



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

24 October 2023

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

Interim General Manager

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- 1 OPENING & WELCOME**
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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 26 September 2023 Ordinary Meeting

Department: General Manager's Office

Prepared By: Executive Assistant

Authorised By: Interim General Manager

Reference: UINT/23/14740

Attachments: 1. Minutes 26 September 2023 Ordinary Meeting  

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

RECOMMENDATION

That the Minutes of 26 September 2023 Ordinary Meeting be adopted as a true and correct record.

OR

That the Minutes of 26 September 2023 Ordinary Meeting be adopted with the following amendments as a true and correct record



MINUTES of

ORDINARY COUNCIL MEETING

Held on 26 September 2023 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 – via zoom
Cr L Petrov
Cr T Toomey

Apologies:

Nil

Staff:

Ms T Averay, Interim General Manager
Ms E Kinkade Acting Executive Director Infrastructure & Development
Mr S Williams, Acting Executive Director Corporate & Community
Mr M Ahammed, Manager Finance & IT
Ms W Westbrook, Executive Assistant – Minute Clerk

ORDINARY COUNCIL MEETING MINUTES

26 SEPTEMBER 2023

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UNCONFIRMED

ORDINARY COUNCIL MEETING MINUTES

26 SEPTEMBER 2023

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

Cr O'Connor currently on leave attended via zoom.

6 DISCLOSURE & DECLARATIONS OF INTEREST/S

Cr Tom O'Connor declared non-significant non-pecuniary interest in relation to item 13.1.2i, due to Residence on Hill St .

Cr Tara Toomey declared non-significant non-pecuniary interest in relation to item 14.2, due to Child at Uralla Central School.

Cr Leanne Doran declared significant non-pecuniary interest in relation to item 14.1, due to Volunteer Coordinator on Thunderbolts Festival .

ORDINARY COUNCIL MEETING MINUTES

26 SEPTEMBER 2023

7 CONFIRMATION OF MINUTES**7.1 CONFIRMATION OF MINUTES 22 AUGUST 2023 ORDINARY MEETING****RESOLUTION 01.09/23****Moved:** Cr Tim Bower**Seconded:** Cr Lone Petrov**That the Minutes of 22 August 2023 Ordinary Meeting be adopted as a true and correct record.**

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

Against: Nil

CARRIED 9/0**8 URGENT, SUPPLEMENTARY, AND LATE ITEMS OF BUSINESS (INCLUDING PETITIONS)**

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 AUGUST 2023****RESOLUTION 02.09/23****Moved:** Mayor Robert Bell**Seconded:** Cr Sarah Burrows**That Council receive the Mayor's Delegate Activity Report for August 2023.**

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

26 SEPTEMBER 2023

9.2 WRITTEN DELEGATE REPORT - NEW ENGLAND WEEDS AUTHORITY

RESOLUTION 03.09/23

Moved: Cr Tim Bower

Seconded: Cr Bruce McMullen

That Council receive the report Cr Tim Bower presented as a written delegate report on an update for the New England Weeds Authority meeting held 19 September 2023.

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

Nil

11 MAYORAL MINUTE

Nil

ORDINARY COUNCIL MEETING MINUTES

26 SEPTEMBER 2023

12 NOTICE OF MOTION/QUESTIONS WITH NOTICE**12.1 NOTICE OF MOTION -CONSTITUTIONAL REFERENDUM****RECOMMENDATION****Moved:** Cr Leanne Doran**Seconded:** Deputy Mayor Robert Crouch**That Council:**

1. Resolves to hold a Constitutional Referendum in conjunction with the next ordinary Council election, due in September 2024, to seek community opinion [Local Government Act (1993) Chapter 4, Part 3] with respect to:
 - a. reverting back to 3 Wards in the Uralla Shire Council Area [Local Government Act (1993) Division 2, s 16 (a)] and;
 - b. change the basis on which the mayor attains office from: election by electors - to election by Councillors [Local Government Act (1993) Division 2, s 16 (b)].
2. Proposes the Constitutional Referendum question be: Do you support reverting back to 3 Wards; A, B and C, and that the Mayor be decided by the Councillors who are elected as your representatives.

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

LOST 3/6

FORESHADOWED MOTION**Moved:** Cr Sarah Burrows**Seconded:** Cr Tara Toomey**That Council**

1. Resolves to hold a Constitutional Referendum in conjunction with the next ordinary Council election, due in September 2024, to seek community opinion [Local Government Act (1993) Chapter 4, Part 3] with respect to:
 - a. abolishing Wards in the Uralla Shire Council Area [Local Government Act (1993) Division 2, s 16 (a)] and;
 - b. changing the basis on which the mayor attains office from: election by electors - to election by Councillors [Local Government Act (1993) Division 2, s 16 (b)].
2. Proposes the Constitutional Referendum question be: Do you support abolishing Wards, and that the Mayor be decided by the Councillors who are elected as your representatives.

ORDINARY COUNCIL MEETING MINUTES

26 SEPTEMBER 2023

PROCEDURAL MOTION

RESOLUTION 04.09/23

Moved: Cr Leanne Doran

Seconded: Cr Sarah Burrows

To defer consideration of the Item 12.1 Foreshadowed Motion pending further advice from the Parliamentary Secretary on the proposal.

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

Against: Cr Bruce McMullen

CARRIED 8/1

UNCONFIRMED

ORDINARY COUNCIL MEETING MINUTES

26 SEPTEMBER 2023

13 REPORT OF COMMITTEES**13.1 URALLA LOCAL TRAFFIC COMMITTEE (ULTC) - MINUTES OF MEETING HELD 10 AUGUST 2023****RESOLUTION 05.09/23****Moved:** Deputy Mayor Robert Crouch**Seconded:** Cr Leanne Doran**That Council**

1. receive the Minutes of the Uralla Local Traffic Committee (ULTC) meeting held 10 August 2023 and
2. adopts the following recommendations:
 - i. Item 2. Pedestrian Crossing across Hill Street - (between Subway and Alternate Root)
 - ii. Item 4. Thunderbolts Way – Near Alma Park – Site of Recent B-Double Truck Accident
 - iii. Item 5. Improve visibility and signage –Bundarra Road and Pinegrove Road intersection (Barbados Corner)
 - iv. Item 6. Northeys Road 'No Trucks' Signage.

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**PROCEDURAL MOTION TO MOVE AN ITEM****RESOLUTION 06.09/23****Moved:** Cr Tim Bower**Seconded:** Cr Leanne Doran**That Council move Item 14.10 to be heard after Item 13.1**

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

26 SEPTEMBER 2023

14.10 DRAFT END OF YEAR FINANCIAL STATEMENTS 2023 - REFERRAL TO AUDIT

RESOLUTION 07.09/23

Moved: Cr Tom O'Connor

Seconded: Deputy Mayor Robert Crouch

That Council:

1. Endorses the Draft General Purpose Financial Statements and Draft Special Purpose Financial Statements for the financial year ended 30 June 2023 as prepared and refers them to the Auditor pursuant to Section 413 of the *Local Government Act 1993 (NSW)*; while recognising the inclusion into these financial statements of the value of Rural Fire Service vehicle assets, the non-cash contribution of \$250k and depreciation is in submission to the expressed requirements of the NSW Auditor General, rather than in accordance with the Australian Accounting Standards Board pronouncements *SAC1 Definition of Reporting Entity and Conceptual Framework for Financial Reporting (notably clauses 4.19 to 4.25)*; and
2. Makes the following amendments to the Draft Financial Statements:
 - a) The details of the Public Officer under the heading *H1-1 Council information and contact details* be amended to reflect the current officer details; and
 - b) The execution clause in the Consolidated Financial Statements *Statement by Councillors and Management* be amended to state Deputy Mayor Crouch instead of Councillor Crouch; and
 - c) The Cash expense cover ratio indicator be corrected to 16.49 months, with the corresponding ratio amounts amended to 24,307 over 1,474; and
 - d) Section *F1-1 KMP* be updated to reflect 2023 figures; and
 - e) Review page 269 of the business paper G5-2 Item 6. Cash expense cover ratio;
3. Express appreciation to staff on achieving positive outcomes under difficult circumstances.

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

26 SEPTEMBER 2023

13.2 BUNDARRA SCHOOL OF ARTS HALL AND COMMUNITY CONSULTATIVE S355 COMMITTEE - MINUTES OF MEETING HELD 26 JULY 2023**RESOLUTION 08.09/23****Moved:** Cr Leanne Doran**Seconded:** Deputy Mayor Robert Crouch

That Council receives the minutes of the Bundarra School of Arts Hall and Community Consultative s355 Committee meeting held 26 July 2023.

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**13.3 URALLA TOWNSHIP AND ENVIRONS S355 COMMITTEE (UTEC) - MINUTES OF MEETING HELD 5 JUNE 2023****RESOLUTION 09.09/23****Moved:** Cr Tara Toomey**Seconded:** Cr Leanne Doran

That Council receive the minutes and note the recommendations of the Uralla Township and Environs S355 (UTEC) Committee meeting held 5 June 2023.

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

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13.4 URALLA TOWNSHIP AND ENVIRONS S355 COMMITTEE (UTEC) - MINUTES OF MEETING HELD 4 SEPTEMBER 2023**RESOLUTION 10.09/23****Moved:** Cr Tara Toomey**Seconded:** Cr Leanne Doran

That Council receives the minutes and note the recommendations of the Uralla Township and Environs S355 (UTEC) Committee meeting held 4 September 2023.

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 REPORTS TO COUNCIL****14.1 MEMBERSHIP - URALLA TOWNSHIP AND ENVIRONS S355 COMMITTEE (UTEC)****RESOLUTION 11.09/23****Moved:** Cr Leanne Doran**Seconded:** Cr Tim Bower**That Council:**

Accepts the membership application received from Ms Gai Buchanan and appoints her as a member of the Uralla Township and Environs s355 Committee (UTEC).

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

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14.2 REQUESTS FOR SPONSORSHIP

RESOLUTION 12.09/23

Moved: Cr Sarah Burrows

Seconded: Cr Leanne Doran

That Council resolved as follows:

1. Advise Uralla Central School that Council will continue to provide \$200 sponsorship for their end of year presentations; and
2. Support The Spaces Make Lace November 2023 Event:
 - i. with in-kind support for printing of programs to a maximum value of \$100; and
 - ii. promote the event through Council's social media page and newsletter.

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

PROCEDURAL MOTION - BREAK

RESOLUTION 13.09/23

Moved: Cr Leanne Doran

Seconded: Cr Tara Toomey

The Chair called for a short break at 6:00pm.

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

PROCEDURAL MOTION - RETURN

RESOLUTION 14.09/23

Moved: Cr Tara Toomey

Seconded: Cr Lone Petrov

The Chair reconvened the meeting after a short break at 6:25pm.

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

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At 6:26 pm, Cr Leanne Doran left the meeting previously declaring a conflict of interest.

14.3 WAIVER OF DEVELOPMENT APPLICATIONS FEES FOR THUNDERBOLTS FESTIVAL**RESOLUTION 15.09/23****Moved:** Mayor Robert Bell**Seconded:** Cr Tim Bower**That Council**

1. Waives the \$495 development application fee for the Thunderbolts Festival.
2. Notes that if Council agrees to waive this fee, the \$495 drawn from the \$12,000 financial contribution will be reimbursed for Rotary to use for other components of the Festival.

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

Against: Nil

Absent: Crs Leanne Doran

CARRIED 8/0

At 6:29 pm, Cr Leanne Doran returned to the meeting.

ORDINARY COUNCIL MEETING MINUTES

26 SEPTEMBER 2023

14.4 LOCAL ROADS AND COMMUNITY PROGRAM PHASE 4 - PROJECT NOMINATIONS

RESOLUTION 16.09/23

Moved: Cr Sarah Burrows

Seconded: Cr Lone Petrov

Council reviewed the list of projects attached to this report and adopted a list to be submitted to the Local Roads and Community Infrastructure Program Phase 4 - Work Schedule - Project Nominations :

1. Approve the following projects to be submitted for funding for the full amount of \$596,106 under part A – Roads and/or Community Infrastructure
 - Bundarra – Replacement and installation of compliant pram ramps \$30,106;
 - Park Street from Bridge Street to Maitland Street footpath \$75,000; and
 - John Street From Bridge Street to Maitland Street footpath \$75,000; and
 - King and Maitland Street roundabout \$390,000; and
 - Kentucky – Construction of footpath from the Public School to the General Store (Stage 1 \$25,000); and
2. Approve the following project to be submitted for funding for the full amount of \$343,847 under part B – Roads Only:
 - a. The Terrible Vale Crossing subject to the grant funding both the design and delivery; or if this does not meet the grant requirements then progress the Rocky River Road proposal; and
3. Request the General Manager provide a map showing the location of the proposed works on Rocky River Road; and
4. Note amendment to page 162 item 10 replace Kingstown with Kentucky due to a typographical error.

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

26 SEPTEMBER 2023

14.5 DRAFT RENEWABLE ENERGY COMMUNITY BENEFIT POLICY

RESOLUTION 17.09/23

Moved: Cr Tom O'Connor

Seconded: Cr Leanne Doran

That Council

- i. Endorses the Draft Renewable Energy Community Benefit Policy for public exhibition for a period of not less than 28 days; and
- ii. Receives a further report once the submission period closes to consider any submissions received; and
- iii. Delete the third paragraph in section 4. Community Benefit, and the word 'some' in the last line of the paragraph under section 5. Public Purpose, on page 2 of 3 of the draft policy.

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

Against: Nil

CARRIED 9/0

14.6 PROJECT UPDATES - PUBLIC SPACES LEGACY PROGRAM

RESOLUTION 18.09/23

Moved: Cr Tara Toomey

Seconded: Cr Sarah Burrows

That Council notes the update and status reports for the Rotary Park Project; the Pioneer Park Project; and the Glen Project.

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

26 SEPTEMBER 2023

14.7 INVESTMENTS AT 31 AUGUST 2023

RESOLUTION 19.09/23

Moved: Deputy Mayor Robert Crouch

Seconded: Cr Tara Toomey

That Council notes the cash position as at 31 August 2023 consisting of cash and overnight funds of \$3,706,460 and term deposits of \$20,768,862 totalling \$24,475,322 of readily convertible funds, 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

14.8 LOANS AS AT 31 AUGUST 2023

RESOLUTION 20.09/23

Moved: Cr Tara Toomey

Seconded: Cr Sarah Burrows

That Council notes the loan position as at 31 August 2023 totalling \$1,459,522.

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

Against: Nil

CARRIED 9/0

14.9 MONTHLY FINANCE REPORT FOR AUGUST 2023

RESOLUTION 21.09/23

Moved: Cr Tim Bower

Seconded: Cr Tom O'Connor

That Council receives the attached Monthly Finance Report for August 2023.

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

26 SEPTEMBER 2023

14.11 MCMAUGH GARDENS STATUS REPORT

RESOLUTION 22.09/23

Moved: Cr Leanne Doran

Seconded: Cr Tara Toomey

That Council

1. Notes the reported changes to the operating environment in aged care impacting on the cost of operations
2. Notes the McMaugh Garden site plans submitted by Coverite as part of the development of the Expansion Master Plan
3. Postpones further work on the Master Plan pending an update on the strategic options report and business plan for McMaugh Gardens
4. Receives a further report on the costs and scope of a review of the Strategic option and business plan for McMaugh Gardens following a RFQ from suitably qualified consultants
5. Writes to the Minister for Health to :
 - a. highlight the difficulties in recruiting registered nurses to aged care to meet the new care requirements, and the significant cost of agency staffing ;and
 - b. request clear direction on how Council can administer the AN-ACC funded wage increase without further adding to the cost of delivering the aged care service to the community.

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

14.12 COMPLAINTS 1 JANUARY - 31 MARCH 2023

RESOLUTION 23.09/23

Moved: Cr Tara Toomey

Seconded: Cr Sarah Burrows

That the report relating to complaints from 1 January to 30 June 2023 be received.

