



MINUTES of

ORDINARY COUNCIL MEETING

Held on 28 March 2023 at 4 pm

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: Cr T O'Connor

Staff: Mrs K Jessep, General Manager
Mrs C Valencius, Executive Director Corporate & Community
Mr C Fitzsummons, Acting Executive Director Infrastructure
Mr S Williams, Manager Governance
Ms W Westbrook, Executive Assistant
Ms L Chalmers, Executive Support Officer

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CONFIRMED

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.

5 APOLOGIES & APPLICATIONS FOR LEAVE OF ABSENCE BY COUNCILLORS

APOLOGY

RESOLUTION 02.03/23

Moved: Cr Tim Bower

Seconded: Cr Sarah Burrows

That the apology received from Cr O'Connor be accepted and leave of absence granted.

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

Against: Nil

Absent: Crs Tom O'Connor, Leanne Doran

CARRIED 7/0

6 DISCLOSURE & DECLARATIONS OF INTEREST/S

Nil

7 CONFIRMATION OF MINUTES

7.1 CONFIRMATION OF MINUTES HELD 28 FEBRUARY 2023 ORDINARY MEETING

RESOLUTION 03.03/23

Moved: Cr Lone Petrov

Seconded: Cr Sarah Burrows

That Council adopt the minutes of the Ordinary Meeting held 28 February 2023 as a true and correct record.

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

Against: Nil

Absent: Crs Tom O'Connor, Leanne Doran

CARRIED 7/0

7.2 CONFIRMATION OF MINUTES HELD 14 MARCH 2023 EXTRAORDINARY MEETING

RESOLUTION 04.03/23

Moved: Cr Bruce McMullen

Seconded: Deputy Mayor Robert Crouch

That Council adopt the minutes of the Extraordinary Meeting held 14 March 2023 as a true and correct record.

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

Against: Nil

Absent: Crs Tom O'Connor, Leanne Doran

CARRIED 7/0

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

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

9 WRITTEN REPORTS FROM DELEGATES

9.1 WRITTEN DELEGATE ACTIVITY REPORT FROM THE MAYOR FOR FEBRUARY 2023

RESOLUTION 05.03/23

Moved: Mayor Robert Bell

Seconded: Cr Tim Bower

That Council receive the Mayor's Delegate Activity Report for February 2023.

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

Against: Nil

Absent: Crs Tom O'Connor, Leanne Doran

CARRIED 7/0

10 PUBLIC FORUM

Nil

11 MAYORAL MINUTE

11.1 MAYORAL MINUTE - NBN CO UPDGRADE PROJECT FOR KENTUCKY

RESOLUTION 06.03/23

Moved: Mayor Robert Bell

Seconded: Cr Lone Petrov

The Mayoral minute on NBN Co Upgrade Project for Kentucky be noted.

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

Against: Nil

Absent: Crs Tom O'Connor, Leanne Doran

CARRIED 7/0

Cr Doran arrived at 4.05pm

11.2 MAYORAL MINUTE - DELEGATION TO WAIVE FEES**RESOLUTION 07.03/23****Moved:** Mayor Robert Bell**Seconded:** Deputy Mayor Robert Crouch

Delegate to the General Manager discretion to waive fees of up to \$500 per occasion where the request for a fee waiver meets Council's Hardship Policy criteria and/or the activity contributes to a community strategic plan outcome and the fee is considered unreasonable in the circumstances. Exercise of this delegation is to be reported to the next Ordinary meeting of Council and in the Council Annual Report.

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

Against: Nil

Absent: Cr Tom O'Connor

CARRIED 8/0**12 NOTICE OF MOTION/QUESTIONS WITH NOTICE**

Nil

13 REPORT OF COMMITTEES**13.1 FINANCIAL ADVISORY COMMITTEE MINUTES 21 MARCH 2023****RESOLUTION 08.03/23****Moved:** Cr Sarah Burrows**Seconded:** Cr Bruce McMullen

That the Financial Advisory Committee Minutes of 21 March 2023 meeting be adopted as a true and correct record.

