annual budget.

On that basis Council's annual budget for the 'expected' Emergency Services Levy is necessarily an estimate. Council's past practice has been to estimate the next year's probable contribution based upon a moderate increase to the immediate past year's contribution and then add, if required, an estimate for any known potential shocks which may increase the emergency agencies operation costs beyond CPI.

On 31 July 2024 (after the closure of the 2023/24 FY budget) Council received an invoice which advised that the actual Emergency Services Levy (ELS) contribution for the previous financial year was \$205,048 (exc. GST).

This represents an **increase** of a further **\$64,000** (exc. GST) or a further 46% on top of Council's already planned increase of 11% on the previous year's cost.

A significant portion of the additional costs has been driven by NSW Parliament amendments (refer attachment) that made it easier for firefighters diagnosed with one of 12 specific work-related cancers to access workers compensation entitlements. The provisions resulted in a \$160 million increase in the cost of funding fire and emergency services and came into effect from 1 July 2019. The NSW Government at the time recognised that this change to the ESL would result in major cost implications for Councils and introduced an Emergency Services Levy Subsidy. With a change of government in 2023, this Subsidy was removed by the new government citing it as ad-hoc and not budgeted for. The rescinding of this Subsidy occurred after Council's Budget Allocations were made and the full cost was realised at the conclusion of FY2023/24.

The value of the ESL each year is unknown at the time Council Budget Allocations are made. In the year of 2023/24, USC's proposed Budget for the ESL was \$79,414 (ex GST) which is **less** than the real costs incurred by RFS with the Subsidy now rescinded.

This issue is being felt by all Councils across NSW and for some, the outcome is disastrous. The Office of Local Government NSW (OLG) is aware of the issue and is lobbying NSW Government to:

- Restore the subsidy for 2023/24 and beyond.
- Unshackle this payment from council rates.
- Develop a fairer, more transparent and financially sustainable method of funding the critically important emergency services.

USC staff will also to continue to Lobby NSW on this issue by internal channels and continue related discussions about RFS Assets being removed from USC's List of Assets.

**CONCLUSION**

With the subsidy for the increase in contributions by Councils for the ESL being removed by NSW Government *after* Council Budget Allocations were made, a difference in Budgeted vs Actual costs of \$79,414 (ex GST) has been realised. This is required to be paid.

Council should continue lobbying the NSW Government to review the ESL Contributions and RFS Assets and work with RFS over the coming months to ensure future forecasts for the ESL are as accurate as possible.



## NSW RURAL FIRE SERVICE

Mr James Roncon  
ARMIDALE REGIONAL Council  
135 Rusden Street  
Armidale NSW 2350

12/12/2023

Dear Mr James Roncon

### 2023-24 ALLOCATIONS – NSW RURAL FIRE FIGHTING FUND

The Minister for Emergency Services, Hon. Jihad Dib MP, has approved allocations for the 2023-24 Rural Fire Fighting Fund (RFFF), which supports the volunteer rural fire brigades that protect your local community.

Following amendments to the *Rural Fires Act 1997* in 2017, the statutory contribution by relevant councils to the Fund is now determined by reference to the 'rural fire brigade funding target' defined in section 103 of the Act. For 2023-24, the funding target is \$549.383 million.

As you are aware, the NSW Bushfire Inquiry examined the causes, preparation and response to the devastating 2019/20 bush fires. The Inquiry handed down a total of 148 recommendations and sub-recommendations requiring implementation of discrete actions or projects. The RFS is responsible for implementing 87 of these. As at the end of June 2023, 64 of these had been completed, with the remainder in progress. The RFS is jointly responsible for implementing another three recommendations, all of which are in progress.

NSW has experienced a string of unprecedented natural disasters and emergencies over the past four years, with devastating consequences for our communities and environment. The RFS has maintained a heightened operational tempo throughout these events, sustaining ongoing services to assist and protect communities around the state. This has tested the resilience and courage of our dedicated members and also placed a significant operational load on the organisation.

Over this time, it has become increasingly clear that the RFS provides a trusted service not only as the lead combat agency for bush fire response and all fires in Rural Fire Districts but also in response to other emergencies, particularly in regional and isolated rural areas, where the RFS may be the only emergency service in some small towns and villages. I am proud that the Service has been able to swiftly and professionally expand its capabilities to encompass flood and rescue operations as well as bush fire response to ensure that we are providing every possible assistance to people in need.

In response to both the NSW Inquiry and the Royal Commission into National Natural Disaster Arrangements and to support its strategic direction, the RFS has introduced 18 priority projects. These

#### Postal address

NSW Rural Fire Service  
Locked Bag 17  
GRANVILLE NSW 2142

#### Street address

NSW Rural Fire Service  
4 Murray Rose Ave  
SYDNEY OLYMPIC PARK NSW 2127

T (02) 8741 5555  
F (02) 8741 5550  
[www.rfs.nsw.gov.au](http://www.rfs.nsw.gov.au)



projects were developed to ensure our people can effectively respond to emergency incidents and get home safely. They also are leading the development of our future capability, ensuring our members have the equipment and resources they need to serve their community to the best of their - and our - ability.

I am proud of what we have achieved so far and am committed to continue delivering these initiatives, which will help support our partner agencies, including councils, and the people of our state. I have outlined our achievements to provide your council with vision of our work to support you and your residents, businesses, infrastructure, environment and other valuable assets.

### **Keeping members safe and well**

- *Personal Protective Equipment – Head Protection and Respiratory Protection*  
\$14.2 million from donations received in response to the 2019/20 fires has been invested to deliver more than 45,000 new helmets to members across the state and provide an expanded suite of respirator options for every firefighting appliance in the fleet.
- *The RFS Benevolent Fund*  
\$10 million from the community donations has been allocated to establish the RFS Benevolent Fund as an independent charity to support members in need, especially the families of members killed on duty and those injured on the fireground. The Fund is accepting applications for financial support.
- *Mental Health Strategy*  
Understandably, one of the impacts of the extended and severe 2019/20 fire season was on the mental health of some RFS members. The RFS is investing approximately \$17 million over five years to boost its mental health services and resources for members, including employing allied health professionals (including psychologists). The five-year RFS Mental Health Strategy was launched in January 2023 to help achieve a mentally healthy environment in which members can thrive.
- *Workplace Conduct*  
The existing RFS approach to workplace conduct was outdated and no longer fit for purpose. A new framework is being rolled out to improve the management of workplace conduct issues across the Service and promote a safe and inclusive workplace for all members.

### **Enhancing emergency response and management**

- *RFS ACTIV (Member Availability and Response System)*  
The RFS ACTIV mobile app makes it easier for members to signal their availability, be called out to an emergency and accept the call to attend. The system provides a common and accessible way for all members to better communicate who is best positioned to respond to any emergency.
- *CAD (Integrated Dispatch System)*  
The RFS completed the roll out of the Computer Aided Dispatch (CAD) system to all Districts in July 2023. The day-to-day communications of all 43 Districts are now processed through the RFS Operational Communication Centre (OCC), ensuring the right vehicle responds to the right incident at the right time. CAD enables more efficient and consistent dispatching of resources and improved emergency response capabilities. Since its introduction in February 2021, the time from receiving a call to alerting a Brigade has fallen by a minimum of three minutes.
- *Mobile Data Terminals (MDTs)*  
MDTs provide two-way, real-time sharing of operational information between members in the field and Incident Management Teams (IMTs) or the Operational Communications Centre via

touchscreens mounted in fire appliances. These devices are now being rolled out to enhance the safety of members in the field and ensure they have critical information (eg maps and incident action plans) readily available when needed. The MDTs also will allow for simplified data collection and display within vehicles and better pre-incident preparation and real-time decision-making.

- *Mapping Software*

The FireMapper infield mapping solution is a mobile app that allows members in the field to annotate directly on maps, share map annotations with others and integrate with real-time incident information.

- *Australian Fire Danger Rating System (AFDRS)*

The RFS led this national initiative to develop a new Australian Fire Danger Rating System with the CSIRO and Bureau of Meteorology. Nearly 600 metal fire danger rating signs have been rolled out in communities across NSW. About a third (240) of existing signs will be replaced or retrofitted with electronic signage. These signs are controlled remotely, ensuring they display the correct and current fire danger rating and clear calls to action.

- *Design of Fire Appliances & Next Generation Fleet*

The RFS is working to identify its needs for future generation of firefighting appliances, including their design, protection levels and increased lifespan. A comprehensive research initiative was completed in conjunction with Monash University's Accident Research Centre to look at evidence-based safety improvements, specifically in relation to roll-over and falling object protection. Testing of prototype designs will start this year.

- *Farm Fire Unit Integration*

Farmers are a critical part of the fire-fighting effort and an important partner in managing and responding to the threat of fire across our landscape. The RFS Farm Fire Unit Operational Guide and Commitment Strategy, developed in conjunction with NSW Farmers, was launched in August 2022 to strengthen the integration of Farm Fire Units with firefighting operations to promote the safe, efficient and cooperative involvement of private equipment to control fires.

### **Technology is better optimising logistics and connecting people**

- *Station Connectivity and Microsoft Office 365 Uplift*

The RFS has provided internet connectivity via a Nighthawk M6 mobile router and Telstra internet plan for each brigade station within range of Telstra's mobile coverage. The next stages in this project are to offer every member their own RFS email address and access to Microsoft Office 365 products including Teams and Outlook to support easier communication.

- *One RFS Member Website*

Launched in 2021, One RFS is a centralised platform for storing and sharing information with members, helping them to stay connected.

- *eMembership Portal*

The RFS membership application process has been modernised with the replacement of the previous paper-based forms with an online application portal (eMembership) to streamline the system for members of the community wishing to join the Service.

- *Emergency Logistics Program*

The RFS has prioritised improvements to its procurement processes to provide a seamless ordering process and access to real-time information about inventory supplies and better support for the businesses that supply us. The integrated digital platform, the Emergency Logistics Solution (ELS) went live in November 2022, improving logistics coordination, sourcing and procure to pay, heavy plant integration and inventory management.

I would like to acknowledge the support of the NSW RFS and Brigades Donations Fund Trust (DGR), which has contributed to many of these programs through the donated funds received during the 2019/20 fire season. This has allowed us to accelerate work and deliver benefits to volunteers that otherwise may not have occurred for many years.

### The year ahead

The RFS has specifically committed to delivering the following key initiatives:

- *Resource to Risk*

As we continue to enhance our emergency response and management of incidents capabilities, we acknowledge there is more work we can do align the level of risk posed by particular emergencies with what resources we have available to dispatch to them. Whilst we have previously utilised the Standards of Fire Cover approach, we recognise the need for a more contemporary approach that matches our physical and human resource capabilities, and technologies to meet the risks in each area.

We understand that the complexity of events is growing and that the needs of each of our brigades can be largely different depending on where they are, what they're exposed to, and who they're serving. Aviation Management

We have made significant investments to build our aerial firefighting capabilities and as we do so we are ensuring safety remains at the centre of our approach. This includes the implementation of the recommendations from recent reviews, particularly the Australian Transport Safety Bureau (ATSB) following the tragic loss of the large air tanker crew during the 2019/20 bush fires.