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

26 SEPTEMBER 2023

14.13 REGISTER RESOLUTIONS ACTIONS STATUS AS AT 19 SEPTEMBER 2023

RESOLUTION 24.09/23

Moved: Cr Bruce McMullen

Seconded: Cr Leanne Doran

That Council note the Resolution Action Status Report as at 19 September 2023.

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

Nil

16 COMMUNICATIONS OF COUNCIL DECISIONS

17 CONCLUSION OF MEETING

The meeting was closed at 7:48pm.

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

9 WRITTEN REPORTS FROM DELEGATES

9.1 Mayor's Written Delegate Activity Report - September 2023

Department: General Manager's Office

Prepared By: Mayor

Authorised By: Interim General Manager

Reference: UINT/23/14661

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

RECOMMENDATION

That Council receives the Mayor's Delegate Activity Report for September 2023.

REPORT

Mayor: Robert Bell		
Date of Council Meeting: 24 October 2023		
DATE	COMMITTEE/MEETING/EVENT	LOCATION
1 Sept 2023	Meeting with resident & Interim General Manager	Uralla
4 Sept 2023	Councillor weekly catch up with Mayor & GM	Uralla
5 Sept 2023	Meeting with resident	Uralla
6 Sept 2023	Forum – Changing Face of New England	Armidale Bowlo
10 Sept 2023	Invergowrie Community Meeting	Invergowrie
11 Sept 2023	Councillor weekly catch up with Mayor & GM	Uralla
12 Sept 2023	Uralla Business Meeting	Uralla
12 Sept 2023	Councillor Workshop & Briefing Sessions	Uralla
13 Sept 2023	Uralla Central School Careers Quest	UCS
13 Sept 2023	Thunderbolt Energy meeting	Uralla
14 Sept 2023	CP Agency Housing Forum	Uralla
14 Sept 2023	General Manager Selection Panel Meeting	Uralla
15 Sept 2023	NEWA Meeting	Armidale
18 Sept 2023	Councillor weekly catch up with Mayor & GM	Uralla
19 Sept 2023	Councillor Workshop & Briefing Sessions	Uralla
20 Sept 2023	ACEN Meeting	Uralla
21 Sept 2023	Winterbourne VPA Meeting	Walcha
23 Sept 2023	Kentucky Creek Dam	Kentucky
25 Sept 2023	Councillor weekly catch up with Mayor & GM	Uralla
26 Sept 2023	Council Ordinary Meeting	Uralla
27 Sept 2023	NSW Department Planning REZ Meeting	Uralla
28 Sept 2023	Winterbourne Wind	Uralla
2023 Expenses Claims to date for Councillors		\$0

10 PUBLIC FORUM

Nil

11 MAYORAL MINUTE

11.1 Mayoral Minute - Update on NSW Rural Fires Amendment (Red Fleet) Bill 2023

Reference: UINT/23/14613

SUMMARY

On 19 June 2023, the Member for the Northern Tablelands, Mr Adam Marshall, announced a Private Member's Bill regarding the adverse financial impacts of the requirement for local councils to account for NSW Rural Fire trucks assets.

The announcement was made at the Kentucky RFS station alongside the region's Mayors, who put their support behind the NSW Rural Fires Amendment (Red Fleet) Bill 2023.

The Bill proposed amending the Rural Fires Act 1997 to transfer the ownership of NSW Rural Fire Service (RFS) vehicles, fire trucks and buildings from local councils back to the State Government.

RECOMMENDATION

That Council:

1. **Notes the second reading of the NSW Rural Fires Amendment (Red Fleet) Bill 2023 on 12 October 2023.**
2. **Thanks Mr Adam Marshall for his continued support for NSW local councils on this issue.**
3. **Writes to Minister for Local Government, the Hon. Ron Hoenig, to express Council's support for the Private Member's Bill, and to invite Minister Hoenig to visit the Northern New England region to meet with local Mayors to discuss this issue further.**

REPORT

In the first reading of the Private Member's NSW Rural Fires Amendment (Red Fleet) Bill 2023 on 19 June 2023, Mr Marshall noted the concerns of local councils.

Excerpts of the first reading included:

"the Rural Fires Amendment (Red Fleet) Bill 2023 to the Parliament today is the culmination of a number of years of work of many mayors, general managers, councils and members of this Parliament to right an error. I speak of an archaic provision buried deep within the Rural Fires Act 1997 that is innocuous but has significant consequences for local councils, their financial viability and their ability to deliver services and infrastructure for their local communities in the most efficient and effective way possible".

Along with. "Today the Rural Fire Service is a very different organisation. At its core it is still based around more than 60,000 volunteer firefighters, but obviously it has a strong executive structure and paid staff—the "white shirts", as we all call them—as district managers in fire control centres with staff underneath them, and above them zone managers, assistant commissioners, deputy commissioners and a commissioner. At the moment they are working hard planning for the fire season ahead, coordinating hazard reduction burns and section 44 fires et cetera. All members know the amazing work the Rural Fire Service does. However, what has not changed since 1997 is this old provision buried within the Act, section 119"

Mr Marshall concluded with *"There has been a lot of talk about financial sustainability of councils. Let us pass this bill and do something very significant right now, something tangible to help local councils with their financial viability. Let us make the Act reflect what actually happens and bring the RFS into line with every other emergency service. I thank everyone who has contributed to the bill and I urge the House to consider the bill and ensure it passes to benefit our local councils and our local Rural Fire Service volunteers."*

The full Hansard reading can be found [here](#) and via the following link:

<https://www.parliament.nsw.gov.au/Hansard/Pages/HansardResult.aspx#/docid/HANSARD-1323879322-134818/link/100>

The Parliamentary second reading and second reading debate is available [here](#) and via the following link:<https://www.parliament.nsw.gov.au/Hansard/Pages/HansardResult.aspx#/docid/HANSARD-1323879322-136153>

The matter has now been adjourned and the House will decide if the proposed Bill is forwarded to a Committee.

CONCLUSION

The ongoing support of the Member for the Northern Tablelands, Mr Adam Marshall, is greatly appreciated by regional and rural councils financially disadvantaged because of the requirement to account for RFS assets. The proposed Bill would benefit regional communities and support financial sustainability of smaller councils more significantly impacted by the current accounting requirements.

12 NOTICE OF MOTION/QUESTIONS WITH NOTICE

12.1 Notice of Motion -Constitutional Referendum - Updated Executive Advice

Reference: UINT/23/12217

Attachments: 1. Minutes 25 June 2012 Ordinary Meeting [↓](#) 

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

SUMMARY

At the ordinary meeting of 26 September 2023 Council resolved to defer consideration of the Item 12.1 Foreshadowed Motion pending further advice from the Parliamentary Secretary on the proposal.

The foreshadowed motion was:

That Council

1. Resolves to hold a Constitutional Referendum in conjunction with the next ordinary Council election, due in September 2024, to seek community opinion [Local Government Act (1993) Chapter 4, Part 3] with respect to:

- a. abolishing Wards in the Uralla Shire Council Area [Local Government Act (1993) Division 2, s 16 (a)] and;***
- b. changing the basis on which the mayor attains office from election by electors - to election by Councillors [Local Government Act (1993) Division 2, s 16 (b)].***

Proposes the Constitutional Referendum question be: Do you support abolishing Wards, and that the Mayor be decided by the Councillors who are elected as your representatives

Updated Executive advice as at 18 October 2023 is provided later in this report.

NOTICE OF MOTION

The following Notice of Motion was considered by Council at the meeting of 26 September 2023:

1. The council currently elects the mayor by electors 'the popularly elected mayor'. This situation arose in late 2011 when Councillors sought advice on the merits of reducing from 9 Councillors to 6. From this came a motion to abolish wards so that the numbers of elected members could be reduced. The motion to abolish wards was lost, however the Councillors at the time resolved to hold a constitutional referendum to reduce the number of wards and alter the basis on which the mayor attains office.
2. The constitutional referendum the Councillors put forward to the parliamentary counsel for approval, was complex with multiple parts and was confusing. See attached minutes of 25 June 2012 pg 10-11.
3. The constitutional referendum question needs to be a yes or no answer.
4. Councillors may choose to revert to 3 Wards with 3 members elected from each however we could run into the same issue as previously with the question becoming confusing.
5. Note - previous research suggests reducing the elected members from 9 to a lesser number would not lead to significant saving in Councillors' remuneration or expenses. Less numbers of Councillors would mean a greater workload burden for each of the Councillors.

6. Following feedback from members of the community (especially at Bundarra) I recommend reverting to 3 Wards with 3 members elected from each. The referendum question needs to be clearly stated.

COUNCILLOR'S MOTION

That Council:

1. **Resolves to hold a Constitutional Referendum in conjunction with the next ordinary Council election, due in September 2024, to seek community opinion [Local Government Act (1993) Chapter 4, Part 3] with respect to:**
 - a. **reverting back to 3 Wards in the Uralla Shire Council Area [Local Government Act (1993) Division 2, s 16 (a)] and;**
 - b. **change the basis on which the mayor attains office from: election by electors - to election by Councillors [Local Government Act (1993) Division 2, s 16 (b)].**
2. **Proposes the Constitutional Referendum question be: Do you support reverting back to 3 Wards; A, B and C, and that the Mayor be decided by the Councillors who are elected as your representatives?**

Submitted by Councillor Leanne Doran

GENERAL MANAGER'S COMMENT

The preparation of a Constitutional Referendum question through the Electoral Commission, and any subsequent work required to facilitate a boundary change to the current ward arrangements (including the preparation of boundary plans, public exhibition and invitation for submissions and subsequent reporting), will take staff resourcing which has not been factored into current budgets. This will also impact on other operational priorities.

Further, given the current financial and resource constraints impacting on Council's day to day service delivery and forward planning, it is recommended Council consider the costs and benefits of a constitutional referendum for the broader community against other priorities.

UPDATED EXECUTIVE ADVICE 18/10/2023

The advice sought for the Parliamentary Secretary was on the required structure of a referenda question and the process for approval.

Staff have been advised by the Office of Local Government that the Parliamentary Secretary does not have any involvement in the formation and structure or approval of Local Government Referendum questions.

THE PROCESS

Should Council elect to undertake a referendum at the 2024 Local Government elections the following requirements must be met (From section 4 of Schedule 10 of the Local Government (General) Regulations 2021):

- (a) if a council resolves to take a constitutional referendum or council poll, the general manager is to notify the Electoral Commissioner of the resolution within 21 days after the council makes the resolution (if the Electoral Commissioner is to administer the referendum or poll),
- (a1) if a constitutional referendum or council poll is to be held in conjunction with an election of councillors, the general manager must (if he or she has not already done so) notify the Electoral

Commissioner of the question to be asked at the referendum or poll no later than 12 noon on the closing date for the election (if the Electoral Commissioner is to administer the referendum or poll and the election) (although Councillors attention is drawn to the staff advice detailed below),

- (b) the election manager is to publish a notice setting out the date of the referendum or poll, the question to be asked at the referendum or poll and the locations and times of polling for the referendum or poll—
 - (i) on the website of the council, and
 - (ii) in any other manner that the election manager considers necessary to bring it to the attention of members of the public in the area in which a referendum is to be taken, or the area or part of the area in which a poll is to be taken,
- (b1) the election manager is to publish the notice in the case of a referendum or poll to be held in conjunction with an election of councillors—at the same time as the election manager publishes a notice under section 300 of this Regulation in relation to the election,

For the purposes of the regulations the Election Manager is the Electoral Commission

THE QUESTION

The framing of the referendum question is matter for Council. In this instance the foreshadowed motion contemplates two outcomes from the referendum being, to change the basis on which the mayor attains office from election by electors - to election by Councillors [Local Government Act (1993) Division 2, s 16 (b)] and to also abolishing Wards in the Uralla Shire Council Area [Local Government Act (1993) Division 2, s 16 (a)].

Councillors have already debated the difficulties of framing a question which seeks two outcomes noting that the referendum question requires a complete acceptance or rejection of the question posed.

Having regard to the foreshadowed motion Councillors may consider the following question:

The Uralla Shire currently has a popularly elected Mayor and a two ward structure (one urban and one rural). Do you favour reverting to the Mayor being appointed by the elected Councillors and the abolishment of wards so that Uralla Shire is an undivided council with no wards? If there is majority support for the proposal, the changes will take effect from the 2028 election

Included for Councillors reference is an attachment listing a range of historical referendum question posed by other Council.

COMMUNITY CONSULTATION

Notification of the Referendum and Referendum question will be made by the Electoral Commission.

It will be a matter for Council to provide the community with information on the pro's and cons of the YES or NO vote to ensure that the community is appropriately informed of the choice to be made.

This could take many forms but at a minimum would include a formal notice to every rate payer as well as information on Councils social media platforms, webpage and newsletter.

EXECUTIVE ADVICE PRIOR TO SEPTEMBER ORDINARY MEETING

Background:

1. Changing the way the Mayor is elected

1.1 There are two methods to elect a Mayor

- by popular vote, or
- as a decision of the elected Council.

A constitutional referendum is required to change the method.

- 1.2 If Council resolves to undertake a referendum at the next election, it must notify the electoral Commission and advise them of the question proposed to be put to the community.

The notice must be received by the Electoral Commission by 12 noon on the day the electoral roll is closed. In practice, however, it is recommended that Council notifies the Commission as soon as possible after a Council resolution on the matter, and that the election question be submitted no later than the end of June 2024. This allows the Commission to draft the ballot paper and refer it to Council for endorsement. This also allows the Commission sufficient time to allocate additional resources to meet the demands of the referendum in addition to the election.

Should Council resolve to adopt the Councillor's motion, it is recommended that Council add a third recommendation to the resolution to refer the draft referendum question to the Electoral Commission and Office of Local Government for comment and advice.

2. Impact of changing the current approach to electing the Mayor

- 2.1 If a constitutional referendum changes the way the Mayor is elected Council will need to consider how it can meet the requirements for equal representation in each ward

Fundamental requirements for Wards include the following:

- Ward boundaries must correspond with appropriate electoral and census districts (this requires consultation and approvals through the Electoral Commission and the Australian Statistician).
- Must have equal representation of councillors in each ward. Variations in the number of electors between each ward must be less than 10%.
- A popularly elected Mayor cannot be included as a ward representative.

- 2.2 To achieve equal representation in each ward, Council will need to choose one of the following options, each requiring a Constitutional Referendum:

- a) Change the way the Mayor is elected and increase the number of wards to three so that there are nine Councillors allowing three representative in each ward; or
- b) Change the way the Mayor is elected, retain the two ward structure and reduce the number of Councillors by at least 1, allowing equal representation in each of the two existing wards; or
- c) Should Council seek to revert to three wards and retain the popularly elected Mayor it will need to change the number of Councillors to achieve equal representation in each ward (e.g reduce the number of councillors to six, or increase to at least nine (excluding the popularly elected Mayor).

- 2.3 Council does not need to undertake a Constitutional Referendum to change the number of wards from two to three as this constitutes a ward boundary adjustment. There is a formal process to follow to amend ward boundaries which is detailed below.

3. When can a Constitutional Referendum be held

A Constitutional Referendum can be undertaken at any time. However, the cost of the exercise is generally the same as the cost of running a Local Government election. For this reason, Constitutional Referendums are generally undertaken at the same time as local government elections.

The outcome of referendums are binding on Council; however, referendum outcomes do not take effect until the next local government election *after* the referendum. So in this instance, if Council undertook a

Council Meeting Business Agenda for the 2024 elections to the Council of the Shire of Uralla. The agenda is effective from 1st July 2023.