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

Against: Cr Leanne Doran

Absent: Cr Tom O'Connor

CARRIED 7/1

14 REPORTS TO COUNCIL

14.1 WASTE AWARENESS BROCHURE

RESOLUTION 09.03/23

Moved: Cr Tara Toomey

Seconded: Cr Bruce McMullen

That Council:

- I. Endorse the Waste Brochure *"Let's get wise about waste in Uralla Shire"* for use to create awareness on waste management within the Shire; and,
- II. Offer its appreciation to the NSW Government (funding partner), Peppers Australia (donor) and ZNET Uralla for their efforts; and,
- III. Seek further information on the role of the Northern Inland Regional Waste before the next meeting.

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

Against: Nil

Absent: Cr Tom O'Connor

CARRIED 8/0

14.2 REMOVAL OF PLAYGROUND EQUIPMENT - GRACE MUNRO CENTRE, BUNDARRA

RESOLUTION 10.03/23

Moved: Deputy Mayor Robert Crouch

Seconded: Cr Tim Bower

That Council:

1. Endorse the demolition and disposal of the play equipment asset outside the Grace Munro Centre, Bundarra;
2. Approve the rehabilitation of the site for other uses including revegetation with grass and planting with native tree species, after community consultation.

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

Against: Nil

Absent: Cr Tom O'Connor

CARRIED 8/0

14.3 STATUS OF GROUNDWATER DRILLING - MARCH 2023**RESOLUTION 11.03/23**

Moved: Deputy Mayor Robert Crouch

Seconded: Cr Tim Bower

Note the Report and proceed with the drilling investigation of the final two (2) sites and receive the ground water Phase 2 investigation report at the Ordinary Meeting in May 2023.

For: Crs Robert Bell, Robert Crouch, Tim Bower, Bruce McMullen, Lone Petrov

Against: Crs Sarah Burrows, Leanne Doran and Tara Toomey

Absent: Cr Tom O'Connor

CARRIED 5/3

14.4 NSW LOCAL GOVERNMENT RECOVERY GRANTS**RESOLUTION 12.03/23**

Moved: Cr Leanne Doran

Seconded: Cr Lone Petrov

That Council note the NSW Local Government Recovery Grants report and that if the submission is successful a further report will be provided.

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

Against: Nil

Absent: Cr Tom O'Connor

CARRIED 8/0

**14.5 ASSET MANAGEMENT PLANS IMPLEMENTATION PROGRESS - GRANT FUNDING APPLICATIONS
DECEMBER 2022 - MARCH 2023****RESOLUTION 13.03/23****Moved: Cr Sarah Burrows****Seconded: Deputy Mayor Robert Crouch****That Council notes:**

1. The receipt of \$6,806,176 in grant funding to support maintenance, renewals and upgrades of existing road and open spaces assets.
2. The endorsed (approved) but yet to be received grant funding amount of a further \$885,223.00 for road transport assets.

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

Against: Nil

Absent: Cr Tom O'Connor

CARRIED 8/0**14.6 WORKS PROGRESS REPORT - MARCH 2023****RESOLUTION 14.03/23****Moved: Cr Tara Toomey****Seconded: Deputy Mayor Robert Crouch****That Council note the Works Progress Report as at 28 February 2023.**

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

Against: Nil

Absent: Cr Tom O'Connor

CARRIED 8/0

14.7 CENTRAL NORTHERN REGIONAL LIBRARY MINUTES OF ANNUAL GENERAL AND ORDINARY MEETING 16 NOVEMBER 2022**RESOLUTION 15.03/23****Moved:** Cr Lone Petrov**Seconded:** Deputy Mayor Robert Crouch

That in relation to the report "Central Northern Regional Library Minutes of Annual General and Ordinary Meeting 16 November 2022", Council:

- a) receive and note the minutes of the Annual General Meeting of the Central Northern Regional Library held on 16 November 2022;
- b) receive and note the minutes of the Ordinary Meeting of the Central Northern Regional Library held on 16 November 2022;
- c) approve the proposed Uralla Shire Council contribution of \$77.656 to be included in the budget for 2023/2024.

