



MINUTES of

ORDINARY COUNCIL MEETING

Held on 23 May 2023 at 4 pm

Attendance at Meeting:

Councillors: Mayor R Bell (Chair)
Deputy Mayor R Crouch
Cr T Bower – Via Zoom
Cr S Burrows
Cr L Doran
Cr McMullen
Cr T O'Connor – Via Zoom
Cr T Toomey

Apologies: Cr L Petrov

Mrs K Jessep, General Manager
Ms T Averay, Executive Director Infrastructure
Mrs C Valencius, Executive Director Corporate & Community
Staff: Ms L Chalmers, Executive Support Officer (Minute Clerk)
Ms W Westbrook, Executive Assistant
Mr S Williams, Manager Governance
Mr M Clarkson, Manager Planning & Development – Via Zoom –
departed after item 14.3

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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 and reminded the attendees from making defamatory statements.

5 APOLOGIES & APPLICATIONS FOR LEAVE OF ABSENCE BY COUNCILLORS

APOLOGY

RESOLUTION 06.05/23

Moved: Mayor Robert Bell

Seconded: Deputy Mayor Robert Crouch

That Council note the apology from Cr Petrov.

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

Against: Nil

Absent: Crs Leanne Doran and Lone Petrov

CARRIED 7/0

6 DISCLOSURE & DECLARATIONS OF INTEREST/S

Nil

7 CONFIRMATION OF MINUTES

7.1 CONFIRMATION OF MINUTES 26 APRIL 2023 ORDINARY MEETING

RESOLUTION 07.05/23

Moved: Cr Tara Toomey

Seconded: Deputy Mayor Robert Crouch

That Council adopt the minutes of the Ordinary Meeting 26 April 2023 as a true and correct record.

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

Against: Nil

Absent: Crs Leanne Doran and Lone Petrov

CARRIED 7/0

7.2 CONFIRMATION OF MINUTES 16 MAY 2023 EXTRAORDINARY MEETING

RESOLUTION 08.05/23

Moved: Cr Tara Toomey

Seconded: Cr Sarah Burrows

That Council adopt the minutes of the extraordinary meeting 16 May 2023 as a true and correct record.

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

Against: Nil

Absent: Crs Leanne Doran and Lone Petrov

CARRIED 7/0

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

8.1 LATE ITEM

RESOLUTION 09.05/23

Moved: Cr Sarah Burrows

Seconded: Cr Tara Toomey

That the late item "Award of Contract" be heard as confidential Item 15.5.

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

Against: Nil

Absent: Crs Leanne Doran and Lone Petrov

CARRIED 7/0

9 WRITTEN REPORTS FROM DELEGATES

Nil

10 PUBLIC FORUM

Nil

Councillor Doran joined the meeting at 4:04pm

11 MAYORAL MINUTE

11.1 MAYORAL MINUTE - DAMAGING INCREASE IN EMERGENCY SERVICES LEVY COSTS

RESOLUTION 10.05/23

Moved: Mayor Robert Bell

Seconded: Cr Tom O'Connor

That Council writes to:

1. Treasurer, the Minister for Emergency Services, the Minister for Local Government and local State Member(s):
 - a. Expressing Council's strong opposition to the NSW Government's last minute decision to impose an enormous Emergency Services Levy (ESL) cost increase on councils for 2023/24 by scrapping the ESL subsidy for councils and at a time after Council has publicly advertised its Operational Plan and annual budget to the community;
 - b. Noting that as a consequence of the unannounced 73% increase in the State Emergency Service budget and an 18% increase in the Fire and Rescue NSW budget, Council's 3.7% rate increase to provide essential community services and infrastructure has been significantly eroded.
 - c. Advising that the Government's decision may/will lead to a reduction in important local services and/or the cancellation of necessary infrastructure projects;
 - d. Calling on the NSW Government to take immediate action to:
 - i. restore the ESL subsidy in 2023/24
 - ii. urgently introduce legislation to decouple the ESL from the rate peg to enable councils to recover the full cost

iii. develop a fairer, more transparent and financially sustainable method of funding critically important emergency services in consultation with local government.