ORDINARY MEETING OF COUNCIL

Held at 12 noon
On 25 June 2012

Councillors:

Cr I Strutt (Mayor)
Cr M Pearce (Deputy Mayor)
Cr K Dusting
Cr M Dusting
Cr R Filmer
Cr S Powley
Cr R Spreadborough
Cr K Ward
Cr L Wilson

Attendees:

Mr T O'Connor, General Manager
Mr R Bell, Director of Engineering Services
Mrs J Michie, Director of Administrative Services
Mr W Sellings, Manager of Health and Building Services
Ms L Cumming, Manager of Planning
Mr P Steedman, Minute Clerk

MINUTES

Excerpt of Wards and Mayor Elections:

Resolution Number	Continuation of the Minutes of the Uralla Shire Council at an Ordinary Meeting held at 12 noon on 25 June 2012	For Action
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GENERAL MANAGER'S REPORT

Governance and Administration (continued)

Item 2

Uralla Shire Council Operating Policies

U07/70

- 235/12 MOVED/ CARRIED (Crs S Powley / R Filmer)**
That Council adopt the Corporate Services – Human Resources Operating Policy – First Aid Policy 2.3.22. **GM**
- 236/12 MOVED/ CARRIED (Crs R Spreadborough / M Pearce)**
That Council adopt the Corporate Services – Human Resources Operating Policy – Children in the Workplace Policy 2.3.21. **GM**

The Director of Engineering Services, having left the meeting at 12:20pm, returned to the meeting during discussion of the above Motions (12:30pm).

Item 3

Local Government Elections 2012 Estimated Costs

U12/209

- 237/12 MOVED/ CARRIED (Crs R Filmer / M Pearce)**
That Council note:
1. the estimate by the New South Wales Electoral Commission for its cost for the conduct of the Uralla Shire Council election at \$41,130.
 2. the scope summary for the conduct of the 2012 council election
 3. that no advance payment is to be made, with full payment expected by the end of January 2013

Item 4

Constitutional Referendum – Mayor and Wards

U12/209

PROCEDURAL MOTION

- 238/12 MOVED/ CARRIED (Crs S Powley / R Spreadborough)**
That Council move to a 'Committee of the Whole', to discuss the General Manager's Item 4 Report and Recommendation.

Councillor's discussed options for the Referendum Question relating to the popular election of the Mayor by Electors.

PROCEDURAL MOTION

- 239/12 MOVED/ CARRIED (Crs S Powley / R Spreadborough)**
That Council resume Standing Orders.

The General Manager advised that no Motion was determined during the Committee of the Whole.

This is Page 10 of the Minutes of Uralla Shire Council at an Ordinary Meeting of Council held on 25 June 2012

Resolution Number	Continuation of the Minutes of the Uralla Shire Council at an Ordinary Meeting held at 12 noon on 25 June 2012	For Action
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Item 4 (continued)
Constitutional Referendum – Mayor and Wards

MOTION

MOVED/ SECONDED (Crs R Spreadborough / L Wilson)

That Council:

1. hold a Constitutional Referendum in conjunction with the 8 September 2012 Council election with the preamble: *"The Mayor of the Uralla Shire Council is currently elected by the Councillors"* and the question: *"Do you favour the election of the Mayor by the Electors for a four year term, reducing the number of Wards from three to two (one Urban and one Rural) maintaining nine Councillors (including the Mayor) to enable the election of four Councillors from the two Wards?"*.
2. have staff develop the case for and against the election of Mayor by Electors, with agreement of Councillors, for publication and circulation to Electors of the Uralla Shire Council.

FORESHADOWED MOTION

MOVED/ (Cr R Filmer)

That Council:

1. hold a Constitutional Referendum in conjunction with the 8 September 2012 Council election with the preamble: *"The Mayor of the Uralla Shire Council is currently elected by the Councillors"* and the question: *"Do you favour the election of the Mayor by the Electors for a four year term, reducing the number of Wards from three to two (one Urban and one Rural) and the number of Councillors from nine to seven (including the Mayor) to enable the election of three Councillors from the two Wards?"*.
2. have staff develop the case for and against the election of Mayor by Electors, with agreement of Councillors, for publication and circulation to Electors of the Uralla Shire Council.

240/12 Following debate the MOTION was PUT and CARRIED

That Council:

1. hold a Constitutional Referendum in conjunction with the 8 September 2012 Council election with the preamble: *"The Mayor of the Uralla Shire Council is currently elected by the Councillors"* and the question: *"Do you favour the election of the Mayor by the Electors for a four year term, reducing the number of Wards from three to two (one Urban and one Rural) maintaining nine Councillors (including the Mayor) to enable the election of four Councillors from the two Wards?"*.
2. have staff develop the case for and against the election of Mayor by Electors, with agreement of Councillors, for publication and circulation to Electors of the Uralla Shire Council.

GM

ADJOURNMENT

LUNCHEON RECESS (1:05 - 1:35pm)

241/12 MOVED/ CARRIED (Crs M Pearce / R Spreadborough)

That Council break for a 30 minute Luncheon Adjournment (1:05pm – 1:35pm)

The Meeting resumed at 1:35pm.

This is Page 11 of the Minutes of Uralla Shire Council at an Ordinary Meeting of Council held on 25 June 2012

13 REPORT OF COMMITTEES

13.1 Audit, Risk and Improvement Committee Meeting 21 September 2023 - Summary Report

Department:	Corporate & Community
Prepared By:	Executive Support Officer
Authorised By:	Interim Executive Director Corporate & Community
Reference:	UINT/23/14168

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK

Goal:	4.	We are an independent shire and well-governed community
Strategy:	4.2.	A strategic, accountable and representative Council

SUMMARY

This report provides a summary of the Audit Risk & Improvement Committee (ARIC) meeting held on 21 September 2023

RECOMMENDATION

That Council receives and notes the summary report of the Audit, Risk and Improvement Committee meeting held 21 September 2023

REPORT

The Audit, Risk & Improvement Committee (ARIC) meeting was held on 21 September 2023. All Committee members were present. Deputy Mayor Crouch attended as an observer.

The meeting was conducted in closed session given the nature of business included in the business paper. A copy of the business paper and draft minutes have been circulated to Councillor through the Councillor portal.

The meeting was held at Walcha Council Chambers however discussion on the practicalities of holding ARIC meetings remotely resulted in agreement that future meetings for each Council (Walcha and Uralla) should be conducted at the respective Council chambers. Meetings will be extended to three hours with sufficient time between meeting to allow the committee a reasonable lunch break and time to safely travel between Councils.

The chair suspended the meeting shortly after commencement at the request of the Audit Office. The Audit Office sought to provide audit progress updates to the committee for Walcha and Uralla Councils consecutively. This required the Chair to suspend the Uralla meeting whilst the Walcha Council update was being provided. There was consensus that the Audit Office would be required to attend each Councils ARIC in future.

1. External Auditor update

Representatives for the Audit Office (AO) together with their agents Forsyth's attended the meeting via ZOOM. The AO provided an update on the progress of the current audit.

Council noted that it had provided written feedback to the AO on the audit process and in particular the increasing time and resources required to meet AO requirements.

Verbal representation by the Interim Executive Director Community & Corporate (IEDCC) acknowledged the importance and value of the audit process but also noted that the proportionate time and cost of meeting the requirements for smaller councils compared to larger councils is significantly higher. The consequence is that a greater proportion of available resources is directed to audit requirements at the expense of delivering services to the community. The IEDCC questioned whether there was any additional support or assistance that the AO could provide.

The ARIC made a number of suggestions on how such support could be made available including the placements of support staff on site whilst the audit was being conducted.

The audit office identified potential conflicts of interests with the suggestion of officer placements but otherwise noted the comments and suggestions and recommended that Council approach the Office of Local Government to discuss audit support options.

The ARIC resolved to:

- i. Received the briefing from the Audit Office
- ii. Note Council's correspondence to the Audit Office regarding the audit fees and encourages Council to advocate with industry bodies (Country Mayors Association) regarding costs and resourcing implications.
- iii. Require future presentation by the External Auditors to be made at the respective Councils ARIC meeting

2. Outstanding Audit Action register

The Audit Action Register status was presented to the ARIC providing a status on actions arising from ARIC recommendations, External Audit recommendations and Internal Audit recommendations

The ARIC resolved to note the status of the Outstanding Actions Register

3. Finance update

The ARIC received the Draft General Purpose Financial Statements and Draft Special Purpose Financial Statements for the financial year ending 30 June 2023 together with the 2022/2023 External Audit engagements plan.

The Interim General Manager provided an update regarding the current financial position and the progress of the preparation of the updated Long Term Financial Plan noting that a draft has been prepared but requires further review and workshoping with Councillors.

ARIC members raised queries about the cash expense cover ratios and suggested that the Draft Financial Statements be corrected prior to submitting to Council.

The ARIC resolved:

- i. to receive the Draft General Purpose Financial Statements and Draft Special Purpose Financial Statements for the financial year ending 30 June 2023 and recommended to Council to refer the Statements for audit;
- ii. to note the external audit annual engagement plan.
- iii. to note the verbal update provided by the Interim General Manager regarding the Long Term Financial Plan.

4. Finance update

The committee received the Councillor delegate's report who raised the following matters:

- The issue of materiality in relation to Council's budget and whether the ARIC had advice in relation to materiality for the purpose of both internal and external audits
- Ensuring that the external auditor answers reasonable questions from Councillors
- Support for Council and guidance for the external auditor in the conduct of our annual audit

The ARIC discussed the issues and provided appropriate insights. The Chair offered, if required, to make representations to the AO in the event council was unable to obtain satisfactory responses to questions arising from the draft and audited financial statements.

The ARIC resolved to receive the delegates report.

5. Presentations – IT Upgrades

The committee received a presentation from the IT Project Manager on the current and intended status of the IT framework and the project milestones for the ongoing IT & Cyber Security upgrade.

The ARIC resolved to receive and note the USC IT & Cyber Security presentation

6. Governance & Compliance Update

The ARIC received a briefing from the IEDCC on investigations concluded in the reporting period relating to Code of Conduct issues.

The committee requested that the IEDCC provide the ARIC with advice on which authorities had been advised of the issues.

The ARIC resolved to:

- Receive the briefing from the Interim Executive Director Corporate and Community
- Defer the July - September 2023 quarterly report from Governance to the next Audit, Risk & Improvement Committee meeting.

(Note: The time taken for the discussion with the Audit Office representatives at the beginning of the meeting meant that the ARIC was unable to process the entire agenda in the allocated time.)

7. Risk Management Report

The ARIC resolved to defer the quarterly risk update report to the next Audit, Risk & Improvement Committee meeting.

8. Major Projects & Capital Works

The ARIC resolved to defer the Major Projects & Capital Work report to the next Audit, Risk & Improvement Committee meeting.

The meeting concluded with general discussion about future Audit, Risk & Improvement Committee meetings with consensus that future meetings be scheduled for 3 hours and the Audit, Risk & Improvement Committee members will travel between the two Councils:

Uralla 9:00am – 11:45am

Lunch to be provided by Uralla Shire Council or Walcha Shire Council.

Walcha 1:15pm – 4:00pm

CONCLUSION

It is recommended that Council receives the report of the Audit, Risk & Improvement Committee (ARIC) meeting held 21 September 2023.

14 REPORTS TO COUNCIL

14.1 Public exhibition of draft policy on Council-related Development Applications - Managing Conflict of Interests

Department: Infrastructure & Development

Prepared By: Manager Development & Planning

Authorised By: Interim General Manager

Reference: UINT/23/13426

Attachments: 1. Council-related Development Applications - Managing Conflict of Interests DRAFT 

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK

Goal: 4. We are an independent shire and well-governed community

Strategy: 4.2. A strategic, accountable and representative Council

SUMMARY

The purpose of this report is to seek Council endorsement to place the draft policy 'Council-related Development Applications – Managing Conflict of Interests' (attached) on public exhibition. A further report will be presented to Council for consideration if any submissions received. If no submissions are received it is recommended that Council adopt the policy at the end of the exhibition period.

RECOMMENDATION

That Council :

- i. Endorses the draft policy 'Council-related Development Applications – Managing Conflict of Interests', and places it on public exhibition for a period of 28 days.
- ii. Receives a further report following the public exhibition period in the event that submissions are received and/or the draft policy is proposed to be amended.
- iii. Authorises the adoption of the policy 'Council-related Development Applications – Managing Conflict of Interests' in the event that no submissions are received and no changes are made.

REPORT

Recent changes to the NSW *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation 2021) require Councils to develop a conflict of interest policy for Council-related development applications.

On occasion, Council will prepare and lodge development applications to obtain consent to carry out development on land it owns, occupies or otherwise manages. An inherent potential conflict of interest therefore arises as the Council-led development application is being made to Council itself for determination as the relevant consent authority under the *Environmental Planning and Assessment Act 1979*.

Council-related development applications are defined as:

A development application for which the council is the consent authority, that is –

- a) *Made by or on behalf of the Council, or*
- b) *For development upon land:*
 - i. *of which the Council is an owner, a lessee or a licensee, or*

ii. *otherwise vested in or under the control of Council.*

Under the new legislative requirements, Council-related development applications must be accompanied by a management statement specifying how council will manage conflicts of interest that may arise in association with the application because council is the consent authority (a management statement), or a declaration that council has no management statement for the application. Furthermore, Council-related development applications must be publically exhibited on the NSW Planning Portal for a minimum 28 days.

CONCLUSION

The purpose of this report is for Council to endorse the attached draft policy 'Council-related Development Applications – Managing Conflict of Interests' for public exhibition. If no submissions are received it is recommended that Council adopt the policy at the end of the exhibition period.

COUNCIL IMPLICATIONS

Community Engagement/Communication

Public exhibition of the draft policy 'Council-related Development Applications – Managing Conflict of Interests' on Council's website is recommended for a period of 28 days. If there are no changes to the draft policy or no submissions are received, it is recommended that the policy be adopted at the completion of the exhibition period. If a submission is received or the policy is proposed to be changed a further report will be prepared for consideration by Council.

Once the policy has been adopted, all council-related development applications must be exhibited for a minimum of 28 days to ensure transparency during the assessment process (*NSW Environmental Planning and Assessment Act 1979, schedule 1, clause 9B*).

Policy and Regulation

Advancing the Uralla Shire Community Strategic Plan 2022-2031

Strategic Objective 4: We are an independent Shire and well-governed community.

- Informed and collaborative leadership in our community.
- A strategic, accountable and representative Council.
- An efficient and effective independent local government.

Financial/Long Term Financial Plan

Financial implications because of the Draft Conflict of Interest Policy may include minor additional costs if there is an increased need to engage independent planning consultants in the assessment of applications or post approval phase (including private certifiers).

Asset Management/Asset Management Strategy

NIL

Workforce/Workforce Management Strategy

NIL

Legal and Risk Management

Failure to adopt and implement a conflict of interest policy will mean that Council do not have the ability to assess or determine development applications that meet the definition of council-related development.

Performance Measures

NIL

Project Management

Manager Planning & Development



Policy:

**Council-related Development Applications –
Managing Conflict of Interests**

2023

INFORMATION ABOUT THIS DOCUMENT

Date Adopted by Council		Resolution No.	
Document Owner	Executive Director Infrastructure and Development		
Document Development Officer	Manager of Development and Planning		
Review Timeframe	4 years		
Last Review Date:		Next Scheduled Review Date	
Document/TRIM Ref:			

Document History

Doc No.	Date Amended	Details/Comments eg Resolution No.

Related Legislation*	Environmental Planning and Assessment Act 1979 Environmental Planning and Assessment Regulation 2021
Related Policies	Code of Conduct Policy
Related Procedures/ Protocols, Statements, documents	

Note: Any reference to Legislation will be updated in the Policy as required. See website <http://www.legislation.nsw.gov.au/> for current Acts, Regulations and Environmental Planning Instruments.



1. NAME OF POLICY

Council-related Development Applications – Managing Conflict of Interests.

2. INTRODUCTION

Councils undertake the role of development regulators. However, they also can be the developer, landowner or hold a commercial interest in the land which they regulate. Where Councils have a dual role, an inherent conflict can arise. Addressing potential conflicts of interest in an efficient & transparent manner is essential to good governance.

