



MINUTES of

ORDINARY MEETING OF COUNCIL

Held on 26 July 2022 at 4:00pm

Attendance at Meeting:

Councillors:

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

Staff:

- Ms K Jessep, General Manager
- Ms C Valencius, Director Community Services
- Mr Chris Weber, Interim Director Corporate Services (Zoom)
- Mr Craig Bennett, Interim Director Infrastructure & Development
- Ms N Heaton, Manager Governance (Zoom)
- Mr M Clarkson, Manager Development & Planning (Zoom)
- Ms L Waters, Manager Finance & IT
- Ms W Westbrook, Minute Clerk

UINT/22/9878

MINUTES

Contents

1	OPENING & WELCOME	3
2	PRAYER.....	3
3	ACKNOWLEDGEMENT OF COUNTRY.....	3
4	WEBCAST INFORMATION.....	3
5	APOLOGIES & APPLICATION FOR LEAVE OF ABSENCES BY COUNCILLORS	3
6	DISCLOSURES & DECLARATIONS OF INTERESTS	3
7	CONFIRMATION OF MINUTES.....	3
7.1	Extraordinary Meeting of Council held 07 June 2022.....	3
7.2	Ordinary Meeting of Council held 28 June 2022	3
8	TABLING OF REPORTS & PETITIONS.....	4
9	URGENT, SUPPLEMENTARY & LATE ITEMS/REPORTS OF BUSINESS.....	4
10	WRITTEN REPORT FROM DELEGATES	4
10.1	ACTIVITIES SUMMARIES.....	4
11	ITEMS PASSED IN BULK	4
12	MAYORAL MINUTE.....	4
12.1	Mayoral Minute – Accounting Treatment of Rural Fire Service ('Red Fleet') Assets.....	4
12.2	Mayoral Minute – USC response to Bundarra Residents Association request for boundary adjustment.....	5
13	PUBLIC FORUM/PRESENTATIONS	5
14	REPORT OF COMMITTEES	6
14.1	Finance Advisory Committee Meeting Minutes held 14 June 2022	6
15	REPORTS TO COUNCIL.....	6
15.1	Draft Backyard Burning Policy.....	6
15.2	Report on works at the Uralla Courthouse Refurbishment.....	6
15.3	Public Spaces Legacy Program – Detailed Designs for Pioneer Park and The Glen.....	7
15.4	Works Progress Report as at 30 June 2022	8
15.5	Draft Long Term Financial Plan (LTFP) 2023-2032.....	8
15.6	Code of Meeting Practice July 2022.....	9
15.7	Capital Works Working Group - meeting notes.....	9
15.8	Development Working Group – Meeting Notes.....	10
15.9	Cash at Bank and Investments as at 30 June 2022	11
15.10	Resolution Register Action Status Report.....	11
16	MOTIONS ON NOTICE QUESTIONS WITH NOTICE	12
17	CONFIDENTIAL MATTERS.....	12
17.1	Confidential Report - Kerbside Waste Collection	12
18	COMMUNICATION OF COUNCIL DECISIONS.....	13
19	CLOSURE OF MEETING	13
20	COUNCIL MINUTES CONFIRMED.....	13

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 attendees to refrain from making defamatory statements.

5 APOLOGIES & APPLICATION FOR LEAVE OF ABSENCES BY COUNCILLORS

The Chair advised there were no apologies.

6 DISCLOSURES & DECLARATIONS OF INTERESTS

The Chair advised there were no disclosures or declarations made.

7 CONFIRMATION OF MINUTES

7.1 EXTRAORDINARY MEETING OF COUNCIL HELD 07 JUNE 2022

The Chair referred to the Minutes of the Extraordinary Meeting of Council held 07 June 2022 and called for any amendments.

Cr Doran made reference to Item 4 Webcasting Information being updated.

MOTION Moved: Cr O'Connor /Seconded: Cr Bower

That Council adopt the minutes of the Extraordinary Meeting held 07 June 2022, with amendments as noted, as a true and correct record.