2. Chair of the Independent Pricing and Regulatory Tribunal (IPART) advising that Council's forced emergency services contribution is manifestly disproportionate to the 2023/24 rate cap, which has resulted in additional financial stress.
3. President of LGNSW seeking the Association's ongoing advocacy to bring about a relief in the burden of Councils' emergency services contribution.

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

Against: Nil

Absent: Crs Lone Petrov

CARRIED 8/0

12 NOTICE OF MOTION/QUESTIONS WITH NOTICE

Nil

13 REPORT OF COMMITTEES

Nil

14 REPORTS TO COUNCIL

14.1 DRAFT TREE MANAGEMENT POLICY FOR COUNCIL-MANAGED LAND 2023

RESOLUTION 11.05/23

Moved: Cr Bruce McMullen

Seconded: Cr Leanne Doran

That Council lays the item the Tree Management Policy for Council-managed Land on the table.

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

Against: Nil

Absent: Crs Lone Petrov

CARRIED 8/0

14.2 DRAFT ROADSIDE VEGETATION MANAGEMENT PLAN**RESOLUTION 12.05/23**

Moved: Deputy Mayor Robert Crouch

Seconded: Cr Tom O'Connor

That Council adopts the Roadside Vegetation Management Plan.

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

Against: Cr Leanne Doran

Absent: Crs Lone Petrov

CARRIED 7/1

At 4:41 pm, Cr Tara Toomey left the meeting.

At 4:44 pm, Cr Tara Toomey returned to the meeting.

14.3 PUBLIC SPACES LEGACY PROGRAM - ACTIONS AND TIMELINE**RESOLUTION 13.05/23**

Moved: Cr Tara Toomey

Seconded: Deputy Mayor Robert Crouch

That council note:

1. The report on the funding allocation for Pioneer Park under the Public Spaces Legacy Program is awaiting determination by the funding partner, including the action timeline for the Public Spaces Legacy Program since inception and the following project change requests to the funding deed:
 - Request for extension of time to 29 September 2023; and
2. That Stage 1 (which does not include the spiral pathway, plantings or artwork and includes the Project Plan for stage 2 referred to in resolution 17.04/23 3.b) is the only stage of the Pioneer Park project that is being funded by the PSLP
3. That the spiral pathway and plantings have been treated as separate engagements in keeping with resolution 36.09/22
4. That the spiral pathway and plantings have now been removed from stage 1 in keeping with resolution 17.04/23 3. c
5. That the funds saved (\$52,683) by removing these elements are retained against the Pioneer Park project
6. That an updated advice will be submitted to the funding partner, confirming that we are not seeking funds to deliver stage 2, but to develop the plan for stage 2 of the Pioneer Park project which Council sees as critical to the completion of stage 1 of the Pioneer Park project.
7. That staff will work with arts focused organisations, as mentioned in 17.04/23 3. c, to engage a suitable project manager to develop the plan for stage 2 as part of completing stage 1.

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

Against: Nil

Absent: Crs Lone Petrov

CARRIED 8/0

14.4 WORKS PROGRESS REPORT - MAY 2023

RESOLUTION 14.05/23

Moved: Deputy Mayor Robert Crouch

Seconded: Cr Bruce McMullen

That Council note the Works Progress Report as at 02 May 2023.

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

Against: Nil

Absent: Crs Lone Petrov

CARRIED 8/0

14.5 LOCAL GOVERNMENT REMUNERATION TRIBUNAL'S DETERMINATION FOR MAYOR AND COUNCILLORS' REMUNERATION 2023-2024

RESOLUTION 15.05/23

Moved: Cr Leanne Doran

Seconded: Deputy Mayor Robert Crouch

That Council increase the annual fee by 3% to be set as follows:

- i. Fix the 2023-2024 fee payable to Councillors at \$11,977; and
- ii. Fix the 2023-2024 fee payable to the Mayor at \$21,581 (additional to the fee paid to the Mayor as Councillor).