Under the provisions of the *Environmental Planning and Assessment Regulation 2021*, Council must adopt a policy that specifies how conflicts of interest in association with council-related development applications lodged with Uralla Shire Council within the Uralla Shire Council Local Government Area will be addressed. The Policy must also comply with the *Department of Planning and Environment's Council-related Development Application Conflict of Interest Guidelines*.

3. PURPOSE & SCOPE

This policy aims to manage potential conflict of interests and increase transparency at all stages of the development process for Council-related development.

This Policy applies to all council-related development within the Uralla Shire Council Local Government area.

Clause 9B(2) of Schedule 1 to the EPA Act defines 'council-related development applications' as a development application, for which council is a consent authority, that is

- (a) Made by or on behalf of the council, or
- (b) For development upon land:
 - i. of which the council is an owner, a lessee or a licensee, or
 - ii. otherwise vested in or under the control of council.

Exclusions:

This policy does not apply to activities under Part 5 of the Act and Review of Environmental Factors (REF) with the EPA Act.

4. DEFINITIONS

- 1) In this policy:

Council means Uralla Shire Council



Council-related development means development for which the council is the applicant developer (whether lodged by or on behalf of council), landowner, or has a commercial interest in the land the subject of the application, where it will also be the regulator or consent authority.

Development Application means an application for consent made under Part 4 of the Act to carry out development and includes an application for complying development and any application to modify an existing development consent.

Development process means application, assessment, determination, and enforcement.

the Act means *the Environmental Planning and Assessment Act 1979*.

- 2) A word or expression used in this policy has the same meaning as it has in the Act, and any instruments made under the Act, unless it is otherwise defined in this policy.
- 3) Notes included in this policy do not form part of the policy.

5. POLICY STATEMENT

5.1 Management Controls and Strategies

The **assessment** of an application for Council-related development.

- a) Where Council is the assessing authority, the Development Application shall not be prepared or lodged by the development & certification staff. Development applications may be prepared by another section of Council or external consultancy.
- b) Development Applications will be assessed by the Manager Development and Planning or as otherwise directed by Council's General Manager following an assessment of whether or not there is a potential conflict of interest.
- c) In circumstances where it is determined by the Director of Infrastructure that a significant conflict of interest exists, the Manager Development and Planning may consider alternate options to the assessment of the application, such as referral to another council or independent planning consultant.
- d) All Council related Development Applications are to be provided with a conflict of interest management statement and publically exhibited on Council's website for a minimum 28 days (Environmental Planning and Assessment Act 1979, schedule 1, clause 9B).

The **determination** of an application for Council-related development.

- a) Any Development Application that meets the definition of council-related development and requires a conflict of interest management strategy, must be reported to, and determined by Council.
- b) Development Applications that meet the criteria for regionally significant development shall be reported to, and determined by the Northern Regional Planning Panel, a statutory body independent of Council.



The **regulation and enforcement** of approved Council-related development may be undertaken by:

- a) Engagement of a private certifier,
- b) Council (where council is nominated as the certifying authority for building or subdivision),
- c) Peer review by a neighbouring council and/or entering into a shared services arrangement with a neighbouring council.

Management controls are not required for the following activities:-

- a) Any development that is deemed exempt and complying development under the Codes SEPP.
- b) Commercial fit outs & minor changes to a building façade that is not identified as a heritage item.
- c) Internal alterations or additions to buildings that are not identified as a heritage item.
- d) Advertising signage.
- e) Minor building structures projecting from a building façade over public land (including awnings, verandas, bay windows, flagpoles, pipes & services).
- f) Small solar energy systems and associated battery storage in association with an existing building.
- g) Temporary events and structures with a lifespan of three days or less per annum.

5.2 Identifying whether a potential conflict of interest exists

Development applications lodged with the council that are council-related development are to be referred to the Manager Development & Planning (or a delegate) for a conflict-of-interest risk assessment and publically exhibited on Councils website for a minimum 28 days.

The Manager Development & Planning is to:

- a. Assess whether the application is one in which a potential conflict of interest exists,
- b. Identify the phase(s) of the development process at which the identified conflict of interest arises,
- c. Assess the level of risk involved at each phase of the development process,
- d. Determine what (if any) management controls should be implemented to address the identified conflict of interest (in each phase of the development process if necessary) having regard to any controls and strategies outlined in this Policy.
- e. Document the proposed management approach for the development in a Management Statement that is published on the NSW Planning Portal.

5.3 Management Statement

In accordance with Clause 66A of the *Environmental Planning and Assessment Regulation 2021* the Manager Development & Planning is required to either provide a management statement specifying how Council will manage conflicts of interest that may arise in connection with the application because the Council is the consent authority or alternatively state that Council does not have a management statement for the application. The latter option would typically apply to minor types of development.

A management statement template can be found in the *Council-related Development Application Conflict of Interest Guidelines* published by the Department and available on the NSW planning portal.



6. NON- COMPLIANCE WITH THIS POLICY



Non-compliance with this Policy may be taken to be a breach of Council's Code of Conduct. Complaints alleging non-compliance with this Policy must be made in accordance with the Code of Conduct and will be dealt with in accordance with the procedures for the administration of the Code of Conduct.

7. ROLES AND RESPONSIBILITIES

All members of the Development Team, Executive Team and Councillors are responsible for educating Council staff and members of the public on the requirements of this Policy.

DRAFT

14.2 Draft Guidelines for Tree Management

Department:	Infrastructure & Development
Prepared By:	Acting Manager Environment & Waste
Authorised By:	Acting Executive Director Infrastructure and Development
Reference:	UINT/23/14850
Attachments:	1. Draft Guidelines - Tree Management - October 2023 ↓  2. Policy - Tree Management for Council Managed Land - May 2023 ↓ 
LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK	
Goal:	3. We are good custodians of our environment
Strategy:	3.1. To preserve, protect and renew our beautiful natural environment 3.2. Maintain a healthy balance between development and the environment

SUMMARY

The purpose of this report is to enable Council to establish Guidelines for Tree Management.

These guidelines have been developed to support the implementation of the **Tree Management Policy for Council Managed Land 2023** that Council resolved in its meeting on 23 May 2023 to lay on the table (Resolution 11.05/23).

The guidelines will provide a framework to protect, promote and nurture trees in our streets and open spaces.

RECOMMENDATION**That Council:**

- 1. Endorses the Draft Guidelines for Tree Management to be publicly exhibited for 28 days in order to seek community feedback.**
- 2. Notes that a further report will be prepared for Council consideration following the exhibition period detailing any submissions received and any amendments to the draft which may be recommended prior to final adoption.**

REPORT

The effective and informed management of streets and green spaces within the Shire's urban areas is essential to protect people and property.

Good planning, species selection and appropriate maintenance are vital for safe and manageable streets, roadsides and open spaces that will provide aesthetic, physical, environmental and ecological benefits to the community. It is Council's role to manage these trees in a safe, effective and efficient manner to provide maximum benefits to the community. However, the lack of documented guidelines for tree management can lead to inappropriate tree planting, including planting inappropriate tree species in the wrong locations without full consideration of maintenance requirements and the possible impacts to infrastructure and public safety.

The attached draft report provides information on:

- Criteria for selection of tree species
- Preferred tree species and a selection matrix
- Guidelines for planting, pruning and removal of trees on Council-managed land
- Requirements to manage trees on private property that overhang footpaths, roads, public spaces or neighbouring property.
- Procedure for removal of roadside vegetation.
- Tree planting and pruning/removal request forms

The proposed guidelines under the draft report are meant to enhance good planning, species selection, and the planting and protection of trees in Council's streets and open spaces.

CONCLUSION

This report recommends that Council seeks community feedback on the Draft Guidelines for Tree Management.

COUNCIL IMPLICATIONS

Community Engagement/Communication

28 days public exhibition and consideration of community feedback.

Policy and Regulation

USC Draft Tree Management Policy for Council Managed Land (UINT/21/13767)

State Environmental Planning Policy (Vegetation in Non-Rural Area) 2017 (Vegetation SEPP)

Biodiversity Conservation Act 2016

Local Land Services Amendment Act 2016.

Biosecurity Act 2015

AS 4373-2007 Pruning of Amenity Trees

Environmental Planning and Assessment Act 1979

Environmental Planning and Assessment Regulation 2000

Financial/Long Term Financial Plan

Nil

Asset Management/Asset Management Strategy

The guideline provides a framework for effective management of Council tree assets.

Workforce/Workforce Management Strategy

Nil

Legal and Risk Management

Nil

Performance Measures

Effective management of trees and planting of the right trees in the right locations within Uralla Township.

Project Management

Department of Infrastructure and Development.



Guidelines for Tree Management

2023



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1. Introduction

1.1. Background

Trees are an essential component within Council's streetscapes and open spaces providing a range of benefits to the community by cooling our towns, providing shade, supporting habitat, and providing important amenity values. However, trees can also present a risk to people and property by branches falling and potentially entire trees falling due to old age, poor structure, and longstanding defects. Council and community recognise that climate change and population growth present unique challenges and threats to maintaining canopy cover.

The need to manage the streets and green spaces within the Shire's urban areas is essential, not only to protect people and property, but also to maintain their health and longevity.

Good planning, species selection and appropriate maintenance are vital for safe and manageable streets, roadsides and open spaces that will provide aesthetic, physical, environmental, and ecological benefits to the community. It is Council's role to manage these trees in a safe, effective and efficient manner to provide maximum aesthetic, physical and psychological benefits to the community.

1.2. Purpose of the tree management guidelines

These guidelines have been developed to support the implementation of the **Tree Management Policy for Council-Managed Land 2023** and provide a framework to protect, promote and nurture trees in our streets and open spaces.

These guidelines are to be read in conjunction with the principles and definitions in the Tree Management Policy for Council-Managed Land 2023 and relevant legislation.

The following principles apply:

- » "Planting the right tree, for the right location" with consideration given to their whole of life maintenance requirements and the possible impacts to private and Council infrastructure, and public safety;
- » Species selection is based on careful consideration to the environmental, social, and historic character of individual urban areas;
- » Protection and retention takes precedence during the assessment of development applications, delivery of infrastructure, performing maintenance activities and when assessing event applications likely to cause impact to public trees;
- » Achieving a sustainable urban forest takes into consideration the possible conflict between trees, community expectations and the built environment;
- » Sustaining tree population entails implementing an appropriate tree removal/replacement programs that ensure the tree resource is continually managed; and
- » Management of trees shall be in line with relevant legislative requirements and best management practices.



2. Tree Species Selections

2.1. Selection criteria

As most trees in the streets and parks within Uralla Shire will occupy their planting sites for many years, a careful considered selection of the site and tree species is vital. The basic principle in tree selection is the **right tree for the right place** with due consideration given to aesthetic/design requirements, biological criteria (i.e. tolerances) and functional criteria (management issues). There is no one perfect tree, the most successful course is to match the planting site limitations with the right tree for that site.

Species of trees are selected based on:

- » **Biological requirements** relate to a tree's ability to tolerate the existing climate and urban conditions. The species selected should have high tolerance levels that will allow establishment and sustained growth while producing desired benefits with low management inputs. It also relates to available root space to sustain the potential tree size.
- » **Ecological issues** include selecting plants that do not have the potential to become woody weeds and impact on natural systems.
- » **Functional and spatial issues** include the tree's ability to be pruned so as to provide required clearances. It also relates to the tree's root system and its limited impact on adjacent infrastructure. Certain species have been identified as more problematic than others in causing pavement damage.
- » **Aesthetic issues** consider the ability for trees to enhance the visual amenity of a streetscape or area, without negative impact to surrounding infrastructure.
- » **Health considerations.** Species selection will utilise trees that have no known or low levels of toxic or allergenic characteristics.
- » **Tree longevity** is also considered as the longer a tree is allowed to grow in a site the greater the benefits to the landscape and return on initial investment the trees will have.
- » **Native and indigenous species** will be used appropriately considering the pervading landscape context of open space and streets where the landscape is dominated by like vegetation or where there is strong community support.
- » A mix of exotic, native or indigenous tree species can be found in many areas of open space throughout Uralla Shire. Future tree planting may continue to maintain this mixed theme or, based on community support, reinforce a particular tree species theme.

2.2. Tree Species list

Council's **preferred street and open spaces tree species list** (see Appendix 1) was developed to ensure trees are selected to suit the site conditions. Council acknowledges the selection of appropriate tree species requires careful consideration of several factors, including:

- » Availability and suitability of the species for the location;



-
- » Suitability of the species within the context of the existing character of the street and neighbourhood, local landscape, and infrastructure;
 - » Structural integrity of the tree species;
 - » Immediate and potential impact on overhead and underground services;
 - » Ability to maintain clear sight lines and lines of travel for vehicles and pedestrians;
 - » Potential for roots to cause damage to existing infrastructure;
 - » Proximity of the tree to and type of building/dwellings (considering the size of the tree when mature);
 - » Structure and habit of the mature tree;
 - » Maintenance requirements; and
 - » Expected life of the tree.



3. Trees on Council-managed Land

3.1. Tree Preservation Legislation and Tree Management

Council is responsible for the management and maintenance of all trees on Council land, including those that have been planted by residents on Council verges.

Trees and vegetation in the Uralla Shire Council are protected under the:

- » State Environmental Planning Policy (Vegetation in Non-Rural Area) 2017 (Vegetation SEPP),
- » the Biodiversity Conservation Act 2016, and
- » Local Land Services Amendment Act 2016.

The **Vegetation SEPP** regulates proposed tree and vegetation removal that is not associated with a development but still requires a permit from Council. This includes trees on private land.

Tree management on rural properties that are zoned as below is administered by the Local Land Services under the **Local Land Services Amendment Act 2016**. :

- » RU1-Primary Production
- » RU2-Rural Landscape

3.2. Tree planting

Trees are planted in streets where opportunities exist due to the removal of dead or diseased trees, where there are gaps in established avenues and where residents have requested that trees be planted.

The following criteria need to be applied to the decision-making process during tree replacement:

- » If the trees are actively causing problems (such as lifting road surfaces or becoming an environmental nuisance) replacement becomes a priority and will take place on a block by block or street by street basis;
- » Replacement trees need to be of a **similar** character and form to the specimens being replaced to maintain consistency in the streetscape;
- » Existing site conditions such as current road and parking widths as well as kerbing alignments need to be sufficient to sustain healthy growth of the trees;
- » Trees are not to be located where private overhanging trees will significantly reduce their health, vigour or shape or where foliage from the mature street tree will impinge upon traffic signals;
- » Where nature strips do not exist, street trees can be planted within pedestrian areas where a minimum of 1.5m width can be maintained; and
- » No new tree planting shall be undertaken in streets with a pedestrian area less than 2.1m wide, i.e. the distance between the back of kerb and the property boundary.

Urban environments present challenges to establishing and maintaining trees. Space is restricted by overhead and underground utilities and services, roads, footpaths and



driveways, so planting in streets is controlled by the Local Government Act 1999, Electricity Act 1996, Electricity (Principles of Vegetation Clearance) Regulations 2010 and the Water Industry Regulations 2012. Council plants species which are appropriate for the streetscape and are well suited to local conditions. Thus, the recommended tree planting spacing is as follows:

- Small Trees, <7m: 5 – 10 m centres
- Medium trees, 7-15m: 10 – 15m centres
- Large Trees > 15m: 15- 20m centres

Table 1: Street tree planting clearance

Street feature	Minimum distance from feature
Intersection in residential streets except in quieter residential streets where visibility may not be a problem	15m
Streets intersecting with a main road.	18m
Driveways	2m
Pedestrian crossings – distance from outer edge of crossing on either side	10m
Street lighting pole	5m
Footpaths/Cycle ways – clearance from edge of cycleway path to centre of tree trunk	0.8m
Electrical Power Poles- Essential energy requirement	15 m (or distance equal to tree mature height, whichever is greater)
Water Meter	1.5m
Manholes and storm water inlet pit	1.5m
Utility boxes, hydrants or drainage pits	2m
Stop signs	8m or more if necessary for clear vision
Regulatory signs	Not to block sign

3.3. Street Tree Planting by Residents

Residents or community groups must first seek and obtain permission from Council before planting trees and shrubs within nature strip or other sites within the road reserve or within a council-managed park or any other public open space.