For: Mayor Bell, Crs Bower, Burrows, Crouch, Doran, McMullen, O'Connor, Petrov, Toomey

Against: Nil

Absent: Nil

01.07/22 **CARRIED**

7.2 ORDINARY MEETING OF COUNCIL HELD 28 JUNE 2022

The Chair referred to the Minutes of Ordinary Meeting of Council held 28 June 2022 and called for any amendments.

Cr Doran made reference to Item 4 Webcasting Information updated.

Cr Doran requested the words 'be resolved' be added on page 24 of the Minutes so that the Procedural Motion (Lost) read 'That Council lay the matter on the table until issues presented can be resolved.'

MOTION Moved: Cr Doran /Seconded: Cr O'Connor

That Council adopt the minutes the meeting held 28 June 2022, with amendments as noted, as a true and correct record.

For: Mayor Bell, Crs Bower, Burrows, Crouch, Doran, McMullen, O'Connor, Petrov, Toomey

Against: Nil

Absent: Nil

02.07/22 CARRIED

8 TABLING OF REPORTS & PETITIONS

There were no reports or petitions tabled.

9 URGENT, SUPPLEMENTARY & LATE ITEMS/REPORTS OF BUSINESS

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

10 WRITTEN REPORT FROM DELEGATES

10.1 ACTIVITIES SUMMARIES

Councillors provided a verbal account of activities/meetings they have attended for the month.

11 ITEMS PASSED IN BULK

Nil

12 MAYORAL MINUTE

12.1 MAYORAL MINUTE – ACCOUNTING TREATMENT OF RURAL FIRE SERVICE ('RED FLEET') ASSETS

MOTION Moved: Mayor /Seconded: Cr O'Connor

That Council:

- I. Writes to the local State Member(s) Hon Adam Marshall MP, the Treasurer the Hon Matt Kean MP, Minister for Emergency Services and Resilience the Hon Stephanie Cook MP and the Minister for Local Government Wendy Tuckerman MP:**
 - a. Expressing Council's objection to the NSW Government's determination on ownership of Rural Fire Service assets;**
 - b. Advising of the impact of the Government's position on Council finances of this accounting treatment;**
 - c. Informing that Council may not carry out RFS assets stocktakes on behalf of the NSW Government and may not record RFS assets in Uralla Shire Council's financial statements;**
 - d. Call on the NSW Government to take immediate action to permanently clear up inequities and inconsistencies around the accounting treatment of Rural Fire Service (RFS) assets by acknowledging that rural firefighting equipment is vested in, under the control of and the property of the RFS; and**
 - e. Amend s119 of the *Rural Fires Act 1997* so that the effect is to make it clear that RFS assets are not the property of councils.**

- II. Writes to the Shadow Treasurer Daniel Mookhey MLC, the Shadow Minister for Emergency Services Jihad Dib MP, the Shadow Minister for Local Government Greg Warren MP, the Greens Spokesperson for Local Government Jamie Parker MP and the leaders of the Shooters, Fishers and Farmers, Animal Justice and One Nation parties Robert Borsak MLC, Emma Hurst MLC and Mark Latham MLC:
- a. Advising Members of Uralla Shire Council's position, including providing copies of correspondence to NSW Government Ministers; and
 - b. Seeking Members' commitments to support NSW Councils' call to amend the *Rural Fires Act 1997* as set out in correspondence.
- III. Writes to the Auditor General advising that notwithstanding any overtures of future qualified audits, it may not carry out RFS stocktakes on behalf of the NSW Government and may not record RFS assets in Uralla Shire Council's financial statements, noting that the State Government's own Local Government Accounting *Code of Practice and Financial Reporting* provides for councils to determine whether or not they record the RFS assets as council assets.
- IV. Promotes these messages via its digital and social media channels and via its networks.
- V. Re-affirms its complete support of and commitment to local RFS brigades noting that Uralla Shire Council's action is entirely directed towards the NSW Government's nonsensical position that rather than being owned and controlled by local brigades, RFS assets are somehow controlled by councils, which councils consider to be a cynical financial sleight of hand abdicating the NSW Government's responsibilities at the cost of local communities.
- VI. Affirms its support to Local Government NSW (LGNSW) and requests LGNSW continue advocating on Council's behalf to get clarification finally from the State Government about the accounting treatment of RFS assets.