Already possessing the largest aerial fleet of any fire agency in Australia, we're focused on building the capability of our owned and contract resources even further. A faster, safer, and more capable means of putting out fires in hard-to-reach locations, our focus on our aerial capabilities will significantly enhance our capacity to protect lives and property during emergencies, providing invaluable support from the sky to complement the efforts of our ground-based members. We will be further developing our training approach, our mission profiles, and the means to better respond to various emergencies

- *Night Aviation Capability*

Over the past three years, the RFS has made significant advances in its night time aviation capability. The introduction of night time aerial intelligence and high definition FLIR cameras have provided the ability to detect, live stream and map fires at night. The introduction of night incendiary activities allows for the continuation of aerial incendiary operations at times when it may be the most effective or needed. The trial and development of night time aerial firefighting is continuing with successful night time direct attack firefighting operations and the ongoing expansion of the night firebombing program.

- *Athena 2.0*

Athena is an artificial intelligence system that provides enhanced situational awareness to RFS decision makers by predicting fire patterns and the impact of fire on various values and assets. This will assist in improving the speed and accuracy of operational decision making through more effective resource allocation and more informed pre-emptive staging and provide for more informed management of aviation capabilities.

The RFS also has not been immune from extensive cost increases driven by COVID-19 supply chain difficulties and price escalation, more recent increases in inflation and a range of other factors, including heightened global competition for aerial firefighting resources. The RFS is facing increases in the order

of 38 to 48 per cent in the cost of aircraft contracts and unprecedented increases of up to 40 per cent in construction industry costs.

### 2023-24 Allocations

As you would be aware, the Office of State Revenue has previously provided each council with an Annual Assessment Notice identifying the amount of its statutory contribution for 2023-24.

The key allocations to be provided to your council, including Infrastructure projects, firefighting appliances and equipment and support payments, in 2023-24 are detailed below:

- *Infrastructure Projects:*

All councils are encouraged to claim costs as infrastructure works progress rather than waiting to lodge a larger claim at the end of the financial year or project. This will assist councils in recouping their costs and minimise the need to seek carry over approvals.

| Project Name                                    | Value        |
|---|--------------|
| Ancillary Costs across multiple Brigades in LGA | \$135,000.00 |
| Subtotal: Infrastructure Projects               | \$135,000.00 |

*Note: These allocations do not include any carry over funds from previous financial years, only the funds which are being allocated to you for this financial year. If you require any clarification, please contact your local District office.*

- *Appliances*

| Type                                      | Brigade Name          | Value        |
|---|-----------------------|--------------|
| Appliance - CAT 1 - Dual Cab              | Diggings              | \$451,967.20 |
| Appliance - CAT 7 - Single Cab            | Guyra                 | \$278,141.82 |
| Other Vehicle - CAT 16                    | New England Logistics | \$134,586.37 |
| Other Vehicle - CAT 16                    | New England           | \$134,586.37 |
| Replaced Appliance - CAT 1 (BF08906)      | Diggings              | \$0.00       |
| Replaced Appliance - CAT 7 (BF08986)      | Guyra                 | \$0.00       |
| Replaced Other Vehicle - CAT 16 (BF00924) | New England Logistics | \$0.00       |
| Replaced Other Vehicle - CAT 16 (BF03081) | New England           | \$0.00       |
| Subtotal: Appliances                      |                       | \$999,281.76 |

- *Equipment*

|                              |              |
|------------------------------|--------------|
| Fire Fighting Equipment      | \$76,646.00  |
| Personal Protective Clothing | \$50,000.00  |
| Subtotal: Equipment          | \$126,646.00 |

- *Maintenance and Repairs*

The Maintenance and Repairs support payments for each council have been increased for 2023-24. The RFS will seek to make payments to council for the Maintenance and Repairs grant towards the end of 2023, provided council has made all Rural Fire Fighting Fund contributions due to the Office of State Revenue at that time.

The Maintenance and Repair payments support councils in meeting their requirements for the costs of maintaining appliances and other vehicles (not the White Fleet), stations and Fire Control Centres, utilities and other miscellaneous costs.

|                                   |              |
|-----------------------------------|--------------|
| Subtotal: Maintenance and Repairs | \$347,801.23 |
|-----------------------------------|--------------|

Your attention to completing and claiming reimbursement for the outlined infrastructure and any approved hazard reduction works during the 2023-24 year is requested. It should be noted that there is no guarantee that unclaimed funds will be carried forward, particularly relating to hazard reduction works.

Councils will continue to receive ongoing additional support to Rural Fire Districts including:

- *Training and Volunteer Support*  
Costs associated with volunteer relations, including the cadets program, Work Health and Safety programs for volunteers, Critical Incident Support, Chaplaincy, learning and development, volunteer training and competency.
- *Fire Mitigation Works*  
Bush fire mitigation works, including the Mitigation Crews that operate across Local Government Areas, completing mitigation works, fire trail and hazard management works.
- *Insurances*  
Volunteer workers compensation insurance and other insurances (excluding red fleet insurance).
- *Radio Communications*  
Costs associated with communication assets, the Private Mobile Radio network, the paging network and the Government Radio Network.
- *Emergency Fund*  
Costs associated with responding to bush fire emergencies, including out of area assistance.
- *Aviation and Other Operational Support*  
Provision of the State Air Desk and aviation resources for emergency events, training and support of volunteers in aircraft operations and other operational support services such as Neighbourhood Safer Places, Rapid Aerial Response Teams and vulnerable communities support.
- *Engineering and Other Infrastructure*  
Design and development of mobile infrastructure, including tankers, other vehicles and firefighting equipment. Development of designs and standards for the construction of brigade stations and fire control centres.
- *Communications and Public Awareness*  
Management of media and corporate communications, including community advertising and awareness campaigns, social media monitoring and provision of emergency messaging in emergency events.

If you have any questions or would like further information, please contact Mr Myles Foley, Director, Finance and Procurement on (02) 8741 5523 or at [myles.foley@rfs.nsw.gov.au](mailto:myles.foley@rfs.nsw.gov.au)

Yours sincerely



Rob Rogers AFSM

**Commissioner**

cc: General Manager  
RFS Area Director  
RFS Area Commander  
RFS District Manager

Introduced by Mr Guy Zangari, MP

First print



New South Wales

## Workers Compensation (Firefighters' Presumptive Rights to Compensation) Bill 2018

### Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

### Overview of Bill

The object of this Bill is to establish presumptive rights to workers compensation under the *Workers Compensation Act 1987* and the *Workers Compensation (Bush Fire, Emergency and Rescue Services) Act 1987* for firefighters suffering from certain kinds of cancer.

### Outline of provisions

**Clause 1** sets out the name (also called the short title) of the proposed Act.

**Clause 2** provides for the commencement of the proposed Act on the date of assent to the proposed Act.

**Clause 3** provides that the proposed Act is to be construed with, and as if it formed part of, the *Workers Compensation Act 1987* (**the 1987 Act**), the *Workplace Injury Management and Workers Compensation Act 1998* (**the 1998 Act**) and the *Workers Compensation (Bush Fire, Emergency and Rescue Services) Act 1987* (**the volunteer firefighters compensation Act**). The proposed Act prevails to the extent of any inconsistency with those Acts.

**Clause 4** defines certain words and expressions used in the proposed Act, including **occupational disease** (which is defined to mean certain kinds of cancer).

**Clause 5** defines **eligible firefighter** to mean a worker (within the meaning of the 1987 Act) who is employed as a firefighter or performs firefighting duties as a substantial part of the worker's employment (an **employed firefighter**) or an official fire fighter within the meaning of Part 2 of the volunteer firefighters compensation Act (a **volunteer firefighter**). The clause also defines **service period**.

b2017-132.d10

Workers Compensation (Firefighters' Presumptive Rights to Compensation) Bill 2018 [NSW]  
Explanatory note

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**Clause 6** provides for a rebuttable presumption that an occupational disease contracted by an employed firefighter was contracted in the course of the firefighter's employment and that the employment was the main contributing factor to contracting the disease. The presumption operates for the purposes of claims for compensation under the 1987 Act. That Act limits compensation for disease injuries to diseases that are contracted, aggravated, accelerated or exacerbated, or that deteriorate, in the course of employment (where the employment is the main contributing factor).

**Clause 7** provides for a rebuttable presumption that an occupational disease contracted by a volunteer firefighter was contracted in the course of fighting a bush fire and that the fighting of the bush fire was the main contributing factor to contracting the disease. The presumption operates for the purposes of claims for compensation under the volunteer firefighters compensation Act. That Act limits compensation for disease injuries generally to diseases that are contracted, aggravated, accelerated or exacerbated, or that deteriorate, in the course of fighting a bush fire (where the fighting of a bush fire is a contributing factor).

**Clause 8** limits the presumptions to occupational diseases contracted during, or within 10 years after, the service period for the firefighter concerned. For that purpose, a disease is taken to have been contracted when it is first diagnosed by a medical practitioner or when the firefighter dies as a result of the disease (whichever occurs first).

**Clause 9** further limits the presumptions to firefighters whose service period is not less than the minimum period specified for the occupational disease concerned. For example, the minimum service period is specified as 5 years for primary site brain cancer, 10 years for primary site breast cancer, 15 years for primary site bladder cancer and 25 years for primary site oesophageal cancer.

**Clause 10** removes a restriction relating to the time for commencing a claim in relation to an occupational disease.

**Clause 11** contains a transitional provision that extends the proposed Act to occupational diseases contracted before the commencement of the provision. The clause also removes a restriction on the making of a further claim or medical assessment under the 1987 Act or the 1998 Act in respect of a disease to which a presumption under the proposed Act applies.

## **Schedule 1 Occupational diseases**

Schedule 1 contains a list of occupational diseases for the purposes of the proposed Act.



Introduced by Mr Guy Zangari, MP

First print



New South Wales

# Workers Compensation (Firefighters' Presumptive Rights to Compensation) Bill 2018

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New South Wales

## **Workers Compensation (Firefighters' Presumptive Rights to Compensation) Bill 2018**

No. , 2018

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### **A Bill for**

An Act to establish presumptive rights to workers compensation for firefighters suffering from certain kinds of cancer.