While planting by residents may be well meaning, problems may arise from plantings that have not undergone adequate planning and assessment. Some issues that may arise from unauthorised planting include:

- » Obscuring vision for vehicle and pedestrian traffic.
- » Inconsistency with Council plantings and plans of management.
- » Future damage to Council and/or private property.
- » Public liability claims and the added difficulty of ongoing maintenance, for example inappropriate species planted near powerlines.



Council reserves the right to remove inappropriately planted vegetation. Council may, where deemed appropriate and where possible, replanting with more suitable vegetation consistent with Council's policies.

If you would specifically like to plant a tree on the nature strip, complete the **Street Tree Planting Request Form** (*Appendix 3*). Council will assess the application to determine if the site is suitable.

3.4. Street tree pruning

Pruning is an essential component of the effective management of Council's trees. Once trees are established, pruning is the key maintenance process to keep individual trees in a safe and visually appealing condition. This will be achieved through, but not restricted to, the following:

- » Pruning in accordance with the Australian Standard for Tree Pruning, AS 4373 – 2007 (Pruning of amenity trees);
- » Maintain public safety through the removal of structurally unsound limbs;
- » Maintain tree health through the removal of dead or diseased material;
- » Maintain prescribed clearances from services;
- » Maintain prescribed clearances from roads, footpaths and driveways;
- » Ensure traffic safety and visibility of road signs; and
- » Minimise future work requirements through the removal of potential tree species which are known to pose future problems.

Council is responsible for the pruning of all trees on the streets. Residents are not permitted to prune street trees. If a resident believes a street tree needs pruning, they may request through appropriate application, that it be pruned themselves, but required to request a tree to be pruned.

The following will not be considered as justifiable reasons to prune public trees or native vegetation:

- » leaf drop into gutters, downpipes, pools, lawn areas, etc.;
- » to increase natural light if the tree existed prior to the construction of an affected dwelling or installation of solar appliances;
- » to improve street lighting into private property;
- » to enhance views or reduce the height of trees;
- » to erect a fence or reduce shade created by a tree(s);
- » to reduce fruit, resin or bird droppings falling cars, driveways or clothing lines
- » in response to minor lifting of driveways and footpaths by the tree roots; and
- » as an option to bushfire control hazard that has not been confirmed by the council.



3.5. Requests for removal of a Tree

Trees, whether alive, senescing or dead, have an intrinsic value as habitat and their removal is viewed by Council as undesirable but recognises it may be required on occasions. The removal of a tree (other than pest or dangerous trees) will be treated by Council as the option of last resort and pruning being preferable to removal.

The removal of any tree whether it is dead, alive, fallen or standing, on Council land without prior approval from Council is strictly prohibited. The following information is required from residents wishing to request the removal of trees under Council's care and control:

- a) The prescribed Tree Removal Application Form (Appendix 4)
- b) The written consent of the owner of the land on which the tree is situated.
- c) Details as to the reasons for the removal of the tree.
- d) A description of existing trees and vegetation including the following:
 - » A plan of the site showing the location of the tree/s to be removed in relation to the buildings, paved areas, drainage and sewer mains, and overhead power lines;
 - » Tree Species type if known;
 - » Approximate height, canopy spread of individual trees (or groups of trees), and trunk diameter at 1.4m above ground; and
 - » Trees to be inspected should be identified on site with a ribbon, tape, or non-permanent marker.

Matters for Consideration

Council will consider – but not be limited to – the following matters when determining an application to prune/ remove a tree or monitoring needs to be undertaken:

- (a) Risk of personal injury posed by the tree;
- (b) Risk of damage to buildings, structures or services;
- (c) Health, growth habit, stability and structural soundness of the tree;
- (d) The significance of the tree; and
- (e) The contribution of the tree to the surrounding landscape.

Council may approve a tree removal request (at no cost to the applicant) in the following circumstances:

- » the tree poses an unacceptable risk to public safety;
- » the tree is causing a significant impact to public or private property or infrastructure and alternative methods for minimising the impact will not be effective;
- » The tree is structurally poor and/or poses an unacceptable risk to public or private safety and/or has a history of major limb failure;
- » the tree is dead, diseased, damaged, or deformed and cannot be revived to a sustainable condition;



- » the tree is detrimentally affecting the health of a nearby resident, the request is supported by evidence from a medical specialist, the species of tree is uncommon in the vicinity of the applicant's residence and alternative options for managing the issue are not feasible;
- » the tree restricts vision for safe vehicle movement and other alternatives such as effective pruning cannot be achieved;
- » the tree is a pest tree and removal is consistent with Council's established budgetary priorities for the management of pest plants on Council land;
- » tree removal is required to facilitate improvements to Council infrastructure and the infrastructure cannot practicably be redesigned to avoid the need for removal; and
- » the tree is in the location of an approved Council development.

The following will not be considered as valid reasons for tree removal:

- a) a leaf drop (into gutters and downpipes, pools, lawns and the like);
- b) to reduce shade or increase natural light if the tree existed prior to the construction of an affected dwelling, establishment of a garden area, or installation of solar appliances;
- c) to improve street lighting of private property;
- d) to enhance views;
- e) to reduce fruit, resin or bird droppings on cars, driveways and clothes lines / washing
- f) minor lifting of driveways and paths by tree roots;
- g) to erect a fence;
- h) bushfire hazard control that has not been verified by RFS or Fire & Rescue; or
- i) potential damage to sewer mains unless supported by written expert advice and only where reasonable alternatives are not feasible eg relocation or encasement of main, and the trees causing the damage can be identified.

Note: Council's refusal of a tree application will only be reconsidered where satisfactory evidence is supplied by a suitably qualified person.

When approval is not required to remove or prune a tree on private property

- » If the tree is dying or dead or is a risk to human life or property and is not required as the habitat of native fauna. Prior to removal/pruning of any such tree(s), the details of the tree species, its condition, location, the risk it poses, and digital photographs should be provided to Council to verify that a tree is dying, dead or dangerous.
- » If tree removal has been authorised by the Council as part of a development consent.
- » For plants declared under the Biosecurity Act 2015 to be a noxious weed in respect of land within the Uralla Shire Council.
- » Tree works on public land owned or under the care, control and management of Council and carried out by persons authorised by Council.



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- » For works carried out by State or Federal Government departments or authorities under current legislative requirements.

DRAFT



4. Trees on Private Land

4.1. Private trees overhanging Council property

Trees, shrubs or groundcovers that overhang or encroach on footpaths, roads or public spaces can create challenges for pedestrians, particularly people with impaired vision or mobility and families with children. For road users, overhanging vegetation could obstruct signage or sight lines.

The management of trees located on private land, including the impacts of such trees on neighbouring property, are the responsibility of the land owner.

Council may require the owner or occupier of land to maintain vegetation encroaching onto Council land (such as a footpath, road or public spaces). If this is not undertaken in a timely manner, Council staff are authorised under the Local Government Act 1999 to undertake the work and recover the costs of such work from the owner or occupier of that property

Council requires property owners to ensure that:

- » The whole of the footway should be kept clear at all times;
- » Vertical clearance should be 2.5m over the footway and 5.5m over the road;
- » When planting near property boundaries allow enough space for the plants to grow so they do not require regular pruning;
- » Do not leave sharp branch stumps overhanging the footway these can also cause injury;
- » Prune hedges regularly; and
- » Prune groundcovers off the footway regularly.

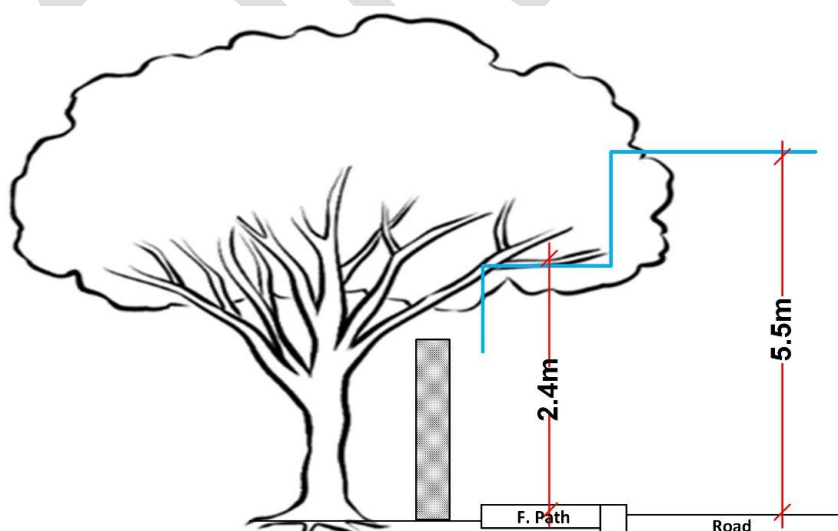


Figure 1: Overhanging vegetation clearance heights from footpaths and road.



4.2. Permit to manage vegetation in private property

You generally do not need a permit to remove or prune a tree if:

- » The tree is under 6 metres in height (this exemption does not apply to properties zoned as E3. If you are unsure whether your property is in this zone, contact Council's Customer Service team).
- » The tree is required to be removed under other legislation.
- » The tree has fallen or partially fallen as a result of a storm and still presents a danger. You will need to provide photographic evidence (before removal), property owner details and the location to Council.
- » The tree is considered of high risk/imminent danger and certified by a qualified arborist.
- » The tree is dead or dying and not required as the habitat for native animals.
- » Pruning is exempt for up to 20 percent of the canopy and for branches no larger than 50mm in diameter. If you are using an exemption, all the works must be in accordance with the *Australian Standard for Pruning Amenity Trees AS4373-2007*.
- » The owner will need to obtain written confirmation from the arborist that the tree(s) is(are) declared an imminent danger and high risk to life and property, and that immediate removal of the tree(s) is recommended. This report must be provided to Council before removal.

If the tree does not pose an immediate hazard you will have to **apply for a permit** by completing the Application for Tree Removal or Pruning Form in Appendix 3 or 4.

4.3. Development application

If tree removal is related to a development, for example a proposed residence, extension, subdivision or other construction, tree removals must be addressed in a **Development Application**.

4.4. Trees on a Neighbouring Property

Council cannot become involved if the tree of concern is on a neighbouring private property. If you are concerned about a neighbouring tree, it is best to resolve the issue by having a friendly discussion with the owner of the property. Most neighbours will be helpful and understanding.

- » Pruning is exempt for up to 20 percent of the canopy and for branches no larger than 50mm in diameter. If you are using an exemption, all the works must be in accordance with the *Australian Standard for Pruning Amenity Trees AS4373-2007*.

If you have a dispute with a neighbour over a tree, it's advised you follow these steps:

- » Notify your neighbour in writing of the damage/nuisance being caused and give them the opportunity to rectify the problem before taking further action.
- » Try and reach an agreement with your neighbour about what should be done before proceeding.
- » If you are having difficulties negotiating a mutually beneficial outcome you should contact the Community Justice Centre on 1800 990 777 for assistance.



5. Guidelines for Roadside Vegetation removal

Trees on rural roads are managed as part of Council's roadside vegetation assets. Many of these trees are habitat for wildlife and may often be the only remnant or Indigenous vegetation in the area. The protection of trees is considered as part of maintenance of trees on roadsides. Removal of dead wood from roadsides is not permitted unless by express approval of Council.

The following strategies shall be used in order to manage biodiversity in a road construction project that involves removal of vegetation in order to minimise impacts on fauna and habitats.

Pre-clearing process:

Pre-clearance process shall be undertaken to check for any threatened flora or fauna species within areas to be cleared and provide adequate safeguard measures to minimise the impact of the clearing on resident fauna. The following shall be undertaken:

- » Environmental assessment to identify known locations of biodiversity features and identifying fauna that have the potential to be disturbed as a result of clearing.
- » Engaging an ecologist to check for the presence of threatened flora and fauna identified in the environmental assessment as likely to occur.
- » Recording details of all hollow-bearing trees, trees containing threatened fauna.
- » Marking habitat features to be protected during construction.
- » Confirming the location of a pre-determined habitat for the release of any fauna encountered onsite.

Clearing of roadside vegetation:

Clearing of vegetation has the potential to displace, injure or kill native fauna, including threatened species. USC shall undertake the following steps to minimise the impacts on fauna from loss of habitat as a result of vegetation removal:

- » The hollow-bearing trees (HBT) to be removed shall be clearly marked by spray painting.
- » A licensed wildlife carer/or ecologist shall be present during all habitat removal activities to capture and relocate fauna that may be encountered.
- » Staged habitat removal: All non-hollow bearing vegetation (trees, undergrowth, feed-trees, regrowth and grass) shall be removed prior to the removal of HBT.
- » Identified HBT shall be left for at least 24 hours after removing non-habitat vegetation to allow fauna to escape.
- » An ecologist shall check hollow-bearing trees to ensure they are not used by fauna before felling. Where necessary, fauna may be trapped and relocated to a pre-determined habitat for release.
- » Before felling HBT, the tree trunk shall be tapped using an excavator to scare fauna from the hollows. This will be repeated several times to 'substantially' shake the tree to make the wildlife exit the tree.
- » Habitat trees shall be felled carefully to avoid injury to any fauna remaining in trees.



- » A re-check shall be undertaken after felling HBT to ensure no fauna have become trapped or injured during clearing operations. Any animals that emerge shall be captured, inspected for injury then relocated to a pre-determined nearby habitat.
- » Where HBT trees are taken down in stages, the non-hollow-bearing branches shall be removed before the hollow-bearing branches are removed.
- » The logs of HBT shall be stockpiled separately from other vegetation stockpiles:
 - The logs shall be inspected for fauna immediately before chipping to avoid injury/death to fauna that may be present.
 - Where appropriate, the logs shall be permanently relocated to adjacent habitat areas where it would not be considered a fire hazard. This would provide additional potential habitat for ground-dwelling fauna such as reptiles and small mammals.