For: Mayor Bell, Crs Bower, Burrows, Crouch, Doran, McMullen, O'Connor, Petrov, Toomey

Against: Nil

Absent: Nil

03.07/22 CARRIED

12.2 MAYORAL MINUTE – USC RESPONSE TO BUNDARRA RESIDENTS ASSOCIATION REQUEST FOR BOUNDARY ADJUSTMENT

MOTION Moved: Mayor /Seconded: Cr Petrov

That Council advise the President, Bundarra Residents Association that Uralla Shire Council does not support the relocation of Bundarra and surrounds to Inverell Shire Council.

For: Mayor Bell, Crs Bower, Burrows, Crouch, Doran, McMullen, O'Connor, Petrov, Toomey

Against: Nil

Absent: Nil

04.07/22 CARRIED

13 PUBLIC FORUM/PRESENTATIONS

Nil

14 REPORT OF COMMITTEES

14.1 FINANCE ADVISORY COMMITTEE MEETING MINUTES HELD 14 JUNE 2022

MOTION Moved: Cr O'Connor /Seconded: Cr Crouch

That Council adopt the minutes of the Finance Advisory Committee held on 14 June 2022 as a true and correct record and adopt the recommendations therein.

For: Mayor Bell, Crs Bower, Burrows, Crouch, Doran, McMullen, O'Connor, Petrov, Toomey

Against: Nil

Absent: Nil

05.07/22 CARRIED

15 REPORTS TO COUNCIL

15.1 DRAFT BACKYARD BURNING POLICY

MOTION Moved: Cr Crouch /Seconded: Cr O'Connor

That Council not pursue a policy on open burning and revoke the Backyard Burning Policy 2013.

For: Mayor Bell, Crs Bower, Burrows, Crouch, Doran, McMullen, O'Connor, Petrov, Toomey

Against: Nil

Absent: Nil

06.07/22 CARRIED

15.2 REPORT ON WORKS AT THE URALLA COURTHOUSE REFURBISHMENT

PROCEDURAL MOTION Moved: Cr Toomey /Seconded: Cr Doran

To move to Committee of the Whole.

For: Mayor Bell, Crs Bower, Burrows, Crouch, Doran, McMullen, O'Connor, Petrov, Toomey

Against: Nil

Absent: Nil

07.07/22 CARRIED

Councillors held a detailed discussion in committee regarding the report.

Cr Toomey left the meeting 4:43pm

Cr Toomey returned to meeting 4:45pm.

PROCEDURAL MOTION Moved: Cr Burrows /Seconded: Cr McMullen

To resume Standing Orders.

For: Mayor Bell, Crs Bower, Burrows, Crouch, Doran, McMullen, O'Connor, Petrov, Toomey

Against: Nil

Absent: Nil

08.07/22 CARRIED

The Chair outlined details of the discussion held in committee.

MOTION Moved: Cr O'Connor /Seconded: Cr Crouch

That Council:

- I. reject the Uralla Courthouse refurbishment project progress report;
- II. have the inappropriate, for a heritage item, solar panels and colourbond roofing from the 1885 Uralla Courthouse removed;
- III. replace the colourbond roofing with current equivalent roofing material of galvanized/zincalume sheeting.

PROCEDURAL MOTION Moved: Cr O'Connor / Seconded Cr Crouch

Lay the report on works at the Uralla Courthouse refurbishment motion on the table pending further information before consideration at a future Council (possible n Extraordinary) Meeting.