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## Workers Compensation (Firefighters' Presumptive Rights to Compensation) Bill 2018 [NSW]

|  |                      |
|--|----------------------|
| <b>The Legislature of New South Wales enacts:</b>  | 1                    |
| <b>1 Name of Act</b>   | 2                    |
| This Act is the <i>Workers Compensation (Firefighters' Presumptive Rights to Compensation) Act 2018</i> .  | 3<br>4               |
| <b>2 Commencement</b>  | 5                    |
| This Act commences on the date of assent to this Act.  | 6                    |
| <b>3 Relationship to workers compensation Acts</b>   | 7                    |
| (1) This Act is to be construed with, and as if it formed part of, the following Acts:   | 8                    |
| (a) the 1987 Act,  | 9                    |
| (b) the 1998 Act,  | 10                   |
| (c) the volunteer firefighters compensation Act.   | 11                   |
| (2) In the event of an inconsistency between this Act and the 1987 Act, the 1998 Act or the volunteer firefighters compensation Act, this Act prevails to the extent of the inconsistency.   | 12<br>13<br>14       |
| <b>4 Definitions</b>   | 15                   |
| (1) In this Act:   | 16                   |
| <i>eligible firefighter</i> —see section 5.  | 17                   |
| <i>employed firefighter</i> —see section 5.  | 18                   |
| <i>occupational disease</i> means a disease specified in Schedule 1.   | 19                   |
| <i>service period</i> —see section 5.  | 20                   |
| <i>the 1987 Act</i> means the <i>Workers Compensation Act 1987</i> .   | 21                   |
| <i>the 1998 Act</i> means the <i>Workplace Injury Management and Workers Compensation Act 1998</i> .   | 22<br>23             |
| <i>the volunteer firefighters compensation Act</i> means the <i>Workers Compensation (Bush Fire, Emergency and Rescue Services) Act 1987</i> .   | 24<br>25             |
| <i>volunteer firefighter</i> —see section 5.   | 26                   |
| <b>Note.</b> The <i>Interpretation Act 1987</i> contains definitions and other provisions that affect the interpretation and application of this Act.  | 27<br>28             |
| (2) Notes included in this Act do not form part of this Act.   | 29                   |
| <b>5 Firefighters</b>  | 30                   |
| (1) An <i>eligible firefighter</i> is a person who is an employed firefighter or a volunteer firefighter.  | 31<br>32             |
| (2) An <i>employed firefighter</i> is a worker who:  | 33                   |
| (a) is employed as a firefighter, or   | 34                   |
| (b) performs firefighting duties as a substantial part of his or her employment.   | 35                   |
| (3) <i>Volunteer firefighter</i> has the same meaning as official fire fighter has in Part 2 of the volunteer firefighters compensation Act.   | 36<br>37             |
| (4) The <i>service period</i> for an eligible firefighter is the total period during which the firefighter is employed as a firefighter (including where the employment involves the performance of firefighting duties as a substantial part of the employment) or is engaged as a volunteer firefighter (or both). | 38<br>39<br>40<br>41 |

## Workers Compensation (Firefighters' Presumptive Rights to Compensation) Bill 2018 [NSW]

|   |    |
|---|----|
| <b>6 Diseases presumed to be work related—employed firefighters</b>   | 1  |
| For the purposes of the 1987 Act, it is presumed (unless the contrary is established) that:   | 2  |
|   | 3  |
| (a) an occupational disease contracted by an employed firefighter was contracted in the course of the firefighter's employment, and   | 4  |
|   | 5  |
| (b) the employment was a substantial contributing factor to contracting the disease.  | 6  |
|   | 7  |
| <b>7 Diseases presumed to be work related—volunteer firefighters</b>  | 8  |
| For the purposes of the volunteer firefighters compensation Act, it is presumed (unless the contrary is established) that:  | 9  |
|   | 10 |
| (a) an occupational disease contracted by a volunteer firefighter was contracted in the course of fighting a bush fire, and   | 11 |
|   | 12 |
| (b) the fighting of a bush fire was a contributing factor to contracting the disease.   | 13 |
| <b>8 Disease must be contracted during or within 10 years after service</b>   | 14 |
| (1) A presumption under this Act does not apply to an occupational disease contracted by an eligible firefighter before the start of, or more than 10 years after the end of, the service period of the firefighter.                | 15 |
|   | 16 |
|   | 17 |
| (2) For the purposes of this section, an occupational disease is taken to have been contracted by an eligible firefighter when the earlier of the following occurs:   | 18 |
|   | 19 |
| (a) the disease is first diagnosed by a medical practitioner,   | 20 |
|   | 21 |
| (b) the firefighter dies as a result of the disease.  | 21 |
| <b>9 Firefighters must have minimum service period</b>  | 22 |
| A presumption under this Act does not apply to an occupational disease contracted by an eligible firefighter whose service period is less than the period specified for the disease in Column 2 of the table in Schedule 1.         | 23 |
|   | 24 |
|   | 25 |
| <b>10 No time limit for making claim</b>  | 26 |
| Section 261 of the 1998 Act does not apply in relation to a claim for compensation in respect of an occupational disease made on the basis of a presumption under this Act.   | 27 |
|   | 28 |
|   | 29 |
| <b>11 Transitional provision for existing occupational diseases</b>   | 30 |
| (1) This Act extends to existing occupational diseases.   | 31 |
| (2) An <i>existing occupational disease</i> is an occupational disease contracted by a firefighter before the commencement of this section.   | 32 |
|   | 33 |
| (3) A further claim for compensation may be made under the Workers Compensation Acts or the volunteer firefighters compensation Act in respect of an existing occupational disease if:  | 34 |
|   | 35 |
|   | 36 |
| (a) a claim for compensation has been made under those Acts and rejected or withdrawn before the commencement of this section (whether or not the claim has also been the subject of proceedings in the Commission or a court), and | 37 |
|   | 38 |
|   | 39 |
| (b) a presumption under this Act applies to the disease.  | 40 |

Workers Compensation (Firefighters' Presumptive Rights to Compensation) Bill 2018 [NSW]  
Schedule 1 Occupational diseases

## Schedule 1 Occupational diseases

1

2

| Column 1                        | Column 2               |
|---------------------------------|------------------------|
| Disease                         | Minimum service period |
| Primary site brain cancer       | 5 years                |
| Primary leukaemia               | 5 years                |
| Primary site breast cancer      | 10 years               |
| Primary site testicular cancer  | 10 years               |
| Primary site bladder cancer     | 15 years               |
| Primary site kidney cancer      | 15 years               |
| Primary non-Hodgkins lymphoma   | 15 years               |
| Myeloma                         | 15 years               |
| Primary site prostate cancer    | 15 years               |
| Primary site ureter cancer      | 15 years               |
| Primary site colorectal cancer  | 15 years               |
| Primary site oesophageal cancer | 25 years               |

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01 May 2023

## EMERGENCY SERVICE LEVY INCREASE WILL BE CATASTROPHIC FOR COUNCILS

The newly elected NSW Government has kicked off its first term in the worst possible way by sending NSW council budgets into meltdown, forcing them to shed jobs, close services and scrap infrastructure plans.

Councils' peak body, Local Government NSW (LGNSW), said the decision to apply sky-high increases in the Emergency Services Levy (ESL) would be catastrophic for many councils, and could see some become insolvent.

LGNSW said that for some councils the unexpected cost hit would all but wipe out any IPART-approved rate rise, shredding budgets already under massive pressure from the combined impact of the pandemic, extreme weather events, high inflation and wage increases.

The ESL is a cost imposed on councils and the insurance industry to fund the emergency services budget in NSW. The majority is paid as part of insurance premiums, with a further 11.7 per cent picked up by councils and 14.6% by the State Government itself.

"The ESL is an absolutely blatant cost shift by the State Government," LGNSW President Cr Darriea Turley AM said.

"To make things worse, the ESL has seen stratospheric increases year-on-year to make up for the Government's unfunded workers' compensation liability for emergency services workers struck down by a range of cancers.

"Now it appears councils are being asked to fund massive rises in emergency services budgets, including a 73% increase in the budget allocation to the State Emergency Services (SES).

"The levy increase for the State's 128 councils in 2023/24 alone sits just under \$77 million.

"To put that in perspective, Hay Shire Council will immediately lose 88.6 per cent of its approved rate rise to the ESL, while Bourke Shire Council will lose 94%, Yass Valley Council will lose 96%, and Tenterfield will lose 119%.

"Hornsby council will lose about 75% of its approved rate rise.

"This is an alarming development coming late in the council budgeting cycle and well after the IPART's rates determination for 2023-24.

"The effect will leave some councils with insufficient funds to cover cost increases in other areas. These costs will need to be met by cuts to staff and services."

Cr Turley said the local government sector's fight was not with emergency services workers, but with a duplicitous and financially unsustainable funding system.

"I'm seeking urgent talks with Treasurer Daniel Mookhey where I will ask him to work with councils to develop a fairer funding system," she said.

"This shock increase comes at a time when council budgets are still struggling with flood and bushfire disaster recovery.

"When you factor in the inflation and soaring costs we are all facing across the full gamut of our operations, the immediate future looks particularly bleak.

"We are urgently calling on the Government to:

- restore the subsidy for 2023
- unshackle this payment from council rates
- develop a fairer, more transparent and financially sustainable method of funding the critically important emergency services that benefit us all."

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#### LOCAL GOVERNMENT NSW

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## Local councils call for NSW government to reinstate Emergency Services Levy subsidy

By Brigitte Murphy

By Monty Jacka

By Nick Parmeter

By Elloise Farrow-Smith

ABC New England

Local Government

Tue 2 May 2023



Local councils across NSW are worried an end to the subsidy will decimate their budgets. (Supplied: NSW SES)

[abc.net.au/news/councils-ask-nsw-government-to-keep-eme...](https://abc.net.au/news/councils-ask-nsw-government-to-keep-eme...)

Share article

Local councils have accused the NSW government of treating them like "debt collectors", amid warnings plans to end its Emergency Services Levy subsidy will force them to slash services.

The levy, which funds agencies like the Rural Fire Service, is mostly paid for as part of insurance premiums.

But the state government and councils contribute 14.7 and 11.7 per cent respectively.

The new Labor Government said the subsidy — introduced by the previous government to help councils pay their share — was "ad-hoc", "not budgeted for" and would not be continued.

Local Government New South Wales said the changes would send 2023-24 council budgets — which were subject to a rate cap of 3.7 per cent — into "meltdown".

The change means an extra \$77 million will need to be found collectively by 128 councils.

"The ESL is an absolutely blatant cost shift by the state government," LGNSW president Darriea Turley said in a statement.

### Key points:

Mayors are warning a decision to "cost-shift" part of the levy will have dire consequences for the delivery of local services

Some councils will have to use up to 88 per cent of their rate increase to cover the increase

The NSW government said the subsidy was "ad-hoc" and not budgeted for





Darriea Turley is accusing the NSW government of cost-shifting. (Supplied: Local Government NSW)

## New rates revenue 'wiped out'

Hay Shire Council general manager David Webb said the increase would "wipe out" almost all the extra funds generated from the council's planned rate rise.

"Our total extra rate income from the rate peg is \$100,000, so it's 88 per cent of our rate increase which is going to be taken up by the increase in the emergency services levy here in Hay," he said.

"For a one-off it's OK, you can always handle a one-off like that.

"But where does it go from here? What happens next year?"

Mr Webb said the levy was the responsibility of the state government.

**"I think it's the state government's remit to provide those services and the state government should be funding those services," he said.**

"It just makes it difficult when [rate increase revenue] does get all but wiped out just by cost-shifting from the state government that we have no control of."



NSW has been hit by both fire and flood emergencies over the last 12 months. (Supplied: NSW Rural Fire Service Raglan, Clarence, O'Connell and Kanibla Brigades)

On the NSW Mid North Coast, Nambucca Valley Mayor Rhonda Hoban was shocked to find out her council was being asked to pay \$650,000 — a 50 per cent increase on its previous contribution.

She said it meant the council would need to make tough decisions to balance the books.

"We either have to look at staffing levels, reducing services or not undertaking an infrastructure project" Cr Hoban said.

## 'Very disappointing'

Tenterfield Mayor Bronwyn Petrie said she was fed up with the council being forced to act as a "debt collector" for emergency services funding.



Bronwyn Petrie says councils are fed up with playing "debt collector". (ABC News North Coast)

"They are effectively collecting this from ratepayers, not necessarily all of the community," she said.