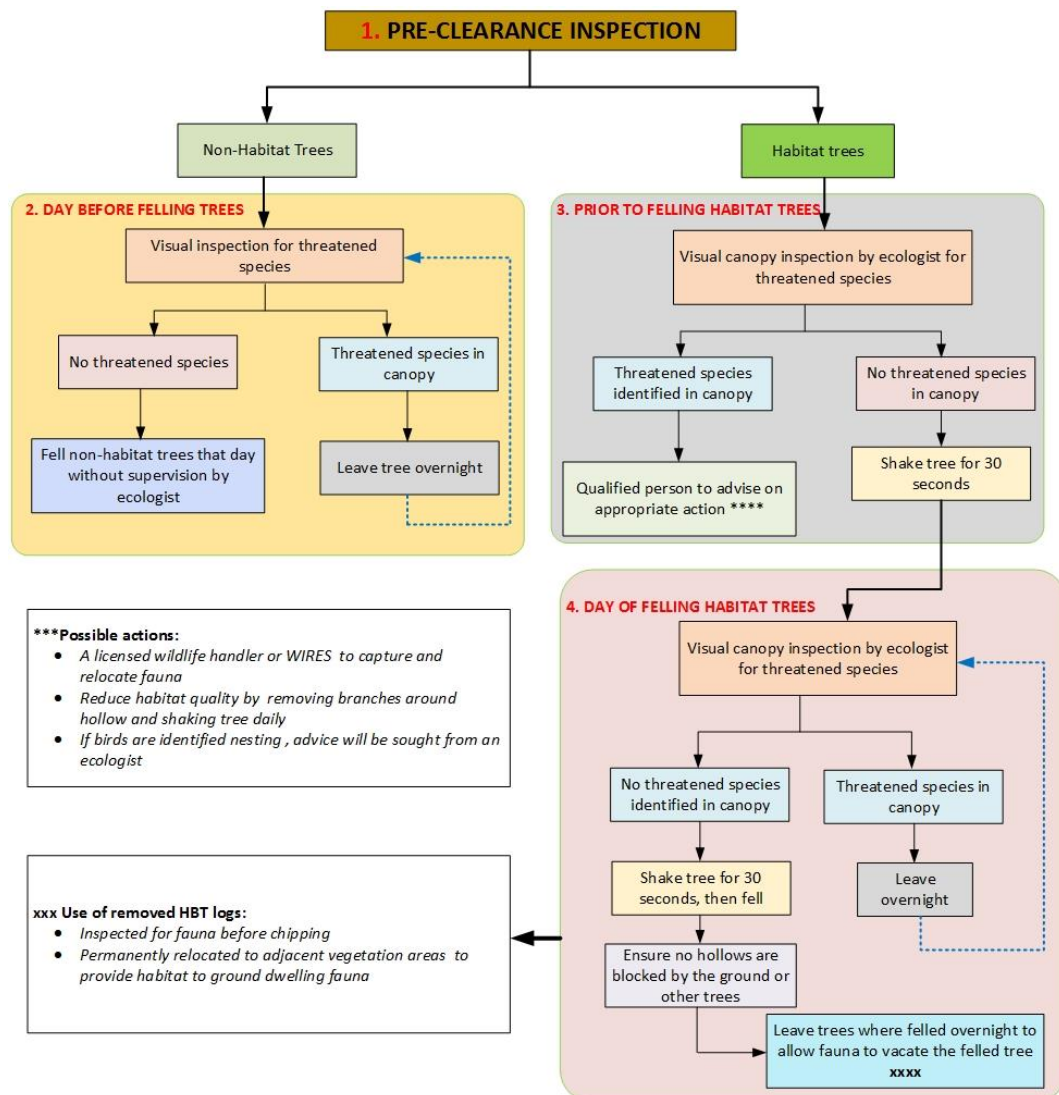






Figure 2: Tree removal procedure







6. Appendices

6.1. Appendix 1: List of preferred tree and shrub species





Deciduous trees with colourful autumn foliage

Species	Common name	Height x width (m)	Description (growth rate, useful life)
<i>Fraxinus angustifolia</i> 	Narrow leaf ash	20 x 8	Attractive, pyramidal shaped, deciduous tree with handsome, divided, elliptic, mid green leaves that grow in whorls of 3-4 and make for good autumn colouring before they fall.
<i>Fraxinus oxycarpa</i> <i>"Raywoodii"</i> 	Claret ash	12 x 12	A good shade tree with beautiful autumn foliage, the Claret Ash is suitable for larger gardens, parks, and street plantings. Has been a very popular landscape tree in Australia for many years.
<i>Fraxinus excelsior "Aurea"</i> 	Golden ash	10 x 4	A broad crowned, deciduous tree with golden stems, black buds and bright yellow leaves in summer. It turns wonderful shades of red and brown in autumn.
<i>Liquidambar styraciflua</i> 	Liquidambar or sweet gum	15 x 15	Large, fast growing deciduous trees, probably best known for their spectacular orange, purple, red or yellow autumn foliage. Require an adequate root run. They are large trees with strong roots which can crack concrete.







Species	Common name	Height x width (m)	Description (growth rate, useful life)
<i>Ginkgo bilboa</i> 	Maidenhair tree	10 x 8	A tall growing deciduous tree with maidenhair like foliage. The foliage colours golden yellow in Autumn. The female tree bears a plum-like cone with an ill smelling flesh, but the kernel is edible and sweet. Slow growing and requires good soil and plenty of water during summer.
<i>Sapium sebiferum</i> 	Chinese tallow	8 x 10	A fast growing small to medium tree with a distinct main trunk and grey bark with furrows which run from top to bottom. The green heart shaped leaves change in autumn, displaying a brilliant array of colour in shades of crimson, yellow and orange. This variety starts off as a pyramid shape when young and develops a medium domed crown as it matures.
<i>Malus floribunda</i> 	Crab apple	5 x 6	A most delightful spring flowering hardy small to medium sized tree with blossoms in white, pink, or red followed by small, green, gold or pink 'apples' Stunning autumn colour in shades of yellow, red, orange and purple.
<i>Murraya paniculata</i> 	Mock orange	3 x 3	A fast-growing deciduous shrub that has a dense, rounded growth habit. It sports oval, serrated, dark green leaves and features showy, cup-shaped, four-petal flowers in the late spring and early summer. The lovely, fragrant flowers of the mock orange are said to resemble orange blossoms, which is how the shrub got its common name of mock orange. They are rich with nectar.






Species	Common name	Height x width (m)	Description (growth rate, useful life)
<i>Cotinus Coggygria</i> 	Smoke bush	3 x 2	Deep purple foliage provides a dramatic contrast to the usual green and oat-coloured grasses. Misty pink clouds of flower emerge in late spring to early summer and gracefully waft like puffs of smoke above the dramatic rounded leaves. Spectacular crimson foliage follows in autumn. The unusual almost perfectly matt surface of the leaves makes a striking feature in borders and mixed plantings, offering a unique saturation of colour.
<i>Prunus nigra</i> 	Flowering plum	5 x 4	A small, ornamental flowering plum with very dark purple summer foliage carried on dark branches. Single pink flowers in spring make a spectacular display. Often used as a striking small foliage contrast tree for smaller gardens or as a street tree. Well-known and has been commonly used as a street tree.
<i>Prunus serrulate</i> 	Japanese flowering cherry	10 x 8	Medium tree with a broad vase-shaped crown that droops somewhat with overhanging branches when older. The smooth bark is brownish-green, twigs reddish-brown. The young leaves are bronze coloured and emerge at the same time as the flowers. In the summer the leaves turn dark green with a somewhat bluish-green underside. The autumn colour is yellow to orange. It flowers abundantly from late April to early May, producing double pure pink flowers. For parks, public gardens avenues and streets.
<i>Acer rubrum</i> 	Lipstick maple	12 x 9	An upright deciduous tree with a rounded canopy of thick green leaves that turn bright orange to deep crimson in late autumn. Leaves stay green longer than other varieties, but the seasonal display is worth the wait. Great choice for either a specimen planting, mass planted as a bold avenue or as a shady street tree.



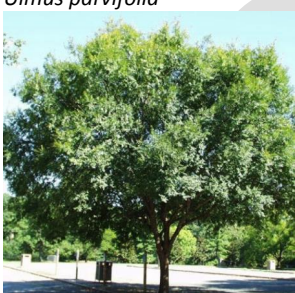



Species	Common name	Height x width (m)	Description (growth rate, useful life)
<i>Acer palmatum</i> 	Japanese maple	4 x 2	Well known for its beautiful array of colours throughout the year, with its green foliage turning into a stunning crimson red in the autumn before falling. Through the Winter it makes up for its lack in foliage with its greyish-purple bark that stands out. It has a good tolerance to most soil types and conditions once established. Although it prefers a cooler position making it frost tolerant with moist, well-drained soils.
<i>Acer platanoides</i> 	Crimson Sentry	7 x 4	Upright branching, compact dense and broadly columnar. Has dark purple leaves in spring, turning greenish in summer and golden autumn colouring. Slow to moderate growth rate
<i>Fraxinus Americana</i> 	White Ash	11 x 8	This is a fast-growing, large deciduous tree with nice canopy suitable for a shade cover. Foliage is a combination of dark green on top of the leaf and lighter green underneath. In autumn, leaves turn a range of yellow, orange or bronze autumnal colours. The tree is oval-shaped when young, becoming more rounded with age, with upright spreading branches
<i>Quercus coccinea</i> 	Scarlet oak	12 x 8	A highly ornamental, fast-growing, deciduous Oak which has an open, wide spreading habit. It is more rounded than Pin Oak with larger foliage showcasing a brilliant display of colour in autumn when the leaves turn an intensely vivid scarlet colour before falling. Spring sees glossy green, deeply lobed new foliage and acorns produced can take up to two years to mature starting off green and turning pale brown with a deep cap covering them by half. Young bark is relatively smooth and grey, darkening with maturity.







Species	Common name	Height x width (m)	Description (growth rate, useful life)
<i>Nyssa sylvatica</i> 	Tupelo	15 x 8	A stunning tree best known for its rich autumn display and highly ornamental barks. Popular as a specimen tree for parks and gardens. Conical growth habit, becoming rounded with age. Tolerates poorly drained and moderately wet sites, but best in a well-drained, moist, acid soil. Intolerant of compacted soils, high pH and high atmospheric pollution. A relatively slow growing species,
<i>Quercus palustris</i> 	Pin Oak	14 x 8	A fast-growing deciduous tree with shiny, deeply lobed dark green leaves. In autumn, foliage turns bronze with occasional red coloured leaves and tends to stay attached to the shoots until the new spring growth begins. Conical in shape, it has a strong leader which over time develops a loose spreading canopy. The bark of the young tree is smooth, but by middle age develops more texture. As the tree matures, it forms a distinctive structure whereby upper branches point upwards, middle branches are horizontal and lower branches droop.
<i>Pyrus calleryana</i> 	Flowering pear	12 x 7	This pear takes up very little space making it a perfect selection for small gardens and tight spaces. Gorgeous early white spring blossom appears in profusion, forming a dense carpet of snow as it falls. Thick, glossy green leaves create a lush summer feel and transition through autumn, memorable for its vibrant hues from orange to red. Trees bear tiny inedible pear-like fruits mostly hidden by the foliage. It has a neat vertical form and is popular for its adaptability to a wide range of urban conditions, including poor soils, drought, pollution and compaction. A beautiful specimen or deciduous hedge with year-round attributes. Medium growth rate.
<i>Platanus orientalis</i> "digitat" 	Oriental Plane	20 x 10	This is a large tree that has dark finely pointed green leaves with five lobes. It has a large trunk that has attractive coloured grey to white bark. It produces insignificant flowers in Spring followed by brown fruits.






Species	Common name	Height x width (m)	Description (growth rate, useful life)
<i>Quercus rubra</i> 	Red oak	20 x 9	<p>Fast-growing, long-lived deciduous tree. Well structured, this tree grows straight and tall, developing a solid trunk and rounded top with age. Bark is grey brown in colour and foliage is broad and glossy. In its native area, where winter temperatures are quite low, the dark green foliage turns a vibrant red colour. Leaves will be more likely to turn a maroon-red colour before falling.</p> <p>Due to its broad crown, this tree makes an excellent street or park tree, where there is adequate space for it to show-off all its autumn charm. It grows well in most soils. With a little regular irrigation, it will grow relatively quickly</p>
<i>Pistacia chinensis</i> 	Chinese pistache	8 x 6	<p>This lovely small, deciduous tree has a moderate growth rate and great autumn colour in shades of orange, yellow and red. Bark is dark grey with shallow furrows and this variety is capable of withstanding relatively harsh conditions. A fantastic feature tree in parks and gardens. Great for street planting. Provides shade for shade loving plants to grow undergrowth.</p>
<i>Ulmus parvifolia</i> 	Chinese Elm	18 x 15	<p>Structurally upright when young, becoming ovate with age forming lustrous dark green foliage and a dense large crown providing good shade.</p> <p>A very adaptable tree capable of growing well in a wide variety of sites. Performs best in moist, well drained soils, but will tolerate some dryness as well as wet sites.</p> <p>Perfect for Shade tree, large properties</p>
<i>Koelreuteria paniculata</i> 	Golden rain tree	10 x 10	<p>A deciduous tree with pinnate, green foliage that turns golden/yellow in autumn. It bears terminal clusters of long, yellow flowers that hang down from the branches in early summer giving it its name of Golden Rain. The flowers mature to papery, pinkish/brown pods that contain pea sized seeds. The bark of the trunk is furrowed.</p> <p>It can be quite spectacular when established but responds best to hot summers, dry autumns, and cold winters.</p>





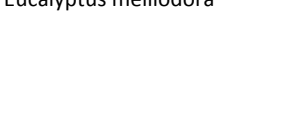
**Favoured natives:**

Species	Common name	Height x width (m)	Description (growth rate, useful life)
<i>Acacia baileyana</i> 	Cootamundra wattle	6 x 4	This is a very fast-growing small tree with beautiful grey feathery foliage and bright yellow flowers in late winter. The flowering is often so prolific that can hide the foliage. The colour and texture of the leaves is a year-round feature. This species does tend to seed itself, so it is best not to plant it near areas of natural bushland to prevent it from establishing feral populations, however, in urban areas it makes a magnificent small street tree. Relatively short lived.
<i>Acacia implexa</i> 	Hickory wattle	10 x 6	Medium tree with a bushy crown has very dark coloured and rough bark, more so at the base smoother above. Leaves are light green, drooping and sickle shaped. Flowering occurs irregularly (influenced by rainfall), generally in warmer months with pale yellow ball shaped flowers. Distinctive twisted seed pods follow
<i>Acacia fimbriata</i> 	Fringed wattle	6 x 4	An evergreen, short trunked tree with a dense foliage cover of soft, light green, linear leaves. It flowers in mid-winter and spring, producing masses long cylindrical spikes of fluffy, butter yellow, globular flowers. It responds well to regular pruning to keep it tidy and compact. This tree is great as a fast-growing screen because of its dense foliage. This Acacia will have a useful life of about 8-12yrs.
<i>Nothofagus gunnii</i> 	Fagus beech	6 x 6	A tangled deciduous shrub or small tree with a thick shrubby appearance. The leaves are alternate, simple, and ovate, with rounded teeth on the margins and show a distinct "concertina" shape. They are bright green, turning yellow, then sometimes brilliant red, in autumn. The plant has separate male and female flowers that can occur on the same tree. Both male and female flowers are small and inconspicuous.