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

Against: Crs Tim Bower, Bruce McMullen and Tara Toomey

Absent: Crs Lone Petrov

CARRIED 5/3

14.6 USE OF GENERAL MANAGER'S DELEGATION TO WAIVE FEES**RESOLUTION 16.05/23**

Moved: Cr Tara Toomey
Seconded: Cr Leanne Doran

Note the General Manager's recent exercise of Council's previously issued delegation to waive fees in support of community strategic objective 1.2 which encourages participation in sport:

- a. In the instance of St Joseph's School, an amount of \$116.00 being the fees for the use of the Uralla Sporting Complex on two occasions in May and July 2023;
- b. In the instance of Rocky River Primary School, an amount of \$58.00 being the fee for the use of the Uralla Sporting Complex on one occasion in May 2023.

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

Against: Nil

Absent: Crs Lone Petrov

CARRIED 8/0

14.7 MONTHLY FINANCE REPORT FOR APRIL 2023**RESOLUTION 17.05/23**

Moved: Cr Tom O'Connor
Seconded: Cr Tim Bower

That Council receive the Monthly Finance Report for April 2023

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

Against: Nil

Absent: Crs Lone Petrov

CARRIED 8/0

Note: that the Remaining Budget Column is not necessary in the report item 14.7.

14.8 LOANS AS AT 30 APRIL 2023**RESOLUTION 18.05/23****Moved:** Cr Tara Toomey**Seconded:** Deputy Mayor Robert Crouch**That Council note the loan position as at 30 April, 2023 totalling \$1,567,257.32****For:** Crs Robert Bell, Robert Crouch, Tim Bower, Sarah Burrows, Leanne Doran, Bruce McMullen, Tom O'Connor and Tara Toomey**Against:** Nil**Absent:** Crs Lone Petrov**CARRIED 8/0****14.9 INVESTMENTS AT 30 APRIL 2023****RESOLUTION 19.05/23****Moved:** Cr Tara Toomey**Seconded:** Cr Tom O'Connor**That Council note:**

1. The cash position as at 30 April 2023 consisting of cash and overnight funds of \$2,130,099 term deposits of \$20,750,000 totalling \$22,880,099 of readily convertible funds; and
2. The majority of Council's cash is externally restricted and not available for day to day operational expenditure. Unrestricted cash to be finalised upon audit of financial statements for the year.

For: Crs Robert Bell, Robert Crouch, Tim Bower, Sarah Burrows, Leanne Doran, Bruce McMullen, Tom O'Connor and Tara Toomey**Against:** Nil**Absent:** Crs Lone Petrov**CARRIED 8/0**

At 5:32 pm, Cr Tom O'Connor left the meeting.

At 5:35 pm, Cr Tom O'Connor returned to the meeting.

14.10 REGISTER RESOLUTIONS ACTIONS STATUS AS AT 17 MAY 2023**RESOLUTION 20.05/23****Moved:** Cr Tara Toomey**Seconded:** Cr Bruce McMullen**That Council note the resolution action status at 17 May 2023.****For:** Crs Robert Bell, Robert Crouch, Tim Bower, Sarah Burrows, Leanne Doran, Bruce McMullen, Tom O'Connor and Tara Toomey**Against:** Nil**Absent:** Crs Lone Petrov**CARRIED 8/0****15 CONFIDENTIAL MATTERS****RESOLUTION 21.05/23****Moved:** Cr Sarah Burrows**Seconded:** Deputy Mayor Robert Crouch**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 Bitumen Emulsion Supply Contract**

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.

15.2 Award of Tender - Road Rehabilitation of Thunderbolts Way, 2.2km for Uralla Shire Council in 2023.(2.2km of the Tarana Hill segment)

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.

15.3 Nominations for S355 Uralla Township and Environs Committee

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).

15.4 Appointment of independent members to the Audit, Risk & Improvement Committee

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).

15.5 Award of Contract – Gostwyck road project

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.