"Which is why that cost should come out of Treasury and be collected in a different way."

Cr Petrie said the shire's new rate increase was demolished by the change.

**"By removing the subsidy we are actually going to lose more money than we are going to collect through rates with that rate peg," she said.**

"So that means we have less than we have now to cover increased costs in the next 12 months — it's very disappointing."





Cr Petrie says Tenterfield will lose more money than it will collect from rate hikes. (Supplied: Tenterfield Shire Council)

## Funding laws have not changed: NSW government

A state government spokesperson disputed claims emergency services funding was a state government responsibility.

"Emergency services agencies have long been funded through the cost sharing arrangement," they said, in a statement.

**"The contributions made by local councils to emergency services are determined through legislative requirements."**

"These legislative requirements have not changed."

The spokesperson said the subsidy was approved by the former government and the new government "did not have the time to engage with the process without jeopardising the funding arrangements for emergency services".


"The NSW government recognises that councils are facing increased cost pressures and is focused on ensuring the sustainability of the local government sector."

**14.3 Monthly Finance Report for July 2024**

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|                       |   |
|-----------------------|---|
| <b>Department:</b>    | <b>Corporate &amp; Community</b>          |
| <b>Prepared By:</b>   | <b>Manager Finance &amp; IT</b>           |
| <b>Authorised By:</b> | <b>Director Corporate &amp; Community</b> |
| <b>Reference:</b>     | UINT/24/12997                             |

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|                     |   |
|---------------------|---|
| <b>Attachments:</b> | 1. Monthly Financial Statements JULY 2024 <a href="#">↓</a>  |
|---------------------|---|

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**LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK**

|                  |   |
|------------------|---|
| <b>Goal:</b>     | 4. We are an independent shire and well-governed community  |
| <b>Strategy:</b> | 4.1. Informed and collaborative leadership in our community |
|                  | 4.2. A strategic, accountable and representative Council    |

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**SUMMARY**

The purpose of this report is to provide an overview of the Council's financial performance up to the reporting date, along with analytical comments on significant variances with the budget.

**RECOMMENDATION**

**That Council receives the attached Monthly Finance Report for July 2024.**

**REPORT**

This report provides for the information of Councillors the Income Statement and CAPEX Summary, including a breakdown by fund, for the month ending 31 July 2024.

**URALLA SHIRE COUNCIL**  
**INCOME STATEMENT & CAPEX SUMMARY**  
**Financial Statements for the month ending July 2024**

|   | Amt in '000  |               |                |
|---|--------------|---------------|----------------|
|   | Actuals to   | Proportionate | Budget for the |
|   | July         | Budget        | Year           |
| <b>Income from continuing operations</b>                                  |              |               |                |
| Rates and annual charges (1)  | 8,352        | 8,403         | 8,436          |
| User charges and fees   | 424          | 405           | 5,842          |
| Other revenues  | 20           | 38            | 879            |
| Grants and contributions provided for operating purposes (2)              | 624          | 831           | 9,968          |
| Interest and investment income (3)  | 120          | 65            | 777            |
| Net loss/(gain) from the disposal of assets                               | -            | -             | -              |
| <b>Total income from operational activities</b>                           | <b>9,539</b> | <b>9,741</b>  | <b>25,903</b>  |
| <b>Expenses from continuing operations</b>                                |              |               |                |
| Employee benefits and on-costs  | 1,164        | 1,192         | 12,913         |
| Materials and services  | 628          | 595           | 7,139          |
| Borrowing costs (4)   | 1            | 11            | 129            |
| Councillor and Mayoral fees and associated expenses                       | 12           | 14            | 162            |
| Audit fees (5)  | -81          | 10            | 120            |
| Other expenses  | 108          | 107           | 836            |
| <b>Total expenses from continuing operations</b>                          | <b>1,834</b> | <b>1,929</b>  | <b>21,300</b>  |
| <b>Operating result prior to consideration of capital grants and depr</b> | <b>7,705</b> | <b>7,813</b>  | <b>4,604</b>   |
| Less: Depreciation, amortisation and impairment (6)                       |              |               | 6,349          |
| <b>Operating result after depreciation</b>                                | <b>7,705</b> | <b>7,813</b>  | <b>-1,745</b>  |
| Add: Grants and contributions provided for capital purposes (2)           | 205          | 454           | 5,450          |
| <b>Overall result with capital grants</b>                                 | <b>7,910</b> | <b>8,267</b>  | <b>3,705</b>   |
| <b>Capital Expenditures</b>   |              |               |                |
| Employee benefits and on-costs  | 66           | 150           | 1,798          |
| Materials and services  | 6            | 880           | 10,559         |
| <b>Total Capex</b>  | <b>72</b>    | <b>1,030</b>  | <b>12,357</b>  |

**Analytical Comments:**

- 1) Rates and annual charges present the yearly charge levied once at the beginning of the year. The actual revenue from rates closely aligns with the budgeted figures.
- 2) Grants are often received unevenly throughout the year, though the budget was applied evenly to calculate the proportionate budget. Moreover, the Financial Assistance Grant of \$3.3 million for 2024-25 was already received in advance in 2023-24. Therefore, the variance is expected.

- 3) The positive variance in Interest income is due to continued higher interest rates; the original budget for interest was made conservatively at @3.6%, whereas the current average interest earning is @5.24%
- 4) The variance in the borrowing cost is mainly due to the timing difference of the payment of instalments, as well as the Council's decision not to avail of the loan for Garbage Truck, which was initially anticipated, and the cost of the loan was budgeted as interest on the loan.
- 5) The audit fee shows a negative balance in the actuals column due to the reversal of accrual for audit fees posted in 2023-24. This negative will be cleared when the actual payment for the audit is made in 2024-25.
- 6) Depreciation will be posted upon the finalisation of the audit and the roll-forward of the asset balance to the financial year 2024-25.

**URALLA SHIRE COUNCIL**  
**INCOME STATEMENT AND CAPEX BY FUND**  
 Financial Statements for the month endin July 2024

|   | General Fund |               | McMaugh Gardens |               | Water Fund |               | Sewer Fund   |               |
|---|--------------|---------------|-----------------|---------------|------------|---------------|--------------|---------------|
|   | Actual to    | Proportionate | Actual to       | Proportionate | Actual to  | Proportionate | Actual to    | Proportionate |
|   | July         | Budget        | July            | Budget        | July       | Budget        | July         | Budget        |
| <b>Income from continuing operations</b>            |              |               |                 |               |            |               |              |               |
| Rates and annual charges                            | 6,611        | 6,637         | -               | -             | 663        | 675           | 1,078        | 1,091         |
| User charges and fees                               | 325          | 306           | 93              | 92            | 5          | 2             | -            | 5             |
| Other revenues                                      | 20           | 37            | 1               | 0             | -          | -             | -            | -             |
| Grants and contributions provided for op            | 267          | 452           | 357             | 310           | -          | 69            | -            | -             |
| Interest and investment income                      | 117          | 36            | -               | 11            | 2          | 11            | 1            | 7             |
| Net loss/(gain) from the disposal of asset          | -            | -             | -               | -             | -          | -             | -            | -             |
| <b>Total income from operational activities</b>     | <b>7,339</b> | <b>7,468</b>  | <b>451</b>      | <b>413</b>    | <b>670</b> | <b>757</b>    | <b>1,079</b> | <b>1,103</b>  |
| <b>Expenses from continuing operations</b>          |              |               |                 |               |            |               |              |               |
| Employee benefits and on-costs                      | 769          | 851           | 311             | 280           | 54         | 33            | 30           | 28            |
| Materials and services                              | 537          | 329           | 49              | 85            | 40         | 153           | 1            | 27            |
| Borrowing costs                                     | 1            | 11            | 0               | 0             | -          | -             | -            | -             |
| Councillor and Mayoral fees and associat            | 12           | 14            | -               | -             | -          | -             | -            | -             |
| Audit fees  | 81           | 10            | -               | -             | -          | -             | -            | -             |
| Other expenses                                      | 108          | 107           | -               | -             | -          | -             | -            | -             |
| <b>Total expenses from continuing operation</b>     | <b>1,347</b> | <b>1,321</b>  | <b>361</b>      | <b>366</b>    | <b>94</b>  | <b>186</b>    | <b>32</b>    | <b>55</b>     |
| <b>Operating result prior to consideration of i</b> | <b>5,992</b> | <b>6,147</b>  | <b>90</b>       | <b>48</b>     | <b>576</b> | <b>571</b>    | <b>1,047</b> | <b>1,047</b>  |
| Less: Depreciation, amortisation and impa           | -            | -             | -               | -             | -          | -             | -            | -             |
| <b>Operating result after depreciation</b>          | <b>5,992</b> | <b>6,147</b>  | <b>90</b>       | <b>48</b>     | <b>576</b> | <b>571</b>    | <b>1,047</b> | <b>1,047</b>  |
| Add: Grants and contributions provided fo           | 205          | 358           | -               | -             | -          | 96            | -            | -             |
| <b>Overall result with capital grants</b>           | <b>6,197</b> | <b>6,505</b>  | <b>90</b>       | <b>48</b>     | <b>576</b> | <b>667</b>    | <b>1,047</b> | <b>1,047</b>  |
| <b>Capital Expenditures</b>                         |              |               |                 |               |            |               |              |               |
|   | Actual to    | Proportionate | Actual to       | Proportionate | Actual to  | Proportionate | Actual to    | Proportionate |
|   | July         | Budget        | July            | Budget        | July       | Budget        | July         | Budget        |
| Employee benefits and on-costs                      | 54           | 142           | -               | 1             | 12         | 7             | -            | -             |
| Materials and services                              | -            | 2             | -               | 16            | 2          | 121           | 5            | 43            |
| <b>Total Capex</b>                                  | <b>52</b>    | <b>842</b>    | <b>-</b>        | <b>17</b>     | <b>14</b>  | <b>128</b>    | <b>5</b>     | <b>43</b>     |



**14.4 Loans as at 31 July 2024**

|                       |  |
|-----------------------|--|
| <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>                  |
| <b>Goal:</b>          | 4. We are an independent shire and well-governed community |
| <b>Strategy:</b>      | 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 31 July 2024 is \$1,313,196.**

**REPORT**

This report is provided to inform Council of the reconciliation of borrowings on monthly basis. A reconciliation of borrowings for the month of July confirmed that the loan position as of 31 July 2024 is \$1,313,196.

The table below has been modified to provide details of interest applied and instalments paid since the last report.

**Uralla Shire Council  
Loans at 31 July, 2024**

| <b>Loan no.</b> | <b>Purpose</b>                                    | <b>Balance as at<br/>30 June 2024</b> | <b>Interest<br/>Applied</b> | <b>Instalment<br/>Paid</b> | <b>Balance as at<br/>31 July 2024</b> |
|-----------------|---|---------------------------------------|-----------------------------|----------------------------|---------------------------------------|
| 165             | MGH Property                                      | 17,654                                | 112                         | 751                        | 17,014                                |
| 187             | Undergrounding Power and Main Street Upgrade      | 29,729                                | 200                         | 5,020                      | 24,909                                |
| 188             | Paving and Power Undergrounding                   | 10,295                                | 73                          | 548                        | 9,819                                 |
| 189             | Bridge Construction                               | 130,340                               | 904                         | 5,301                      | 125,943                               |
| 190             | Bridge construction & industrial land development | 1,135,510                             | -                           | -                          | 1,135,510                             |
| <b>Total</b>    |   | <b>1,323,528</b>                      | <b>1,289</b>                | <b>11,620</b>              | <b>1,313,196</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)*.