Species	Common name	Height x width (m)	Description (growth rate, useful life)
<i>Hakea laurina</i> 	Pincushion hakea	5 x 5	<p>A small tree with spectacular globular red flower heads with protruding white styles which mainly flower during autumn and early winter. Often grown as a screening shrub that is very hardy and tolerant of frost and drought conditions.</p> <p>The leaves of are dark green, long, and narrow, and have a slightly serrated edge.</p>
<i>Eucalyptus torquate</i> 	Coral Gum	12 x 10	<p>Small to medium spreading native tree with rough grey to black bark on the trunk and larger branches. The bark flakes rather than peels. Leaves are lanceolate and grey-green in colour. Flowers are large and normally coral-pink in colour.</p> <p>Prefers well-drained soils and can withstand dry conditions.</p> <p>Good for planting in gardens and streets</p>
<i>Acacia filicifoli</i> 	Fern-leaved Wattle	6 X5	<p>An erect shrub or tree which has smooth grey or dark brown bark which develops fissures as it ages. The smaller branches are more or less cylindrical with fine, longitudinal ridges. Each head of flowers consists of fifteen to thirty individual yellow to bright yellow flowers from July to September.</p>







Species	Common name	Height x width (m)	Description (growth rate, useful life)
Acacia melanoxylon 	Blackwood	7 x 4	Prefers higher rainfall, grows on wide range of soils, provides excellent windbreak good shade, does not inhibit grass growth. Attractive feature or shade tree in broad streetscapes, reserves, and parks. Not suitable for narrow streetscapes, under power lines or close to pipes or drains. Long lived and does not shed limbs as frequently as some eucalypts and other acacia species. Attracts birds, native butterflies and insects, caterpillar food plant.
Angophora floribunda 	Rough-barked Apple	15 x 15	Provides reasonable wind break. A worthwhile stately tree for inclusion in parks or street scapes. Generally short trunked with low branches when grown out in the open. Not prone to limb drop , however does not like to be pruned heavily since this will encourage poor branch attachment. Develops an interesting branching habit with age, becoming gnarled and twisted.
Casuarina cunninghamiana 	River Oak	20 x 15	Very ornamental, excellent soil binder. Frost hardy. Prefers moist environment (creek banks) but will tolerate dry periods.
Eucalyptus blakelyi 	Blakel's Red Gum	20 x 5	Medium-sized tableland red gum tree commonly found in swampy creek lands. Typically has a smooth bark, sometimes with accumulated rough bark at the base in varying shades. Pink to white flowers from October to December.
Eucalyptus melliodora 	Yellow Box	18 x 10	The "yellow" refers to the sapwood colour and the "box" to the non-peeling, finely matted bark texture. It is a well-behaved street tree with a good silhouette and, when the nectar flow starts, fragrant. Reasonably



Species	Common name	Height x width (m)	Description (growth rate, useful life)
			ornamental, excellent shade tree with deep root systems and does not inhibit grass growth. The flowers (Nov-Jan) are a major source of nectar for apiarists.
Eucalyptus nova-anglica 	New England Peppermint	20 x 12	Endangered species isolated to the New England Tablelands having been heavily impacted by New England Dieback syndrome. Can tolerate heavy frosts and cold conditions. Often located in lower slopes within drainage channels or adjacent to waterways on fertile, deep soil. Flowering occurs between February and May, with fruit held in the canopy for 6 to 12 months or more. Produces nectar for bees and is a known food source for koalas. Common in creek lands.
Eucalyptus pauciflora 	Snow Gum or White Sally	10 x 8	A hardy and drought-tolerant evergreen tree that is known for its distinctive, mottled white and grey bark. A popular choice for landscaping and garden design due to its attractive, multi-coloured bark and striking appearance. Provides excellent shade cover. It is also commonly used as a windbreak or screen plant, as it can tolerate strong winds and harsh conditions. Hardy and drought tolerant. Requires little to no maintenance once established, except for occasional pruning to maintain its shape or remove damaged or dead branches.
Eucalyptus viminalis 	Manna gum, Ribbon gum, White Gum	30 x 15	A straight tree with rough bark on the trunk and the larger branches. The bark on the upper part of the tree peels away in long "ribbon" which can collect on the branches and surrounding ground. The leaves are the favoured food of Koalas. The sap has a high sugar content which makes it a food for tree dwelling marsupials such as the Yellow-bellied and Sugar Gliders. Provides good shelter and windbreak



Native Shrub Species




Species	Common name	Height x width (m)	Description (growth rate, useful life)
<i>Acacia rubida</i> 	Red-stemmed Wattle	2 x 2	Very common creek land species, very hardy. Cream/yellow flowers from August to October. Valuable ornamental, particularly conspicuous during winter when stems are reddish. Severe pruning after flowering benefits plants.
<i>Acacia amoena</i> 	boomerang wattle	3 x 2.5	The shrub has an erect to spreading habit and has reddish brown branchlets. It blooms between July and December and produces inflorescences with bright to pale yellow flowers. The spherical flower heads contain six to twelve bright golden flowers with dark brown bracteoles.
<i>Callistemon sieberi</i> 	Alpine or River Bottlebrush	3 x 2	An attractive, easy to grow plant which could be used in as a screen or informal hedge or as part of a mixed border. It is fast growing with fine soft foliage and a showy flower display which attracts nectar feeding birds. It will tolerate drought, neglect and hard frosts Flowering is prolific and long lasting, occurring from November to March. Very common creek land species, suitable for poorly drained soils.
<i>Callistemon citrinus</i> 	Crimson Bottlebrush	4 x 3	Evergreen shrub with arching branches clothed with lance-shaped leaves that emerge coppery before maturing to grey-green. The special attraction of bottle brush is its habit of flowering twice a year if well-watered. The main flowering season is from early November, but its autumn flowers are even more welcome from the end of March. The brilliant red looks fresh in late summer heat waves and warm in early winter.



Species	Common name	Height x width (m)	Description (growth rate, useful life)
<i>Callistemon pungens</i> 	Prickly Bottlebrush	4 x 3	Distinct shrub or small tree ranging from 2-5 m tall. The leaves are 2-3 cm long with a pungent tip 1-2 mm long. The flower spike is 5-6 cm long and 2.5-4.5 cm in diameter. The species is characterised by its purple stamens and small, pungent leaves.
<i>Bursaria spinosa</i> 	Blackthorn	3 x 2	Produces abundant small white flowers through Summer. It is usually grown as a small to medium shrub for garden and landscape settings. The flowers are sweetly perfumed, making this shrub a lovely feature plant, and its hardiness makes it a good choice for garden and landscape use. Low maintenance and fast-growing, it performs best in well-drained soil and will thrive in conditions from full sun to partial shade. Yearly pruning will prevent it becoming leggy. Great for attracting birds as the dense prickly foliage offers a protective shelter.
<i>Hakea macrocarpa</i> 	Small fruited hakea	2 x 2	Unusual tree/shrub with spiky leaves that are blue green, forming an airy conifer like large plant very quickly. In spring flossy white flowers crowd branches and are showy for several weeks. Full sun and average to poor well drained soil. Drought and frost hardy. Fast growing in youth to its ultimate size. Common near streams and bogs in rocky situations.
<i>Leptospermum polygalifolium</i> 	Common creek Tea Tree	1 x 1	Ornamental small tree (or shrub) with reddish new growth and dark green small pointy leaves. It grows along watercourses so can tolerate regular water. Useful screen and windbreak. Can be cut for cut flowers and foliage. Plants respond well to pruning so can be clipped to formal or informal hedges. Hardy in most soils and aspects.



Non-native Trees and Shrubs

Species	Common name	Height x width (m)	Description
Arbutus unedo 	Irish strawberry tree	8 x 3	An evergreen small tree in the Heath family. The showy red edible fruits mature in autumn and have a high sugar content but are rather bland tasting. It is slow-growing and may be trained to show off its interesting peeling bark. It is easy to grow, hardy and tolerates a wide range of soils. Lightly prune back the shoots regularly to maintain an attractive shape.
Lagerstroemia indica 	Crepe myrtle	6 x 6	It is an erect, wide-spreading, multi-stemmed, medium-sized, deciduous, flowering shrub or small tree that grows rapidly. Blooms through summer. Has exfoliating bark, and attractive autumn foliage. The blooms are crepe paper-like flowers in colours of white, pink, mauve, lavender, and purple. The leaves are light green with tinges of red. Excellent street tree.
Photinia robusta 	Many varieties/cultivars including "Red Robin"	3 x 3	A tall shrub that may be regarded as one of the toughest and most vigorous hedging species. Regular trimming is needed to keep Photinia hedges in shape and under control.



6.2. Appendix 2: Detailed Tree/shrub selection matrix

Common Name/s	Genus	Tree Size (small= <7m, Medium=7- 15m, Large > above 15m)	Growth Rate	Type and Origin	Habit / Form	Useful Life Expectancy (Short = < 10 years, Medium= 10-30 years, Long > 30 years)	Flowering seasons	Planting location
Fraxinus angustifolia	Narrow leaf ash	Large	Moderate	Deciduous	pyramidal shaped	Long	Autumn	Parks, gardens and street
Fraxinus oxycarpa "Raywoodii"	Claret ash	Medium	Fast	Deciduous	Upright, open canopy	Long	Autumn	Parks, gardens and street
Fraxinus excelsior "Aurea"	Golden ash	Medium	Moderate	Deciduous, Exotic	Rounded, spreading	Long	Autumn	Parks, gardens and streets
Liquidambar styraciflua	Liquidambar or sweet gum	Large	Fast	Deciduous, Exotic	Pyramidal canopy	Long	Autumn	Parks, gardens and street
Ginkgo bilboa	Maidenhair tree	Medium	moderate	Deciduous, Exotic	Open shrubby canopy	Long	Autumn	Street. parks, gardens
Sapium sebiferum	Chinese tallow	Medium	Fast	Deciduous	Irregularly oval, open canopy	Long	Autumn	Gardens and parks where there is space
Malus floribunda	Crab apple	Medium	Moderate	Deciduous, Exotic	Rounded	Long	Autumn	Hedging
Murraya paniculata	Mock orange	Small	Fast	Deciduous, Exotic	Rounded, densely-branched		Autumn	Garden
Cotinus Coggygria	Smoke bush	Small	Slow growing	Deciduous	Open-crown, round	Medium	Autumn	Parks, street, powerlines
Prunus nigra	Flowering plum	Small	Moderate	Deciduous	Rounded crown	Medium	Autumn	Parks, gardens and streets.
Prunus serrulate	Japanese flowering cherry	Medium	Moderate	Deciduous	Broad vase-shaped crown	Medium	Autumn	Larger gardens, streets and parks
Acer rubrum	Lipstick maple	Medium	Medium to Fast	Deciduous	Upright, rounded	Long	Autumn	Gardens and streets
Acer palmatum	Japanese maple	Small	Medium to Fast	Deciduous	Rounded to broad-rounded	Long	Autumn	Larger parks, gardens and wide streets
Quercus coccinea	Scarlet oak	Medium	Medium to Fast	Deciduous	Open, wide spreading	Long	Autumn	Street and Parks
Nyssa sylvatica	Tupelo	Medium	Medium	Deciduous	Upright, conical	Long	Autumn	Parks or open areas
Quercus palustris	Pin Oak	Large	Fast	Deciduous	Conical in shape	Long	Autumn	Gardens and tight spaces



Common Name/s	Genus	Tree Size (small= <7m, Medium=7- 15m, Large > above 15m)	Growth Rate	Type and Origin	Habit / Form	Useful Life Expectancy (Short = < 10 years, Medium= 10-30 years, Long > 30 years)	Flowering seasons	Planting location
Pyrus calleryana	Flowering pear	Medium	Fast	Deciduous	Upright, Oval or Rounded Shape	Medium	Autumn	Excellent park and shade tree, and can be used in streets
Platanus orientalis "digitat"	Oriental Plane	Large	Fast	Deciduous	Pyramidal to rounded	Long	Autumn	Nice shade, park or streets
Quercus rubra	Red oak	Large	Fast	Deciduous	Upright, rounded	Long	Autumn	Street, Powerlines
Koelreuteria peniculata	Golden rain tree	Medium	Slow growing	Deciduous, Exotic	open branching and rounded	Long	Autumn	Street, Powerlines
Acacia baileyana	Cootamundra wattle	Small	Fast	Deciduous	wide-spreading	Medium	Autumn	Parks, Street
Acacia implexa	Hickory wattle	Small	Fast	Deciduous	Arching	Long	Autumn	Hedge
Acacia fimbriata	Fringed wattle	Small	Fast	Deciduous	globe-shaped	Medium	Autumn	Parks and gardens
Nothofagus gunnii	Fagus beech	Small	Fast	Deciduous	Thick shrubby appearance.	Medium	Autumn/Wi nter	Street and hedge
Hakea laurina	Pincushion hakea	Small	Fast	Deciduous	Dense, Round	Long	Spring	Creek areas
Acacia filicifoli	Fern-leaved Wattle	Small	Fast	Native	Erect shrub	Medium	Winter/Spr ing	wide streets and parks
Acacia melanoxylon	Blackwood	Medium	Fast	Native	Upright and spreading	Medium	Spring/Sum mer	Parks
Angophora floribunda	Rough-barked Apple	Medium	Fast	Native	Domed	Medium		Hedging
Casuarina cunninghamiana	River Oak	Large	Fast	Native	pyramidal	Long	Autumn	River banks to stabilise soils
Eucalyptus blakelyi	Blakel's Red Gum	Medium	Moderate	Native	V-shaped canopy	Long	Spring/Sum mer	Parks and gardens
Eucalyptus melliodora	Yellow Box	Large	Moderate to slow	Native	oval-shaped	Long	Summer	Parks and gardens
Eucalyptus pauciflora	Snow Gum or White Sally	Medium	Slow	Native	Spreading	Long	Summer and autumn	street tree, parks and gardens
Eucalyptus viminalis	Manna gum, Ribbon gum, White Gum	Large	Fast	Native	Open crown	Long	Spring	Hedge

Guidelines for Tree Management

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Common Name/s	Genus	Tree Size (small= <7m, Medium=7- 15m, Large > above 15m)	Growth Rate	Type and Origin	Habit / Form	Useful Life Expectancy (Short = < 10 years, Medium= 10-30 years, Long > 30 years)	Flowering seasons	Planting location
Acacia rubida	Red-stemmed Wattle	Small	Fast	Native	Erect	Medium		Hedge
Acacia amoena	boomerang wattle	Small		Native	Erect	Medium	Spring, Summer	Creek land and poorly drained soils
Callistemon sieberi	Alpine or River Bottlebrush	Small	Fast	Native	Rounded	Long	Spring	Screen or informal hedge
Callistemon citrinus	Crimson Bottlebrush	Small	Slow	Native	Domed	Long	Spring and summer	Hedge, gardens
Callistemon pungens	Prickly Bottlebrush	Small		Native	Bushy	Long	Summer	Garden and landscape
Bursaria spinosa	Blackthorn	Small to medium	Fast	Native	Narrow to rounded	Long	Summer	Hedging and screening
Leptospermum polygalifolium	Common creek Tea Tree	Small	Fast	Native	Twiggy canopy	Long	Spring	Hedge
Acacia rubida	Red-stemmed Wattle	Small	Fast	Native	Erect to bushy	Long	summer	Screening
Callistemon sieberi	Alpine or River Bottlebrush	Small	Fast	Native	Dense	Long	Autumn	Hedge
Callistemon citrinus	Crimson Bottlebrush	Small	Slow	Native	Rounded	Long	Spring and Summer	Hedge, screen plant or street tree.
Callistemon pungens	Prickly Bottlebrush	Small	Fast	Native	Rounded	Long	Summer	Garden and landscape
Bursaria spinosa	Blackthorn	Small	Fast	Native	Oval or wedge- shaped	Long	spring and summer	Garden and landscape
Leptospermum polygalifolium	Common creek Tea Tree	Small	Slow	Native	Rounded	Long	Autumn	Excellent screen, informal hedge or windbreak
Arbutus unedo	Irish strawberry tree	small	Slow to moderate	Evergreen, Non native	Well-rounded dense canopy	Long	summer	Small gardens or parks along borders for screening



Common Name/s	Genus	Tree Size (small= <7m, Medium=7- 15m, Large > above 15m)	Growth Rate	Type and Origin	Habit / Form	Useful Life Expectancy (Short = < 10 years, Medium= 10-30 years, Long > 30 years)	Flowering seasons	Planting location
Lagerstroemia indica	Crepe myrtle	Small	moderate	Evergreen, Non native	Erect, wide-spreading	Long	Spring	Hedge for wider verges, nature strips, parks and reserves.
Photinia robusta	Many varieties/cultivars including "Red Robin"	Small	Fast	Evergreen, Non native	Domed	Long	Spring	Hedge
Acer platanoides	Crimson Sentry	Medium	Slow-moderate	Deciduous, Non native	Upright branching	Long	Summer and Autumn	Streets, parks and gardens
Fraxinus Americana	White Ash	Medium	Fast	Deciduous, Non native	Upright, rounded	Long		Street, parks and gardens
Pistacia chinensis	Chinese pistache	Medium	Moderate	Deciduous, Non native	upright oval, rounded	Long	-	Street, parks and gardens
Ulmus parvifolia	Chinese Elm	Large	Moderate	Deciduous, Non native	vase-shaped and spreading canopy	Long		Perfect for Shade tree in large spaces
Eucalyptus torquate	Coral Gum	Small-Medium	Moderate	Native	Spreading	Long	-	Gardens and streets



6.3. Appendix 3: Street Tree Planting Request Form



STREET TREE PLANTING REQUEST FORM

Use this form to seek council's approval to plant a tree at verge of your property.

Part 1: Applicant Details

1.1 Applicant Details	
Applicant Name:	Phone:
Property Address:	Mobile:
Email Address:	Signature:
Date:	

Part 2: Tree Details

1. Who will supply and plant the tree/s

- ☐ Council to supply and plant tree(s)
☐ I will supply and plant my own tree(s) as per the preferred species list by Council
☐ Other (specify):.....