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

Against: Nil

Absent: Crs Lone Petrov

CARRIED 8/0

16 COMMUNICATIONS OF COUNCIL DECISIONS

The Chair communicated the Council decisions from the closed session.

RESOLUTION 22.05/23

Moved: Cr Leanne Doran

Seconded: Cr Sarah Burrows

That Council return to open session and the 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 and Tara Toomey

Against: Nil

Absent: Crs Lone Petrov

CARRIED 8/0

15.1 BITUMEN EMULSION SUPPLY CONTRACT

RESOLUTION 22.05/23

Moved: Deputy Mayor Robert Crouch

Seconded: Cr Tim Bower

That Council, in consideration of the submissions through the Regional Procurement tender process, tender T422223URA, and the analysis in this report and attachments:

Accepts the offer from Fulton Hogan Industries Pty Ltd and join regional Contract T42223URA for the supply of Bitumen Emulsion for a period of 19 months from 1 June 2023 to 31 December 2024, with an option to renew for a further period of 12 months. This contract will have an expected expenditure of \$336,750.00 per annum.

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

Against: Nil

Absent: Crs Lone Petrov

CARRIED 8/0

15.2 AWARD OF TENDER - ROAD REHABILITATION OF THUNDERBOLTS WAY, 2.2KM FOR URALLA SHIRE COUNCIL IN 2023.(2.2KM OF THE TARANA HILL SEGMENT)

RESOLUTION 23.05/23

Moved: Cr Bruce McMullen

Seconded: Deputy Mayor Robert Crouch

1. That Council award the tender to Stabilcorp for \$600,000 to rehabilitate and widen 1.8 km of Thunderbolts Way from the newly constructed segment Uralla side of Salisbury Waters Bridge over Tarana Hill towards Uralla
2. That Uralla Shire Council negotiate further road rehabilitation lengths at the tendered rates to continue the rehabilitation works from the completed section towards Dangars Lagoon, as part of the 23/24 TfNSW Repair program

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

Against: Nil

Absent: Crs Lone Petrov

CARRIED 8/0

15.3 NOMINATIONS FOR S355 URALLA TOWNSHIP AND ENVIRONS COMMITTEE**RESOLUTION 24.05/23**

Moved: Deputy Mayor Robert Crouch

Seconded: Cr Sarah Burrows

That Council appoint the following persons to the Uralla Township and Environs Committee subject to their attendance at a Committee induction meeting (to be completed before attendance at their first committee meeting):

- Mr Mark McDiarmid
- Mr Tony Lashlie

Invite Ms Beth Platford to complete the UTEC membership application form for future Council consideration.

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

Against: Nil

Absent: Crs Lone Petrov

CARRIED 8/0

15.4 APPOINTMENT OF INDEPENDENT MEMBERS TO THE AUDIT, RISK & IMPROVEMENT COMMITTEE**RESOLUTION 25.05/23**

Moved: Cr Sarah Burrows

Seconded: Cr Tara Toomey

That Council elect not to appoint the staff recommendations and, subject to satisfactory due diligence checks and Walcha Council resolving to appoint the same candidates to their ARIC, Council appoint as independent members to the Audit Risk and Improvement Committee for an initial term of four years the following applicants:

1. Mr Les Hullick
2. Dr Meredith Caelli

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

Against: Nil

Absent: Crs Lone Petrov

CARRIED 8/0

15.5 AWARD OF CONTRACT – GOSTWYCK ROAD PROJECT**RESOLUTION 26.05/23****Moved:** Cr Tom O'Connor**Seconded:** Cr Tim Bower

Award of contract to Stabilcorp for \$223,300.00 (GST incl) to provide pavement stabilisation for the Gostwyck Road Project.

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

Against: Cr Tara Toomey

Absent: Crs Lone Petrov

CARRIED 7/1**17 CONCLUSION OF MEETING**

The meeting was closed at 6:21pm.

Council Minutes **confirmed by: Mayor Robert Bell** on 25 June 2023. Resolution number: **11.06/23**