**14.5 Investments as at 31 July 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>                  |
| <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 Section 625 of Local Government Act 1993, Regulation 212 of the NSW Local Government (General) Regulations 2021, and Council's Investment Policy 2019.

**RECOMMENDATION**

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

- cash and overnight funds of \$2,780,961
- term deposits of \$24,350,000
- total convertible funds of \$27,130,961 (\$2,780,961 + \$24,350,000) (including restricted funds)

**REPORT**

Current term deposits of \$24,350,000 spread over the next twelve months will receive a range of interest from 5.00% to 5.49% with an average rate of 5.24%. 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 31 July 2024.

An additional table has been added to this report to provide movement of term deposits with different banks.

**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 RBA 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 31 July 2024:

| Opening Balance<br>as at 01/07/24 | Bond<br>Addition | Bond<br>Release | Closing Balance<br>as at 31/07/24 |
|-----------------------------------|------------------|-----------------|-----------------------------------|
| 4,025,000                         | 400,000          | -               | 4,425,000                         |

**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.

**CASH AT BANK AND TERM DEPOSITS ARE SHOWN IN THE TABLES BELOW:**

| Uralla Shire Council  |               |                     |
|---|---------------|---------------------|
| Operating/Business/Investments accounts as at 31 July, 2024 |               |                     |
| Institution   | Account       | Bank Statement      |
| National Australia Bank                                     | Main Account  | \$129,094           |
| National Australia Bank                                     | Trust Account | \$31,296            |
| Regional Australia Bank                                     | Cash Account  | \$27,313            |
| Professional Funds (0.15% above RBA cash rate)              | Cash Account  | \$2,593,257         |
| <b>Total Cash and Overnight Funds</b>                       |               | <b>\$2,780,961</b>  |
| Term Deposits   | Investments   | 24,350,000          |
| <b>Total funds available as at 31 July, 2024</b>            |               | <b>\$27,130,961</b> |

## Term Deposit Investments by Bank

| Name of the Bank            | S&P Rating | Allowable Investment Limit % | Max Investment Allowed | Opening Investment 01/07/2024 | Movement during the Month | Closing Investments 31/07/24 | % of Actual Investment |
|-----------------------------|------------|------------------------------|------------------------|-------------------------------|---------------------------|------------------------------|------------------------|
| Bank of Queensland          | A-2        | 30%                          | 7,305,000              | 1,000,000                     | 2,000,000                 | 3,000,000                    | 12%                    |
| Westpac Banking Corporation | A-1+       | 30%                          | 7,305,000              | 5,000,000                     | 1,000,000                 | 6,000,000                    | 25%                    |
| Commonwealth Bank           | A-1+       | 30%                          | 7,305,000              | 1,000,000                     | - 1,000,000               | -                            | 0%                     |
| Regional Australia Bank     | A-2        | 30%                          | 7,305,000              | 4,050,000                     | -                         | 4,050,000                    | 17%                    |
| Suncorp                     | A-1        | 30%                          | 7,305,000              | 4,500,000                     | - 500,000                 | 4,000,000                    | 16%                    |
| <b>Total</b>                |            |                              |                        | 21,250,000                    | 3,100,000                 | 24,350,000                   | 100%                   |

## List of Term Deposits as at 31 July, 2024

| Name of the Bank            | Term      | Interest rate | Maturity   | Investment Amount |
|-----------------------------|-----------|---------------|------------|-------------------|
| 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     | 5 months  | 5.13%         | 30/09/2024 | 500,000           |
| 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           |
| National Australia Bank     | 6 months  | 5.15%         | 23/12/2024 | 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         |
| National Australia Bank     | 8 months  | 5.30%         | 13/03/2025 | 500,000           |
| National Australia Bank     | 11 months | 5.15%         | 17/04/2025 | 1,000,000         |
| National Australia Bank     | 10 months | 5.30%         | 23/05/2025 | 500,000           |
| Westpac Banking Corporation | 11 months | 5.27%         | 02/06/2025 | 1,000,000         |
| Bank of Queensland          | 11 months | 5.28%         | 02/06/2025 | 1,000,000         |
| National Australia Bank     | 12 months | 5.45%         | 02/07/2025 | 500,000           |
| National Australia Bank     | 12 months | 5.45%         | 04/07/2025 | 600,000           |
| Bank of Queensland          | 9 months  | 5.30%         | 04/04/2025 | 1,000,000         |
| <b>Total</b>                |           |               |            | <b>24,350,000</b> |

## 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.

**14.6 Debt Recovery Update**

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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> |
| <b>Reference:</b>     | UINT/24/11945                             |

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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**

At the 25 June Ordinary meeting of the Council, it was noted that outstanding rates had been increasing. As of 31 July 2024, there was a balance of \$1,184,255 in outstanding rates.

This report provides an overview and update on the actions taken by officers to recover outstanding debts and details the next steps for effective and efficient debt recovery.

**RECOMMENDATION**

That Council:

1. Notes the Debt Recovery Update Report.
2. Notes that a review of the current debt recovery process will be undertaken, and further advice provided to Council within the next 3 months.

**Historical background:**

Historically, a debt collection agency was engaged to assist with debt recovery for the Council. However, during the COVID lockdowns, debt recovery processes were paused by many Councils, including Uralla Shire Council (USC).

In June 2024 it was identified that rent arrears had increased significantly over the past few years. As a result, Council initiated the debt recovery process in accordance with the USC Debt Recovery Policy 2020 (the Policy). The process involves a reminder letter to ratepayers with outstanding debt, with a follow-up reminder letter 14 days later if required. Any ratepayers with debt greater than \$1,000 are then referred to a debt recovery agency.

**First Reminder Letter:**

The first reminder letter was sent on July 16 2024 to 498 property owners with outstanding rates over \$100 as of June 30, 2024. Council has recovered \$170,928 following this reminder. Further, 23 requests for payment arrangements were requested with 13 finalised, totalling \$48,000 in outstanding rates that will be recovered through weekly to monthly repayments. The outstanding rate position following the first reminder letters is \$1,184,255 (refer to the Table below: Movement of arrear rates after first reminder letter).

Ten reminder letters were returned to Council. Further action has been initiated to contact these ratepayers to update their current contact details and reissue the reminder letter.

**Movement of arrear rates after first reminder letter**

| Outstanding Range (Amount)    | Number of Owners | Number of Properties | Arrear as of 30 June 2024 | Payment Received | Arrear as of 31 July 2024 |
|-------------------------------|------------------|----------------------|---------------------------|------------------|---------------------------|
| \$100,000 and above           | 1                | 12                   | 102,224                   | -                | 102,224                   |
| Between \$50,000 and \$99,999 | -                | -                    | -                         | -                | -                         |
| Between \$20,000 and \$49,999 | 2                | 2                    | 64,493                    | -                | 64,493                    |
| Between \$10,000 and \$19,999 | 27               | 36                   | 366,545                   | 6,232            | 360,313                   |
| Between \$5,000 and \$9,999   | 39               | 42                   | 342,722                   | 57,972           | 284,750                   |
| Between \$1,000 and \$4,999   | 133              | 151                  | 380,904                   | 63,221           | 317,683                   |
| Between \$500 and \$999       | 51               | 55                   | 63,652                    | 26,306           | 37,346                    |
| Between \$100 and \$499       | 55               | 57                   | 34,643                    | 17,197           | 17,446                    |
|                               | 308              | 355                  | 1,355,184                 | 170,928          | 1,184,255                 |

**Second Reminder Letter and Next Steps:**

On 9 August 2024, a second reminder letter was sent. If there is no payment in the required timeframe, those ratepayers will be referred to the debt recovery agency.

**CONCLUSION**

The recovery of outstanding rates needs to be an ongoing internal Council process to manage and reduce this debt. Since June 2024 the focus on outstanding rate recovery has helped to identify and quantify the current position for Council.

It is noted that the USC Debt Recovery Policy (2020) is due for review. A review will be undertaken to determine if the current process is still fit for purpose and a report prepared for the new Council.

Regular quarterly reporting to Council of the outstanding rates balance will be important to mitigate the risk of increasing outstanding rates.

**Community Engagement/Communication**

Community consultation of the revised Debt Recovery Policy once reviewed. Ongoing positive and supportive communication with ratepayers who have outstanding rates.

**Policy and Regulation**

- Uralla Shire Council Debt Recovery Policy 2020
- Local Government Act 1993
- Local Government Regulations (General) 2005
- Local Government Code of Accounting Practice and Financial Reporting
- Australian Accounting Standards.

**Financial/Long Term Financial Plan**

There is a negative impact on cash flow management when outstanding debts are not collected on time.

**Workforce/Workforce Management Strategy**

N/A

**Legal and Risk Management**

- Incorrect contact details for ratepayers due to address changes and the council not notified. The risk is mitigated through phone calls, email, and other forms of research to establish correct contact details and update the council database.

**14.7 Tablelands Community Support - Quality Audit against Aged Care Quality Standards**


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|                       |   |
|-----------------------|---|
| <b>Department:</b>    | <b>Corporate &amp; Community</b>          |
| <b>Prepared By:</b>   | <b>Manager Community Care</b>             |
| <b>Authorised By:</b> | <b>Director Corporate &amp; Community</b> |
| <b>Reference:</b>     | UINT/24/11685                             |

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**LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK**

|                  |      |   |
|------------------|------|---|
| <b>Goal:</b>     | 1.   | We have an accessible inclusive and sustainable community |
| <b>Strategy:</b> | 1.4. | Access to and equity of services                          |

---

**SUMMARY**

Further to the report to the June Council Meeting on the non-compliance with the Aged Care Quality Standards, this report provides an update on progress made by Tablelands Community Support (TCS) to address the areas of non-compliance. This report confirms that TCS is on track to complete the compliance actions by 31 August 2024, in accordance with the Plan of Continuous Improvement (PCI) submitted to the Aged Care Quality and Safety Commission.

**RECOMMENDATION**

That Council notes the progress TCS has made in addressing the areas of non-compliance against the Aged Care Quality Standards.