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

Against: Nil

Absent: Cr Tom O'Connor

CARRIED 8/0**14.8 MASTER PLAN FOR A STAGED EXPANSION OF MCMAUGH GARDENS****RESOLUTION 16.03/23****Moved:** Deputy Mayor Robert Crouch**Seconded:** Cr Tara Toomey

Approve the allocation of \$12,000 for investment in the master plan for a staged expansion of McMaugh Gardens from the strategic development restricted asset and engage Coverite Projects to prepare the master plan in accordance with their proposal (confidential attachment 1).

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

Against: Nil

Absent: Cr Tom O'Connor

CARRIED 8/0

14.9 COMPLAINTS 1 JULY 2022 TO 31 DECEMBER 2022**RESOLUTION 17.03/23****Moved:** Deputy Mayor Robert Crouch**Seconded:** Cr Bruce McMullen**That the report relating to complaints from 1 July 2022 to 31 December 2022 be received.****For:** Crs Robert Bell, Robert Crouch, Tim Bower, Sarah Burrows, Leanne Doran, Bruce McMullen, Lone Petrov, Tara Toomey**Against:** Nil**Absent:** Cr Tom O'Connor**CARRIED 8/0****14.10 MONTHLY FINANCE REPORT FOR FEBRUARY 2023****RESOLUTION 18.03/23****Moved:** Cr Tim Bower**Seconded:** Cr Sarah Burrows**That Council receive the Monthly Finance Report for February 2023.****For:** Crs Robert Bell, Robert Crouch, Tim Bower, Sarah Burrows, Leanne Doran, Bruce McMullen, Lone Petrov, Tara Toomey**Against:** Nil**Absent:** Cr Tom O'Connor**CARRIED 8/0**

14.11 CASH INVESTMENTS AT 28 FEBRUARY 2023**RESOLUTION 19.03/23****Moved:** Cr Sarah Burrows**Seconded:** Cr Leanne Doran**That Council note:**

1. The cash position as at 28 February 2023 consisting of cash and overnight funds of \$3,778,780.30 term deposits of \$18,250,000 totalling \$22,028,780.30 of readily convertible funds; and
2. The balance of cash and investment as at 28 February 2023 is \$22,028,780. Of this, \$17,737,874 attributable to external restrictions and \$3,166,926 internal restrictions, estimated unrestricted cash as at 28 February 2023 is \$1,123,980.

For: Crs Robert Bell, Robert Crouch, Tim Bower, Sarah Burrows, Leanne Doran, Bruce McMullen, Lone Petrov, Tara Toomey**Against:** Nil**Absent:** Cr Tom O'Connor**CARRIED 8/0****14.12 LOANS AS AT 28 FEBRUARY 2023****RESOLUTION 20.03/23****Moved:** Cr Sarah Burrows**Seconded:** Cr Lone Petrov**That Council note the loan position as at 28 February 2023 totalling \$1,578,876.35.****For:** Crs Robert Bell, Robert Crouch, Tim Bower, Sarah Burrows, Leanne Doran, Bruce McMullen, Lone Petrov, Tara Toomey**Against:** Nil**Absent:** Cr Tom O'Connor**CARRIED 8/0**

14.13 REGISTER RESOLUTIONS ACTIONS STATUS AS AT 22 MARCH 2023**RESOLUTION 21.03/23****Moved:** Cr Sarah Burrows**Seconded:** Cr Lone Petrov**That Council note the resolution action Status at 22 March 2023.****For:** Crs Robert Bell, Robert Crouch, Tim Bower, Sarah Burrows, Leanne Doran, Bruce McMullen, Lone Petrov, Tara Toomey**Against:** Nil**Absent:** Cr Tom O'Connor**CARRIED 8/0**