For: Mayor Bell, Crs Bower, Burrows, Crouch, Doran, McMullen, O'Connor, Petrov, Toomey

Against: Nil

Absent: Nil

09.07/22 **CARRIED**

15.3 PUBLIC SPACES LEGACY PROGRAM – DETAILED DESIGNS FOR PIONEER PARK AND THE GLEN

MOTION Moved: Cr Crouch /Seconded: Cr McMullen

That Council adopt the Public Spaces Legacy Program Pioneer Park and The Glen detailed designs and approve the projects proceeding to procurement and construction subject to:

- a. the separate decision of Council on tree types following discussion with local stakeholders; and
- b. the conditions of resolution X03.03/22:

7. REPORTS TO COUNCIL

7.1 Public Spaces Legacy Program Projects - Concept Plans

MOTION Moved: Cr O'Connor/ Seconded: Cr Petrov

That Council note the Public Spaces Legacy Program Concept Plans report and:

- I. endorse the concept plans for:
 - a. The Glen, subject to:
 - i. The model boating lake be established with a long reach excavator, no herbicide to be used; and
 - ii. establish a panel of community members and councillors to select the Constellation of the South artists within the project budget;
 - b. Rotary Park;
- ii. receive confidential copy of the cost estimates and project budget;
- iii. a regular project report be provided to Council;
- iv. approve the project proceeding to preliminary detailed design; and
- v. further discussions be held with the designer, Uralla Arts and UTEC representatives on the concept plan for Pioneer Park -Fibonacci Park.

For: Mayor Bell, Crs Bower, Burrows, Crouch, Doran, McMullen, O'Connor, Petrov, Toomey

Against: Nil

Absent: Nil

X03.03/22 CARRIED UNANIMOUSLY

For: Mayor Bell, Crs Bower, Burrows, Crouch, McMullen, O'Connor, Petrov

Against: Crs Doran, Toomey

Absent: Nil

10.07/22 CARRIED

15.4 WORKS PROGRESS REPORT AS AT 30 JUNE 2022

MOTION Moved: Cr O'Connor /Seconded: Cr Doran

That Council:

- I. **approve the submission of a grant funding application in the revised amount of \$3,942,782 through the Fixing Country Roads Program for the upgrading of three sections of Thunderbolts Way between Uralla and Bundarra; and**
- II. **note the report less the attachment for the works completed or progressed during June 2022, and the works programmed for July 2022.**

For: Mayor Bell, Crs Bower, Burrows, Crouch, Doran, McMullen, O'Connor, Petrov, Toomey

Against: Nil

Absent: Nil

11.07/22 CARRIED

15.5 DRAFT LONG TERM FINANCIAL PLAN (LTFP) 2023-2032

MOTION Moved: Cr O'Connor /Seconded: Cr Doran

That Council:

- I. **agree that the draft Long Term Financial Plan (LTFP) 2023-2032 was placed on public exhibition from 8 June 2022 to 7 July 2022;**
- II. **note that no submissions were received during the public exhibition period;**
- III. **understand that one of the fundamental requirements for the preparation of meaningful and workable long term financial plans are completed and adopted asset management plans;**
- IV. **receive the draft Long Term Financial Plan (LTFP) 2023-2032, as advertised, as a base document; and**
- V. **note that the following work must be undertaken during the first half of the Financial Year 2022/2023 to enable a refined scenario to be developed for incorporation into a meaningful and workable Long Term Financial Plan (LTFP) 2022-2032, namely:**
 - a. **completion of the asset management plans;**
 - b. **an organisation-wide service review (desktop benchmarking); and**

- c. the review of the adopted budget to identify any further savings and revenue options for the Financial Year 2022/2023 as the base year for the Long Term Financial Plan 2023-2032.

For: Mayor Bell, Crs Bower, Burrows, Crouch, Doran, McMullen, O'Connor, Petrov, Toomey

Against: Nil

Absent: Nil

12.07/22 CARRIED

The Chair called for an adjournment of the meeting at 5:44pm.

The Chair resumed the meeting resumed at 5.56pm.