**REPORT**

1. The Commission's Performance Report for TCS is available in the public domain: <https://www.agedcarequality.gov.au/services/council-shire-uralla-uralla-200492>
2. The quality audit found TCS was not compliant with three of the eight Quality Standards, namely Standards 2, 3 and 8 across both service streams: Home Care Packages and Commonwealth Home Support Programme as detailed below:

|  |                      |
|--|----------------------|
| <b>Standard 1</b> Consumer dignity and choice                    | Compliant            |
| <b>Standard 2</b> Ongoing assessment and planning with consumers | <b>Not Compliant</b> |
| <b>Standard 3</b> Personal care and clinical care                | <b>Not Compliant</b> |
| <b>Standard 4</b> Services and supports for daily living         | Compliant            |
| <b>Standard 5</b> Organisation's service environment             | Compliant            |
| <b>Standard 6</b> Feedback and complaints                        | Compliant            |
| <b>Standard 7</b> Human resources                                | Compliant            |
| <b>Standard 8</b> Organisational governance                      | <b>Not Compliant</b> |

3. In response, TCS revised the Plan for Continuous Improvement to ensure Aged Care Quality Standards will be met by 31 August 2024. The revised Plan was endorsed by the Commission 14 June 2024. The TCS team have been actively implementing the revised Plan's actions to mitigate further non-compliance.
4. Significant progress has been made in remediating the areas of non-compliance. Currently (31/07/24) the team has completed:

- Requirements 2(3)(a) and (b) and 2(3)(d) and (e), by:
  - Implementing a new risk assessment program, training staff in the program and conducting risk assessments on all consumers that were identified as a falls risk or had other identified risks.
  - Reviewing consumer current needs, goals and preferences including formal planning and end of life wishes. Less than 50 consumers (most of whom receive only one service from Commonwealth Home Support Programme) remain to be re-assessed.
  - Completing the updated care and services plans and sending them out to consumers.
  - Reviewing and updating plans for consumers with high needs whose needs have changed since their reviews in May and June.
- Requirements 3(3)(b) and (d) by:
  - Consistent informed quality care to manage high prevalence or high impact risks through rapid assessments by a physiotherapist, a registered nurse or a hospital admission if other professions including a doctor, are unable to be accessed in a timely manner.
- Requirement 8(3)(a) by inviting all consumers to engage in a consumer advisory forum, and by planning a second forum to which all consumers will again be invited to in September.

5. It is noted that the Commission's [Sector Performance Report](#) for January to March 2024 stated, that: *just under 1 in 7 residential aged care services and 1 in 3 home care providers didn't meet all the requirements of the Aged Care Quality Standards. Quality Standard 2 (Ongoing assessment and planning with consumers) and Quality Standard 8 (Organisational governance) have the lowest rates of compliance in both residential care and home services.*

## CONCLUSION

TCS is progressing well with the Plan of Continuous Improvement (PCI) submitted to the Aged Care Quality and Safety Commission and are concurrently revising some processes to maintain the impetus and the improvement permanently. Data has been provided to Lambourne Partners (Paul Quealey) for the planned external audit and visits have been arranged for TCS on 8 August and McMaugh Gardens 9 August 2024.

## COUNCIL IMPLICATIONS

### Community Engagement/Communication

- The first Consumer Advisory Forum was held 14 June 2024 (an area of non-compliance) with the next forum scheduled for 18 September 2024.
- The General Manager sent a letter to consumers and carers during July advising of the audit and strategy to address the non-compliance.

### Financial/Long Term Financial Plan

No impact is foreseen.

### Asset Management/Asset Management Strategy

No impact is foreseen.



**Workforce/Workforce Management Strategy**

Risk mitigation through recruitment and ongoing performance management:

1. All position descriptions for TCS have been updated with reference to the Quality Standards and contain details for how the incumbent ensures compliance with the Quality Standards.
2. Questions have been added to further explore applicants' understanding and awareness of the Quality Standards.
3. TCS induction now incorporates education on the Quality Standards which needs to be completed with the first three (3) weeks.
4. TCS professional development will include regular education session on the Quality Standards, and the importance on compliance with the Quality Standards.
5. TCS performance management to measure active compliance with the Quality Standards.

**Legal and Risk Management**

There is a risk to the Council's reputation:

- The Commission's Performance Report is available to the public on the Commissions website <https://www.agedcarequality.gov.au/services/council-shire-uralla-uralla-200492>
- The service provider is named as *Council of the Shire of Uralla*

Risk mitigation:

1. A Summary Report was presented at the Audit, Risk & Improvement Committee (ARIC) meeting 17 June 2024 for noting and seeking additional guidance. A further status update will be provided to ARIC in August.
2. Discussions underway to establish a Clinical Governance Advisory Committee incorporating Community Care and McMaugh Gardens.
3. An external audit of the Community Care Business Unit (includes TCS) has commenced. This audit is delivered by Lambourne Partners (Paul Quealey) and due to conclude September 2024.
4. Council will be advised of the outcomes of the business service audit and kept abreast of the progress toward compliance against the Quality Standards.

**Performance Measures**

- The quality assurance performance measures required to meet compliance are outlined in the Performance Report authored by the Commission.
- These performance measures are addressed in the revised Plan for Continuous Improvement where 31 August 2024 has been identified as the planned activity completion date for TCS to return to compliance. At this time TCS will contact the Commission and provide the additional supporting evidence for their consideration.

**Project Management**

Not applicable.

**14.8 Interim Management Letter for 2023-2024 Year End**

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|                       |   |
|-----------------------|---|
| <b>Department:</b>    | <b>Corporate &amp; Community</b>          |
| <b>Prepared By:</b>   | <b>Director Corporate &amp; Community</b> |
| <b>Authorised By:</b> | <b>General Manager</b>                    |
| <b>Reference:</b>     | UINT/24/12622                             |

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|                     |   |
|---------------------|---|
| <b>Attachments:</b> | 1. Interim Management Letter Year End 2023-2024 <a href="#">↓</a>  |
|---------------------|---|

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**LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK**

|                  |  |
|------------------|--|
| <b>Goal:</b>     | 4. We are an independent shire and well-governed community   |
| <b>Strategy:</b> | 4.2. A strategic, accountable and representative Council     |
|                  | 4.3. An efficient and effective independent local government |

---

**SUMMARY**

The Interim Audit Management letter for 30 June 2024 was received on 2<sup>nd</sup> August 2024.

**RECOMMENDATION**

That Council notes the Interim Audit Management Letter for year end 30 June 2024.

**REPORT**

This is a positive interim report and a testament to a lot of hard work by officers over the last 12 months, led largely by our Manager Finance and supported by all managers.

Many action items committed in the management response to the last audit letter are noted as being in progress and will be reviewed in the FY 23/24 or 24/25 audits.

Two low risk items have been identified:

1. for the Prior year – outdated plans and policy; and
2. for the Current year – lack of legislative compliance register.

Management comments have been provided by the new Manager Governance with action plans and target dates provided to the auditors. The Interim Management letter was also reported to the ARIC meeting of 19<sup>th</sup> August for noting and discussion.



Ms Toni Averay  
General Manager  
Uralla Shire Council  
PO Box 106  
URALLA NSW 2380

Contact: Furqan Yousuf  
Phone no: 02 9275 7470  
Our ref: R008-2124742775-4081

1 August 2024

Dear Ms Averay

**Management Letter on the Interim Phase of the Audit  
for the Year Ended 30 June 2024**

The interim phase of our audit for the year ended 30 June 2024 is complete. This letter outlines:

- matters of governance interest we identified during the current audit
- unresolved matters identified during previous audits
- matters we are required to communicate under Australian Auditing Standards.

We planned and carried out our audit to obtain reasonable assurance the financial statements are free from material misstatement. Because our audit is not designed to identify all matters that may be of governance interest to you, there may be other matters that did not come to our attention.

The audit is ongoing and we will inform you if we identify any new matters of governance interest as they arise.

For each matter in this letter, we have included our observations, risk assessment and recommendations. The risk assessment is based on our understanding of your business. Management should make its own assessment of the risks to the organisation.

As soon as practicable, we recommend you:

- assign responsibility for implementing the recommendations
- develop an action plan, including a timetable, to implement the recommendations
- nominate an individual or establish a committee to monitor and report on progress.

We have kept management informed of the issues included in this letter as they have arisen. A formal draft of this letter was provided on 29 July 2024. This letter includes management's formal responses, the person responsible for addressing the matter and the date by which this should be actioned.

The information in this letter and any attachment is confidential and intended for management and those charged with governance only. This document may not be shared with other parties without the consent of the Audit Office. It may not be distributed to persons other than management and those you determine to be charged with governance of the Uralla Shire Council.

The Auditor-General may include items listed in this letter in the Report to Parliament. We will send you a draft of this report and ask for your comments before it is tabled in Parliament.

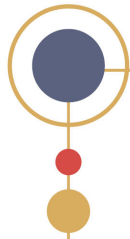
If you would like to discuss any of the matters raised in this letter, please contact me on 9275 7470 or Paul Cornall on 02 67738400.

Yours sincerely



Furqan Yousuf  
Director, Financial Audit

cc: Cr Robert Bell, Mayor  
Mr Stephen Coates, Chair, Audit, Risk and Improvement Committee



# Interim management letter

for the year ended 30 June 2024

Uralla Shire Council



INSIGHTS FOR BETTER GOVERNMENT

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We have rated the risk of each issue as 'Extreme', 'High', 'Moderate' or 'Low' based on the likelihood of the risk occurring and the consequences if the risk does occur.

The risk assessment matrix used is based on principles within the risk management framework in [TPP12-03](#) 'Risk Management Toolkit for the NSW Public Sector'.

This framework may be used as better practice for councils.

|            |                | CONSEQUENCE |        |      |           |
|------------|----------------|-------------|--------|------|-----------|
|            |                | Low         | Medium | High | Very high |
| LIKELIHOOD | Almost certain | M           | M      | H    | E         |
|            | Likely         | L           | M      | H    | H         |
|            | Possible       | L           | M      | M    | H         |
|            | Rare           | L           | L      | M    | M         |

The risk level is a combination of the consequences and likelihood. The position within the matrix corresponds to the risk levels below.

| RISK LEVELS | MATRIX REFERENCE |
|-------------|------------------|
| ⊗ Extreme:  | E                |
| ! High:     | H                |
| — Moderate: | M                |
| ✓ Low:      | L                |

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For each issue identified, the principles within the consequence and likelihood tables, which are based on the principles within [TPP12-03](#) have been used to guide our assessment.