The Chair called for a break at 5:36pm

The Chair resumed the meeting at 5:53pm

MOTION**RESOLUTION 22.03/23****Moved:** Cr Leanne Doran**Seconded:** Cr Tim Bower**That Council move into closed session.****For:** Crs Robert Bell, Robert Crouch, Tim Bower, Sarah Burrows, Leanne Doran, Bruce McMullen, Lone Petrov, Tara Toomey**Against:** Nil**Absent:** Crs Tom O'Connor**CARRIED 8/0**

15 CONFIDENTIAL MATTERS

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 Information Technology Upgrade

This matter is considered to be confidential under Section 10A(2) - d(ii) 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 information that would, if disclosed, confer a commercial advantage on a competitor of the council and details of systems and/or arrangements that have been implemented to protect council, councillors, staff and Council property.

15.2 Confidential report: Planning Agreements for renewable energy developments.

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.

RESOLUTION 25.03/23

Moved: Deputy Mayor Robert Crouch

Seconded: Cr Bruce McMullen

That Council return to open session and that the resolutions of the closed session become resolutions of the open session of Council .

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

Against: Nil

Absent: Cr Tom O'Connor

CARRIED 8/0

16 COMMUNICATIONS OF COUNCIL DECISIONS

The Chair communicated the Council decisions from the closed session.

15.1 INFORMATION TECHNOLOGY UPGRADE

RESOLUTION 23.03/23

Moved: Deputy Mayor Robert Crouch

Seconded: Cr Bruce McMullen

1. Authorise the General Manager to proceed with an upgrade to Council's existing core business systems, subject to a competitive documented quotation process by invitation, approved under Section 55 (3) (i) of the *Local Government Act 1993 (NSW)* for the reasons that the following extenuating circumstances apply:
 - a. This contract is, in essence, an upgrade of existing systems therefore only certain vendors will have the relevant experience and capability, and
 - b. The timeframe to undertake tender and implement solution is not practical within current system supported timeframes exposing Council to a high-risk scenario;in order to agree financial terms against a performance based contract and enter into an agreement for information technology managed services provider.
2. Approve the additional expenditure of annual licence fees as detailed in the report and one-off implementation costs as detailed in the report to deliver the projects outlined in the body of the report.
3. Approve the funding to be allocated as detailed in the report.

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

Against: Nil

Absent: Cr Tom O'Connor

CARRIED 8/0



15.2 CONFIDENTIAL REPORT: PLANNING AGREEMENTS FOR RENEWABLE ENERGY DEVELOPMENTS.**RESOLUTION 24.03/23****Moved:** Cr Lone Petrov**Seconded:** Deputy Mayor Robert Crouch**NEOEN planning agreement proposal terms per attachment 1 be accepted.****Winterbourne Wind Farm terms per attachment 2 be accepted but the terms in attachment 3 be refused.****Authorise the Mayor and General Manager to negotiate Planning Agreements under the provisions of Section 7.4 of the *Environmental Planning and Assessment Act 1979* for developer contributions for renewable energy developments affecting Uralla Shire whereby:**

- a) **The developer contribution over the estimated life of the project is circa 1.5% of the Capital Investment Value (CIV) of the renewable energy development, and**
- b) **The developer contribution is allocated via the General Fund to infrastructure, services or other public amenities in accordance with the Operational Plan; and**

Seek legal review of each draft Planning Agreement before presentation to Council for endorsement to proceed to public exhibition prior to finalisation.**For: Crs Robert Bell, Robert Crouch, Tim Bower, Sarah Burrows, Leanne Doran, Bruce McMullen, Lone Petrov, Tara Toomey****Against: Nil****Absent: Cr Tom O'Connor****CARRIED 8/0****17 CONCLUSION OF MEETING**

The meeting was closed at 6:35pm.

Council Minutes confirmed by: **Mayor Robert Bell on 23 May 2023**. Resolution number: **01.04/23**