15.6 CODE OF MEETING PRACTICE JULY 2022

MOTION Moved: Cr O'Connor /**Seconded:** Cr Burrows

That the draft Code of Meeting Practice with the following amendments

- with the addition of standard clause 8.1: 'At a meeting of the Council, the general order of business is as fixed by resolution of the Council',
- delete clause 8.2,
- change clause 4.11 from four days to one day,
- change clause 5.29 to acknowledge that Councillors can leave the meeting for short periods as appropriate and cameras must be on when speaking or voting,
- clauses 11.6-9 and 11.13 be omitted, and
- highlight non-mandatory clauses in red text

be placed on public exhibition for a period of no fewer than 42 days, and that if no submissions are received, be adopted.

For: Mayor Bell, Crs Bower, Burrows, Crouch, Doran, McMullen, O'Connor, Petrov, Toomey

Against: Nil

Absent: Nil

13.07/22 CARRIED

15.7 CAPITAL WORKS WORKING GROUP - MEETING NOTES

MOTION Moved: Cr Doran /**Seconded:** Cr O'Connor

That Council:

- note the Capital Works Working Group 5 July meeting notes;
- not accept any new contracts for civil works unless Council staff are fully tasked; and

- iii. **approach the Local Member the Hon Adam Marshall MP now to request a Variation to the Grant to look at alternate water supply options to progress before the grant timeline expires.**

For: Mayor Bell, Crs Bower, Burrows, Crouch, Doran, McMullen, O'Connor, Petrov, Toomey

Against: Nil

Absent: Nil

14.07/22 CARRIED

15.8 DEVELOPMENT WORKING GROUP – MEETING NOTES

PROCEDURAL MOTION Moved: Cr Doran /Seconded: Cr Toomey
To move to Committee of the Whole.

For: Mayor Bell, Crs Bower, Burrows, Crouch, Doran, McMullen, O'Connor, Petrov, Toomey

Against: Nil

Absent: Nil

15.07/22 CARRIED

Councillors held a detailed discussion in committee regarding the report.

PROCEDURAL MOTION Moved: Cr O'Connor /Seconded: Cr Burrows
To resume Standing Orders.

For: Mayor Bell, Crs Bower, Burrows, Crouch, Doran, McMullen, O'Connor, Petrov, Toomey

Against: Nil

Absent: Nil

16.07/22 CARRIED

The Chair outlined details of the discussion held in committee.

MOTION Moved: Cr O'Connor /Seconded: Cr Petrov

That Council:

- I. Note the Development Working Group 5 July 2022 meeting notes; and**
- II. Adopt the Open Space Strategy with the inclusion of Mt Mutton walking track and the upgrades to the Rotary Park, Pioneer/Fibonacci Park and The Glen; and**
- III. Provide information on the Open Space Strategy to the Uralla Township and Environs Committee (UTEC) as a resource document; and**
- IV. Review the current state of the Digger Elks Bridge at Alma Park.**

For: Mayor Bell, Crs Bower, Burrows, Crouch, Doran, O'Connor, Petrov, Toomey

Against: Cr McMullen

Absent: Nil

17.07/22 CARRIED

15.9 CASH AT BANK AND INVESTMENTS AS AT 30 JUNE 2022

MOTION Moved: Cr O'Connor /Seconded: Cr Toomey

That Council note:

- i. The cash position as at 30 June 2022 consisting of cash and overnight funds of \$2,663,764, term deposits of \$17,312,458 totalling \$19,976,222 of readily convertible funds; and
- ii. The loan position as at 30 June 2022 totalling \$1,745,034.

For: Mayor Bell, Crs Bower, Burrows, Crouch, Doran, McMullen, O'Connor, Petrov, Toomey

Against: Nil

Absent: Nil

18.07/22 **CARRIED**

15.10 RESOLUTION REGISTER ACTION STATUS REPORT

PROCEDURAL MOTION Moved: Cr O'Connor /Seconded: Cr Doran

To move to Committee of the Whole.