### Consequence levels and descriptors

When assessing the consequence of each issue, we have regard to the length of time the issue remains unresolved. The lack of timeliness in resolving issues may indicate systemic issues and/or poor governance practices, which warrant an increase in the consequence level. As such, unresolved or unaddressed issues from prior periods are re-assessed annually. This re-assessment may lead to an increase in the risk rating adopted.

| Consequence level | Consequence level description  |
|-------------------|--|
| Very high         | <ul style="list-style-type: none"> <li>Affects the ability of the entire entity to achieve its objectives and may require third party intervention;</li> <li>Arises from a fundamental systemic failure of governance practices and/or internal controls across the entity or across a critical/significant part of the entity; or</li> <li>May result in an inability for the auditor to issue an audit opinion or issue an unqualified audit opinion, and/or significant management work arounds and substantive tests of details was required in order to issue an unqualified opinion.</li> </ul>                      |
| High              | <ul style="list-style-type: none"> <li>Requires coordinated management effort at the executive level;</li> <li>Arises from a widespread failure of governance practices and/or internal controls affecting most parts of the entity or across a significant/important part of the entity (eg. as demonstrated through a lack of timely resolution of unresolved/repeat issues); or</li> <li>May result in an inability for the auditor to issue an unqualified audit opinion, and/or significant management workarounds and substantive tests of details was required in order to issue an unqualified opinion.</li> </ul> |
| Medium            | <ul style="list-style-type: none"> <li>Requires management effort from areas outside the business unit; or</li> <li>Arises from ineffective governance practices and/or internal controls affecting several parts or a key part of the entity (eg. as demonstrated through a lack of timely resolution of unresolved/repeat issues).</li> </ul>  |
| Low               | <ul style="list-style-type: none"> <li>Can be managed within normal management practices; or</li> <li>Arises from isolated ineffective governance practices and/or internal controls affecting a small part of the entity that are largely administrative in nature.</li> </ul>  |

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### Likelihood levels and descriptors

When assessing the likelihood of each issue, we have regard to the length of time the issue remains unresolved because the longer the risk remains unresolved the greater the chance the weakness could be exploited, or an adverse event or events could occur. As such, unresolved or unaddressed issues from prior periods are re-assessed annually. This re-assessment may lead to an increase in the risk rating adopted.

| Likelihood level | Frequency  | Probability                                 |
|------------------|--|---|
| Almost certain   | The event is expected to occur in most circumstances, and frequently during the year | More than 99 per cent                       |
| Likely           | The event will probably occur once during the year                                   | More than 20 per cent and up to 99 per cent |
| Possible         | The event might occur at some time in the next five years                            | More than 1 per cent and up to 20 per cent  |
| Rare             | The event could occur in exceptional circumstances                                   | Less than 1 per cent                        |



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## Summary of issues

| Issue  | Detail  | Likelihood | Consequence | Risk assessment |
|--|---|------------|-------------|-----------------|
| <b>Prior year matters not resolved by management</b> |   |            |             |                 |
| 1  | <a href="#">Outdated plans and policies</a>             | Likely     | Low         | Low             |
| <b>Current year matters</b>                          |   |            |             |                 |
| 1  | <a href="#">Lack of Legislative compliance register</a> | Likely     | Low         | Low             |

### Appendix

[Review of matters raised in prior year management letters that are not yet due](#)


[Review of matters raised in prior year management letters that have been addressed](#)

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## Prior year matters not resolved by management

### Issue 1: Outdated plans and policies

| Likelihood | Consequence | Systemic issue | Category                   | Risk assessment   |
|------------|-------------|----------------|----------------------------|---|
| Likely     | Low         | No             | Governance/<br>Operational |  Low |

#### Observation

Our review of the council's plans and policies identified the following outdated documents:

- Contract Management Plan is in draft since August 2020
- Fraud Control Plan is due for review since 2022
- Audit, Risk and Improvement Committee Charter is due for review since 2022
- Fraud Control Policy is due for review since 2022
- Gifts and Benefits Policy is in draft since 2019
- Investment Policy is due for review since April 2023
- Work health and safety policy is due for review since 2023

#### Implications

Council's current practices may not be reflected in policies and procedures.

#### Recommendation

Management should continue to review and update the appropriate governance and operational policies and procedures.

#### Management response

Agree

Management agrees with the recommendation to continue to review and update operational policies and procedures. The new Manager Governance, who commenced 8 July 2024, has conducted an audit of the Council Policy and Procedure library, and identified all aged documents (refer attached). An action plan and timeline has been drafted for review by the next Audit Risk and Improvement Committee meeting, 19 August 2024 (refer attached). In addition, a review program for policies, procedures, plans, strategies, etc. is in creation. Ongoing follow-up communication regarding this project with the executive leadership team occurs monthly, and the Audit, Risk, and Improvement Committee quarterly. This review will be an ongoing program with all policies required to be reviewed at least once per Council term as a minimum.

| Person responsible:                                  | Date (to be) actioned:   |
|--|--|
| Emily Lanyon - Manager Governance and Service Centre | Project commenced. It is anticipated that all aged documents will be actioned by 30 June 2025. |

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## Current year matters

### Issue 2: Lack of legislative compliance register

| Likelihood | Consequence | Systemic issue | Category   | Risk assessment |
|------------|-------------|----------------|------------|-----------------|
| Likely     | Low         | No             | Governance | Low             |

#### Observation

The Council does not have a legislative compliance register to capture and report on Council's compliance with key legislations. This is important to assist the Council to appropriately monitor and manage its legal obligations.

#### Implications

Council may not comply with key legislative obligations.

#### Recommendation

Management should consider developing a legislative compliance register to strengthen the Council's legislative framework.

#### Management response

Agree

Management agree with the recommendation to develop a legislative compliance register and are currently investigating database subscription options to assist with managing a legislative compliance database. This database will ideally provide a platform to manage legislative compliance, delegations, policies, integrated planning, and reporting documents, etc. Associated policies, procedures, and standard operating procedures for compliance register will also be created.

| Person responsible:                                  | Date (to be) actioned: |
|--|------------------------|
| Emily Lanyon - Manager Governance and Service Centre | 31 December 2024       |

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## Appendix

### Review of matters raised in prior year management letters that are not yet due

The issues in this appendix were raised in previous management letter with a due date that had not passed or where our audit procedures were completed before the action due date.

| Prior issues raised                                 | Risk assessment | Assessment of action taken   | Recommendation   |
|---|-----------------|--|--|
| Information Technology (IT) Policies and Procedures | ⚠ High          | Not yet due<br>Policy Framework December 2024<br>BCP and DCP June 2025<br>Management has engaged Kaon Security who has drafted a cyber security policy for Management to review. | We will follow up this issue as part of the 2024–25 audit  |
| Long Term Financial Plan (LTFP)                     | ⚡ Moderate      | Not yet due<br>30 September 2024<br>Management is currently preparing the LTFP   | We will follow up this issue as part of the 2024–25 audit  |
| IT control environment                              | ⚡ Moderate      | Not yet due<br>June 2025   | We will follow up this issue as part of the 2024–25 audit  |
| Cyber security                                      | ⚡ Moderate      | Not yet due<br>Cyber security strategy September 2024<br>Cyber incident management process December 2024   | We will follow up this issue as part of the 2024–25 audit. |
| Lack of review of long outstanding debtors          | ⚡ Moderate      | Due as part of 2023-24 financial statement preparation   | We will review this as part of year end testing.           |
| Review of Capital Work In Progress (WIP)            | ⚡ Moderate      | Due as part of 2023-24 financial statement preparation   | We will review this as part of year end testing.           |
| Related party register                              | ⚡ Moderate      | Due as part of 2023-24 financial statement preparation   | We will review this as part of year end testing            |
| Absence of aftercare costs-rehabilitation provision | ✅ Low           | Due as part of 2023-24 financial statement preparation   | We will review this as part of year end testing            |

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**Review of matters raised in prior year management letters that have been addressed**

The issues in this appendix were raised in previous management letters. For each of these issues, we have determined how management has addressed the issue in the current year.

| Prior issues raised   | Risk assessment | Assessment of action taken               | Recommendation          |
|---|-----------------|--|-------------------------|
| Reconciliation Process  | — Moderate      | Matter has been addressed by management. | Nil as matter addressed |
| Excessive annual leave  | ✓ Low           | Matter has been addressed by management. | Nil as matter addressed |
| Masterfile edit audit reports                                       | — Moderate      | Matter has been addressed by management. | Nil as matter addressed |
| Journal controls  | — Moderate      | Matter has been addressed by management. | Nil as matter addressed |
| Lack of review of bank signatories                                  | — Moderate      | Matter has been addressed by management. | Nil as matter addressed |
| Lack of review of supplier pay edit listing/remittance              | ✓ Low           | Matter has been addressed by management. | Nil as matter addressed |
| Allocation of plant hire costs                                      | ✓ Low           | Matter has been addressed by management. | Nil as matter addressed |
| Incorrect supplier details in recipient created tax invoices (RCTI) | ✓ Low           | Matter has been addressed by management. | Nil as matter addressed |

**14.9 Register Resolutions Actions Status as at 22 August 2024**

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**Department:** General Manager's Office**Prepared By:** Executive Assistant**Authorised By:** General Manager**Reference:** UINT/24/13635

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**Attachments:** 1. Resolution Actions Status as at 22 August 2024  

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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 24 August 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: 22 August 2024 12:47 PM |
|----------------------------------|----------|--|--|--|----------------------------------|
| MEETING DATE                     | ITEM NO. | SUBJECT  | MOTION   | COMMENTS   |                                  |
| Council<br>23/11/2015            | 14.1     | Bergen Road Land<br>Acquisition and Exchange for<br>Road Works | <b>RESOLUTION 01.11/15</b><br><br><b>Moved: Cr K Ward</b><br><b>Seconded: Cr L Cooper</b><br><br><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><br><br><b>Unanimous</b> | <b>18 Jul 2023</b><br><br>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.<br><br><b>06 Sep 2023</b><br><br>Publication of Government Gazette in Feb 2023. Solicitor following up with Surveyor for signatures, will then proceed to Deed for sign off.<br><br><b>11 Sep 2023</b><br><br>Solicitor has made contact with Surveyor - Deed of Settlement expected to progress end of September 2023 if planned meeting goes to plan.<br><br><b>18 Oct 2023</b><br><br>Contact has been made with the Solicitor - awaiting update.<br><br><b>13 Dec 2023</b><br><br>A face to face meeting in January 2024 has been requested with APJ from the GM to review what the hold up continues to be in closing this matter.<br><br><b>16 Jan 2024</b><br><br>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<br><br><b>21 Feb 2024</b><br><br>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.<br><br><b>17 Apr 2024</b><br><br>No change since last report<br><br><b>07 May 2024</b><br><br>Contact made with Solicitor for follow on on progress - awaiting response |                                  |

| RESOLUTION STATUS ACTIONS REPORT |      |   |   | Printed: 22 August 2024 12:47 PM   |
|----------------------------------|------|---|---|--|
|                                  |      |   |   | <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. Meeting is planned for Wed 14 August 2024.</p> <p><b>22 Aug 2024</b></p> <p>Update from APJ Law received on 22/8/24. Documents ready for execution. GM signature required to enable documents to be sent to Crown Lands for final action.</p> |
| Council<br>19/12/2023            | 14.4 | Project Updates - Public<br>Spaces Legacy Program | <p><b>RESOLUTION 10.12/23</b></p> <p><b>Moved:</b> Cr Tom O'Connor<br/><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</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> <p><b>21 Aug 2024</b></p> <p>Awaiting final advice from UTEC.</p>   |



| RESOLUTION STATUS ACTIONS REPORT                    |      |  |  |   | Printed: 22 August 2024 12:47 PM |
|---|------|--|--|---|----------------------------------|
| McMullen, Tom O'Connor, Lone Petrov and Tara Toomey |      |  |  |   |                                  |
| Against: Nil  |      |  |  |   |                                  |
| CARRIED 9/0   |      |  |  |   |                                  |
| Council<br>23/04/2024                               | 14.2 | Draft Policy - Keeping of Animals (Urban Areas) (2024) | <b>RESOLUTION 08.04/24</b><br><br><b>Moved:</b> Deputy Mayor Robert Crouch<br><b>Seconded:</b> Cr Leanne Doran<br><br><b>That Council:</b><br><br>1. 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:<br>a) Page 5, Clause 6.5: Delete 'Construction of kennel facilities must comply with the Building Code of Australia'.<br>b) Insert into Part 4 'Statement': Any animal housing structures shall be structurally adequate and comply with Building Code of Australia if required.<br>c) 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.<br>2. Notify the following groups of the revised policy and the opportunity to provide feedback upon commencement of Public Exhibition:<br>☐ Uralla & Bundarra Pony Clubs;<br>☐ New England Exhibition of Poultry Association;<br>☐ Uralla & Bundarra Showground Land Managers; and<br>☐ Any other group likely to be impacted by the Draft Policy.<br>3. 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. | <b>17 Jul 2024</b><br><br>Public exhibition feedback presented to Councillor Workshop July 2024. Councils feedback from workshop currently being incorporated into the draft policy to be presented in October Meeting.<br><br><b>22 Aug 2024</b><br><br>Officers preparing amendments to policy for report to October Council meeting. |                                  |

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| <div><div>4. Authorises the adoption of the Draft Policy - Keeping of Animals (Urban Areas) if no submissions are received, and no changes are made.</div><div><div>For:</div><div>Crs Robert Bell, Robert Crouch, Tim Bower, Sarah Burrows, Leanne Doran, Tom O'Connor, Lone Petrov</div><div>Against:</div><div>Tara Toomey</div></div><div>CARRIED 7/1</div></div> |      |                                  |  |   |
| Council<br>21/05/2024   | 14.2 | Draft Operational Plan 2024-2025 | <div><div>RESOLUTION 11.05/24</div><div>Moved: Cr Tom O'Connor</div><div>Seconded: Deputy Mayor Robert Crouch</div><div>I. That the Draft Operational Plan 2024-2025 including the draft budget, be amended as follows:<div><div>a. The draft Budget 2024-25 include the Cashflow Projection for the Financial Year 2024-25;</div><div>b. The draft budget include an allocation for the creation of a new FTE to establish a IT Technical support role in the amount \$70,618.00;</div><div>c. The draft budget include an allocation for the creation of a new 0.6 FTE to establish a Quality Care and Compliance role at McMaugh Gardens in the amount \$88,176.00</div><div>d. The draft fees &amp; charges be amended on page 179 under "Building Rental Uralla Hill St Units" to state "from \$331 per fortnight";</div><div>e. The Fees &amp; Charges on page 199 under Dangerous Dog amend description to read "All dangerous/restricted dogs will require an annual permit as well as life time registration from July 2019"</div><div>f. That draft budget include an allocation in the amount \$80,000 to address electrical safety</div></div></div></div> | <div><div>29 Jul 2024</div><div>Action opened to follow through on item (g) re NIAS and ANW</div><div>29 Jul 2024</div><div>NIAS replied to Council and advice circulated to Councillors by email.</div><div>21 Aug 2024</div><div>Both Arts North West and NIAS have presented further information to Uralla Council in accordance with the Council resolution. This action can now be closed.</div></div> |

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| <div>and compliance issues at the Uralla Caravan Park;</div> <div>g. Allocation for membership to Arts North West and NIAS be included in the draft budget for 2024-25 pending further information;</div> <div>h. The Operational Plan on page 99 point 1.2.4.1 replace “with” to be “within”;</div> <div>i. The Operational Plan on page 121 point 1.3.5.1 amend reference “2022-20263” to “2022-2026”</div> <div>II. That the amended Draft Operational Plan 2024-2025 including the draft budget, draft statement of revenue policy and draft fees and charges be placed on public exhibition from 22 May 2024 to 19 June 2024 subject to the above amendments and,</div> <div>III. That any operational considerations together with submissions from the public be collated for Council consideration at the ordinary Council meeting 25 June 2024.</div> <div>For: Crs Robert Bell, Robert Crouch, Tim Bower, Sarah Burrows, Leanne Doran, Bruce McMullen, Tom O'Connor, Lone Petrov and Tara Toomey</div> <div>Against: Nil</div> <div>CARRIED 9/0</div> |      |                                |                   |  |   |
| Council<br>23/07/2024   | 15.3 | Interim<br>Collection Contract | Kerbside<br>Waste | <div>RESOLUTION 40.07/24</div> <div>Moved: Cr Sarah Burrows</div> <div>Seconded: Cr Leanne Doran</div> <div>That Council:</div> <div>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.</div> | <div>21 Aug 2024</div> <div>Working on contract for Waste provider.</div> |

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| <div><div><div><div>2. Delegates authority to the General Manager to enter the Contract.</div><div>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.</div></div><div><div>For:</div><div>Crs Robert Bell, Robert Crouch, Tim Bower, Sarah Burrows, Leanne Doran, Bruce McMullen, Tom O'Connor, Lone Petrov and Tara Toomey</div></div><div><div>Against:</div><div>Nil</div></div><div>CARRIED 9/0</div></div></div> |      |   |   |  |                                  |
| Council<br>23/07/2024  | 15.2 | The Uralla Landfill Master Plan and Residual Waste Options Assessment | <div><div>RESOLUTION 39.07/24</div><div>Moved: Deputy Mayor Robert Crouch</div><div>Seconded: Cr Lone Petrov</div><div>That Council:</div><div><div>1. Notes and receives the Talis Uralla Landfill Master Plan and the Residual Waste Options Assessment</div><div>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.</div><div>3. Receives a future report and advice following further staff analysis and research of the issues raised in the Talis report.</div><div>4. Creates a protected Waste Reserve Fund.</div><div>5. Assesses the financial implications of the Talis report and incorporates appropriate issues into Council's Long Term Financial Plan</div><div>6. Undertakes best-practice re-profiling at the Uralla Landfill in order to maximise the remaining life of that facility.</div><div>7. Investigate the Curby soft plastic scheme or similar as part of the further staff analysis.</div></div></div> | <div><div>21 Aug 2024</div><div>Officers working with key personnel in Armidale Council to identify opportunities.</div></div> |                                  |

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| <div>8. Notes that community engagement and education including with schools will be an important part of any future waste management solution.</div> <div><div><div>For:</div><div>Crs Robert Bell, Robert Crouch, Tim Bower, Sarah Burrows, Leanne Doran, Bruce McMullen, Tom O'Connor, Lone Petrov and Tara Toomey</div></div><div><div>Against:</div><div>Nil</div></div></div> <div>CARRIED 9/0</div> |      |                                      |                  |      |  |   |
| Council<br>23/07/2024  | 15.5 | Thunderbolt<br>Proposed<br>Agreement | Wind<br>Planning | Farm | <div>RESOLUTION 42.07/24</div> <div>Moved: Deputy Mayor Robert Crouch</div> <div>Seconded: Cr Leanne Doran</div> <div>That Council</div> <div><div>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.</div><div>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.</div></div> <div><div><div>For:</div><div>Crs Robert Bell, Robert Crouch, Tim Bower, Sarah Burrows, Leanne Doran, Bruce McMullen, Tom O'Connor, Lone Petrov and Tara Toomey</div></div><div><div>Against:</div><div>Nil</div></div></div> <div>CARRIED 9/0</div> | <div>21 Aug 2024</div> <div>Public Notification on display until 2 September 2024</div> |

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| Council<br>23/07/2024            | 15.4 | Proposed Purchase of Side<br>Loader Waste Vehicle             | <p><b>RESOLUTION 41.07/24</b></p> <p>Moved: Cr Tom O'Connor<br/>Seconded: Cr Leanne Doran</p> <p>That Council:</p> <ol style="list-style-type: none"> <li>1. Receives the contracted vehicle unless an alternative buyer can be arranged before the contracted vehicle's delivery to Council.</li> <li>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.</li> <li>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.</li> </ol> <p><u>For:</u> Crs Robert Bell, Robert Crouch, Sarah Burrows, Leanne Doran, Bruce McMullen, Tom O'Connor and Lone Petrov</p> <p><u>Against:</u> Crs Tim Bower and Tara Toomey</p> <p>CARRIED 7/2</p> | 22 Aug 2024 | External buyer being sought through waste management network. |
| Council<br>23/07/2024            | 14.5 | Draft Amended Renewable<br>Energy Community Benefit<br>Policy | <p><b>RESOLUTION 29.07/24</b></p> <p>Moved: Deputy Mayor Robert Crouch<br/>Seconded: Cr Leanne Doran</p> <p>That Council:</p> <ol style="list-style-type: none"> <li>1. Notes the submissions received.</li> <li>2. Notes the staff responses and amendments to the guidelines related to the submissions.</li> <li>3. Adopts the amended policy based on the responses to exhibition and officer review with amendments as follows:</li> </ol>  | 22 Aug 2024 | On public exhibition.   |

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| <div><div><div><div><div></div><div></div></div><div><div></div><div></div></div></div><div><div><div><div>a) Page 94, include in full 'Capital Investment Value' (CIV)</div><div>b) Page 94, include CIV % and/or \$ per mw pa</div><div>c) Include reference to Community Benefit Restricted fund, noting a community advisory body will provide advice to Council on projects to be funded</div><div>d) Include reference to Council's Housing Strategy (currently under development) in paragraph 5</div></div><div><div>4. Undertake a further exhibition notification period of 28 days including a range of media.</div></div></div><div><div><div>For:</div><div>Crs Robert Bell, Robert Crouch, Tim Bower, Sarah Burrows, Leanne Doran, Bruce McMullen, Tom O'Connor, Lone Petrov and Tara Toomey</div></div><div><div>Against:</div><div>Nil</div></div></div><div>CARRIED 9/0</div></div></div></div> |      |  |  |   |
| Council<br>23/07/2024  | 14.4 | Funding of Stage 2 Artworks - Pioneer Park | <div><div>RESOLUTION 28.07/24</div><div>Moved: Cr Bruce McMullen<br/>Seconded: Cr Leanne Doran</div><div>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.</div><div><div>For:</div><div>Crs Robert Bell, Robert Crouch, Tim Bower, Sarah Burrows, Leanne Doran, Bruce McMullen, Tom O'Connor, Lone Petrov and Tara Toomey</div></div><div><div>Against:</div><div>Nil</div></div></div> <div>CARRIED 9/0</div> | <div><div>12 Aug 2024</div><div>In Progress</div></div> |

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| Council<br>23/07/2024            | 15.1 | Write off debts and correction of erroneously issued invoice                                | <p><b>RESOLUTION 36.07/24</b></p> <p><b>Moved:</b> Cr Leanne Doran</p> <p><b>Seconded:</b> Cr Lone Petrov</p> <p><b>That Council:</b></p> <p>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.</p> <p>2. Agrees to write off \$56,303 in outstanding invoices with the NSW Rural Fire Service.</p> <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>22 Aug 2024</b></p> <p>Action progressed by Finance team as per Council resolution finalising in 2024-2025, impacting on financials for 2023-2024.</p> |                                  |
| Council<br>23/07/2024            | 14.6 | Draft Terms of Reference for the Renewable Energy Community Benefit Community Advisory Body | <p><b>RESOLUTION 30.07/24</b></p> <p><b>Moved:</b> Deputy Mayor Robert Crouch</p> <p><b>Seconded:</b> Cr Lone Petrov</p> <p><b>That Council:</b></p> <p>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:</p> <p>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.</p>  | <p><b>12 Aug 2024</b></p> <p>Draft amended to reflect Council resolution. To be placed on public exhibition from 14th August until 11th September</p>        |                                  |



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- 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.

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**CARRIED 9/0**

**CARRIED 5/4**

## 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 General Manager Mid Term Performance Review August 2024

This matter is considered to be confidential under Section 10A(2) - a 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).

**16      COMMUNICATION OF COUNCIL DECISION**

**17      CONCLUSION OF MEETING**