For: Mayor Bell, Crs Bower, Burrows, Crouch, Doran, McMullen, O'Connor, Petrov, Toomey

Against: Nil

Absent: Nil

19.07/22 **CARRIED**

Cr Toomey left the meeting 7:06pm

Cr Toomey returned to the meeting 7:07pm

Councillors held a detailed discussion in committee regarding the report.

PROCEDURAL MOTION Moved: Cr Burrows /Seconded: Cr O'Connor

To resume Standing Orders.

For: Mayor Bell, Crs Bower, Burrows, Crouch, Doran, McMullen, O'Connor, Petrov, Toomey

Against: Nil

Absent: Nil

20.07/22 **CARRIED**

The Chair outlined details of the discussion held in committee.

MOTION Moved: Cr O'Connor /Seconded: Cr Doran

That Council note the Resolution Action Status as at 20 July 2022.

For: Mayor Bell, Crs Bower, Burrows, Crouch, Doran, McMullen, O'Connor, Petrov, Toomey

Against: Nil

Absent: Nil

21.07/22 **CARRIED**

16 MOTIONS ON NOTICE QUESTIONS WITH NOTICE

The Chair advised there were no Notices of Motion or Questions with Notice.

17 CONFIDENTIAL MATTERS

17.1 CONFIDENTIAL REPORT - KERBSIDE WASTE COLLECTION

PROCEDURAL MOTION Moved: Cr O'Connor / Seconded: Cr McMullen

To move into Closed Session of Council

This report is presented to the CLOSED section of the July 2022 meeting under section 10A (2)(d)(i) of the *Local Government Act (NSW) 1993*.

- (1) A council, or a committee of the council of which all the members are councillors, may close to the public so much of its meeting as comprises:
 - (a) the discussion of any of the matters listed in subclause (2), or
 - (b) the receipt or discussion of any of the information so listed.
- (2) The matters and information are the following:
 - (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it.

Reason: Commercial procurement information

For: Mayor Bell, Crs Bower, Burrows, Crouch, Doran, McMullen, O'Connor, Petrov, Toomey

Against: Nil

Absent: Nil

22.07/22 CARRIED

MOVE TO OPEN SESSION

PROCEDURAL MOTION Moved: Cr O'Connor /Seconded: Cr Toomey

To return to Open Session of Council.

For: Mayor Bell, Crs Bower, Burrows, Crouch, Doran, McMullen, O'Connor, Petrov, Toomey

Against: Nil

Absent: Nil

24.07/22 CARRIED

PROCEDURAL MOTION Moved: Cr Burrows /Seconded: Cr O'Connor

The resolutions of Closed Session of Council except for those portions expressly resolved to retain in confidence become the resolutions of Open Session of Council.

For: Mayor Bell, Crs Bower, Burrows, Crouch, Doran, McMullen, O'Connor, Petrov, Toomey

Against: Nil

Absent: Nil

25.07/22 CARRIED

18 COMMUNICATION OF COUNCIL DECISIONS

The Chair communicated the Council decisions from the closed session:

That Council:

- I. commit in-principle to a preference for a holistic in-house waste management service; and
- II. *[retained in confidence]*
- III. undertake a request for tender for two new garbage collection trucks (funding to be determined)
- IV. commence discussions with neighbouring councils toward a possible joint long-term shared waste services; and
- V. present Council with a holistic waste services business case.
- VI. Retain part ii in confidence until contract has been negotiated.

For: Mayor Bell, Crs Bower, Burrows, Crouch, Doran, McMullen, O'Connor, Petrov, Toomey

Against: Nil

Absent: Nil

23.07/22 CARRIED

19 CLOSURE OF MEETING

The meeting was closed at 7:55pm.

20 COUNCIL MINUTES CONFIRMED

COUNCIL MINUTES CONFIRMED BY:	
RESOLUTION NUMBER:	02.08/22
DATE:	23 August 2022
MAYOR:	Robert Bell