2. Tree Preference

No.	Preferred tree names

3. Proposed Planting location

Complete sketch of property, showing location of proposed nominated tree/s, street names and property address. Trees must be numbered clearly.

**Part 3: Access Details**

Do you need the inspecting officer to contact you for an appointment or to make special arrangements for access into your property - e.g. locked gate, dogs, you wish to be present?

No ☐ A Council officer will inspect the tree planting sites after application

Yes ☐ Please provide details of the person we need to contact to make an appointment.

Contact Person: _____ Phone: _____

Part 4: Office Use Only

<input type="checkbox"/> Approved		<input type="checkbox"/> Refused
Name :		
Position:		
Signature :		Date: _____

Comments by Approval officer:

--



6.4. Appendix 4: Application Form to Prune/Remove Tree(s)



Application to Prune/Remove Tree(s)

Use this form to request an inspection for approval under State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

Part 1: Applicant Details

1.1 Applicant Details			
Applicant Name:		Phone:	
Address:		Mobile:	
Email Address:		Signature:	
Date:			

1.2 Address of property where tree(s) is located	
Address:	
Suburb :	Post code:
Lot/Dp No.	

Part 2: TREE INFORMATION – Attach sheet if additional space is required?

Tree no.	Remove or prune	Type of tree	Approx. Height (m)	Reason (choose from options A)

Options A: (1. Structural Damage, 2.Plumbing problems, 3. Obstruction/Views, 4. Overhanging Residence, 5. Overhanging Neighbours, 6. Overhanging Wires, 7. Disease, 8.Dying 9. Dangerous)

Other (please specify).....

Complete sketch of property, showing location of nominated tree/s, street names and property address. Trees must be numbered clearly.



(To clarify the identification of tree/s to be assessed, where possible mark those trees on-site with ribbon/tape to assist the tree officer undertaking the inspection)

SIGNIFICANT TREES		
1. Are any of the trees listed as an Environmental Heritage Item?	yes	No
2. Are any of the trees listed on Koala Tree Register?	Yes	No

SUPPORTING DOCUMENTATION		
What additional relevant documentation of photographs supports of the application?		
1. Arborist report	<input type="checkbox"/> Yes	<input type="checkbox"/> No
2. Plumber's report	<input type="checkbox"/> Yes	<input type="checkbox"/> No
3. Structural engineers report indicating damage to property	<input type="checkbox"/> Yes	<input type="checkbox"/> No
4. Other (Specify):-		

ACCESS DETAILS
<p>Do you need the inspecting officer to contact you for an appointment or to make special arrangements for access into your property - e.g. locked gate, dogs, you wish to be present?</p> <p>No <input type="checkbox"/> A Council officer will inspect the tree works once the completed form has been registered.</p> <p>Yes <input type="checkbox"/> Please provide details of the person we need to contact to make an appointment.</p> <p>Contact Person: _____ Phone: _____</p>

OFFICE USE ONLY

Inspection notes		
Tree number and type	Determination	Comment



Tree Management Policy for Council-managed Land 2023

Version 0.8



Tree Management Policy for Council-managed Land 2023

Document Control

Document History		Tree Management Policy for Council-managed Land 2023
Document ID: UINT/21/13767		
Version	Date Amended	Details/Comments
0.1	15 February 2022	First draft by EMC
0.2	22 March 2022	Review of Draft by MDP
0.3	24 March 2022	Amended following review by MDP
0.4	25 March 2022	2 nd review by MDP
0.5	11 April 2022	Review by DID
0.6	20 April 2022	Reviewed by GM and recommended for out of session review
0.7	7 February 2023	Councillor workshop
0.8	28 February 2023	Draft for public exhibition – Resolution number: 17.02/23
1.0	TBC	Adopted

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Tree Management Policy for Council-managed Land 2023

1. Introduction

Uralla Shire is fortunate to be home to a diverse array of flora and fauna. These ecological assets are an intrinsic part of our regional environment, attracting visitors and new residents to the Shire.

Council is committed to the protection and enhancement of trees in the Shire area.

The Council views trees as an intergenerational resource that is essential to the health and well-being of our community. They have a historical element within our streetscapes and are intrinsically linked to the character of our urban environment.

Trees, especially indigenous species, can also provide biodiversity value to an area and support a range of local fauna species. They also play a vital ecological role by providing habitat, moderating temperature extremes, storing carbon and improving air quality. Scientific research supports the view that the establishment of trees and vegetation is a cost-effective means to deliver environmental services.

The management of Uralla Shire's trees and forests has an explicit role in Council operations, involving consideration of urban infrastructure, aesthetic qualities and historic neighbourhood characteristics. The management of urban vegetation often involves consultation between staff and the community for the delivery of services.

This policy establishes the principles by which Council will manage the trees across the Shire. It seeks to maintain and improve trees and vegetation for social, recreational, environmental, ecological, scientific and economic benefits, while balancing these values with Council's duty of care obligations for the prevention of property damage or injury to persons.

The policy provides a framework for vegetation management including, but not limited to, maintaining, planting replacing and where necessary removing trees and other vegetation.

2. Purpose

- This policy is intended to provide guidance and direction for planting, protection, management and maintenance of trees located on streets, roads, reserves and public open spaces managed by Uralla Shire Council.
- The policy will provide a basis for informed decision making, documentation and standardised processes to ensure consistency in the management of the trees on Council managed land.

3. Scope

The Policy applies to all trees on Council's operational land, nature strips, land managed through the Public Reserve and Crown Reserve system for which an individual management plan does not apply, Council-managed parks and gardens, sporting grounds, car parks, memorial parks, and cemeteries.

The policy does not extend to trees and vegetation on private land.



Tree Management Policy for Council-managed Land 2023

4. Policy Objectives

- a) To preserve the historical and ecological values of the trees in land areas managed by Council to the benefit of the health and wellbeing of the Uralla Shire community.
- b) Maintain best-practice tree management and maintenance standards.
- c) Maintain the amenity and attractiveness of the streetscapes in our towns and villages.
- d) Increase public awareness regarding the best practice of tree management and encourage the public to cooperate with Council in its care and maintenance.
- e) Ensure that vegetation on public land is maintained to minimise the chances of damage or injury to persons and/or property.
- f) Enhance Uralla Shire Council's reputation within the community as a steward and manager of trees.

5. Link to Community Strategic Plan

This policy has the following link to the Council's Community Strategic Plan 2022-2031:

- Strategy 3.1 - To preserve, protect and renew our beautiful natural environment
- Strategy 3.2 - Maintain a healthy balance between development and the environment

6. Tree Management

The management and maintenance standards of Council's tree assets shall be guided by the following principles:

6.1 Tree Planting

- Council will proactively undertake tree planting on road reserves, streets, open spaces and other Council-managed lands by seeking to:
 - Maintain and enhance the local biodiversity.
 - Enhance the appearance of the built environment.
 - Provide planting which requires minimum maintenance.
 - Ensure planting is selected which considers Council's long term maintenance obligations.
 - Ensure planting near property does not increase the bushfire threat.
- Where practical, Council shall replace trees after they have died or been removed.
- Tree planting shall be scheduled to allow for optimum seasonal conditions that are conducive to the long-term survival of trees.
- Residents shall be required to first seek and obtain permission from Council before planting trees and shrubs within Council-managed open space environments and roadsides.
- Individual tree requests by residents must be fully assessed for suitability before approval by the Council.
- Unauthorised plantings on Council owned or managed land may be removed due to safety, amenity, maintenance or infrastructure impacts concerns.



Tree Management Policy for Council-managed Land 2023

6.2 Tree Protection

- Uralla Shire Council will give priority to the protection of trees in all aspects of the Council's development, construction, temporary works and all other activities that may affect tree health.
- Protection of Council managed trees is to be considered during civil works or maintenance activities that can affect trees.
- Retaining of trees will be a key consideration in applications for new developments or in implementation of new projects.
- Costs associated with private works that impact on trees will be borne by the person/s undertaking the works.
- Council shall endeavour to protect and control all visible/known weeds, pests and diseases that pose a threat to the tree health.
- Inspections of council-owned and managed tree sites shall be undertaken routinely, with frequency based on the risk level of each site.
- Customer requests that identify any trees posing an immediate risk to public safety will be actioned as soon as reasonably possible.

6.3 Tree Pruning

Once a street tree is established, pruning is the major ongoing maintenance required to manage risk to the public and maintain tree health:

- Council shall be responsible for pruning all trees as required that are located on Council managed land.
- Council will undertake street and park tree pruning to improve tree health, structure and to provide nominal clearances for pathways, roads, buildings and other essential infrastructure.
- Residents are not permitted to prune or remove Council trees. The Council will investigate unauthorised tree pruning and pursue enforcement action where appropriate in accordance with the Enforcement Procedure.

6.4 Tree removal and replacement

- Council will approve the removal of dead, dying or potentially dangerous trees to ensure public safety, to protect property and infrastructure, or to facilitate approved development and infrastructure improvements.
- Council may be obliged to remove unauthorised plantings, without compensation to the person/s who planted them without permission.
- Residents may submit a request for a tree to be considered for removal due to safety or other concerns. A written request must be submitted to Council for a tree within Council-owned land or outside the resident's property to be considered for removal.
- It is an offence for a person to cut, saw, poison or remove any tree or shrub on any land under the care, control and management of the Council.



Tree Management Policy for Council-managed Land 2023

7. Related Policy Material

Uralla Shire Open Space Strategy 2018: The strategy provides an extensive analysis of the Shire's green networks, pedestrian accessibility and shade amenity provisions to determine where opportunities lie to support and bolster the overall network.

Uralla Shire Roadside Vegetation Management Policy 2013: The Policy provide the framework for Council management of vegetation on rural road corridors.

National Parks and Wildlife Act 1974 - protected fauna and plants.

New South Wales Heritage Act 1977 - sites under conservation and orders, relics.

Threatened Species Conservation Act 1995 – endangered ecological communities, critical habitat, endangered and vulnerable species, key threatening processes, recovery plans.

Rural Fires Act 1997 - authorised removal of fire hazards.

Noxious Weeds Act 1993 - clearing of noxious weeds.



Tree Management Policy for Council-managed Land 2023

8. Definitions

Council Tree Asset	Any tree planted or self-sown within a road reserve, open space area or roadside within the Uralla Shire local government area. Referred to as tree or trees in this Policy.
Amenity	That which gives pleasure by being aesthetically attractive, affording comfort, sustaining life and health or creating a sense of well-being.
Biodiversity	The variety of all life forms: plants, animals, microorganisms, their genes; and the terrestrial, marine and freshwater ecosystems of which they are apart.
Dead	A tree that is no longer capable of performing any of the following processes: <ul style="list-style-type: none"> a) Photosynthesis via its foliage crown (as indicated by the presence of moist, green or other coloured leaves); b) Osmosis (the ability of the roots system to take up water); c) Turgidity (the ability of the plant to hold moisture in its cells); d) Epicormic shoots (the production of new shoots as a response to stress, generated from buds under the bark or from a lignotuber – at ground or underground stem).
Dying	A tree that is exhibiting any of the following symptoms: <ul style="list-style-type: none"> a) Permanent leaf loss in both deciduous and evergreen plants; b) Permanent wilting (the loss of turgidity which is marked by drying out of stems, leaves and roots); c) Shedding of the epidermis (bark dries out and peels off to the beginning of the sapwood).
Habitat	Trees and other vegetation that have the potential of hosting or supplying food for nesting birds, arboreal marsupials and/or bats. Trees are also capable of supplying habitat in order to support the growth of locally indigenous or endemic epiphytic plants. 'Habitat' trees include dead trees.
Native species	Species which occur naturally within the Uralla Shire landscape.
Nature strip	A piece of publically owned land between the boundary of private property and the road/street.
Urban forest	The collection of trees, shrubs, groundcovers and wetlands on public, private and institutional land within a defined urban area.

14.3 Project Updates - Public Spaces Legacy Program

Department:	Infrastructure & Development
Prepared By:	Manager Projects
Authorised By:	Interim General Manager

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK

Goal:	1.	We have an accessible inclusive and sustainable community
	2.	We drive the economy to support prosperity
Strategy:	1.2.	A safe, active and healthy shire
	1.3.	A diverse and creative culture that celebrates our history
	2.3.	Communities that are well serviced with essential infrastructure

SUMMARY

The purpose of this report is to provide Council with the current status and outlook for the three (3) Public Spaces Legacy Program (PSLP) grant funded projects being undertaken by Council; namely:

- The Rotary Park Upgrade;
- The Glen Upgrade (including Constellations of the South); and
- The Pioneer Park Upgrade.

RECOMMENDATION

That Council notes the update and status reports for the Rotary Park Project; the Pioneer Park Project; and the Glen Project.

REPORT**Project updates**

Councillors note, this status update report was current on 12 October 2023.

PSLP Project 1 - Rotary Park Upgrade – The Rotary Park Upgrade Project has reached Practical Completion and is now open to the public. No further advancement on the fruit trees or caravan access since last report. The pathway leading toward The Glen will be modified and be constructed for a suitable road crossing point.

PSLP Project 2 - Pioneer Park Upgrade – The Project construction continues with the block wall being constructed. Seating plans are being modified for an in situ moulding process, with foundations planned to commence 16 October.

Artworks have been scrutinised and a recommendation report has been received from the Artists. Artworks will be adapted for stencil design on the completion of Copyright License Agreements with the students and parent/guardians, currently being undertaken.

PSLP Project 3 - The Glen Upgrade (including The Constellations of the South) Infrastructure – Asphaltting the car park and entrance road was completed 9 October, designated parking bays with wheel stops are due to be installed in the near future.

More granite boulders will be placed around the facility to inhibit problem campers and keep unauthorised vehicles inside the road reserve.

The culvert which now links The Glen to Rotary Park is complete, with the second culvert due for completion 19 October 2023.

A lead path will be constructed from the modified Rotary Park path, this will be linked by a granite path to the first culvert at The Glen car park.

Signs indicating the walking route to the toilet facilities at Rotary will be erected in The Glen car park.

The BBQ fitment has been delayed by the need for electrical contractor works. No update has been received from the contractor of an updated exact timeframe for completion of that component.

Constellations of the South – This component involves the delivery of eight (8) Artwork sculptures. Artwork One, the ‘Spire’ is in its final stages of construction. Installation is due to occur around 20 October.

The Stargazer sculpture is set for installation on 24 October.

The other sculptures from local artists and fabricators are progressing.

Funding and reporting

Council officers are continuing to work with the Department of Planning and Environment (DPE) to ensure the requirements of the funding agreement are met.

Confirmation has been received from the funding partner to extend completion to 31 January 2024.

CONCLUSION

The PSLP Projects are either complete (Rotary Park) or proceeding (The Glen and Pioneer Park). The target completion dates for The Glen and Pioneer Park have been formally extended to 31 December for practical completion and occupancy by 31 January 2024. The PSLP expenditures for each project remain healthy and within the budgetary limits with reasonable contingency allocations still in place.

Significant physical advances have been made for both remaining project sites.

This report recommends that Council notes the current status of the PSLP Projects.

COUNCIL IMPLICATIONS

Community Engagement/Communication

Significant community and key stakeholder consultation has been undertaken to this point and it is the project delivery team’s intention to maintain a high level of communication with all parties into the future.

Policy and Regulation

Uralla Shire Council Procurement Policy, NSW Local Government Act and Regulations.

Financial/Long Term Financial Plan

All three projects are being undertaken via capital funding from the NSW Government, therefore the draw on Council’s capital resources is negligible. However, all three assets will have new and higher ‘replacement costs’ following their enhancements. That will result in higher than previous annual depreciation figures in Council’s Annual Financial Statements. There may be some additional increases to Council’s annual operating and maintenance budgets.

Asset Management/Asset Management Strategy

The renewal and refurbishment work undertaken on each of the three project sites will effectively establish three new and upgraded (more high value) assets, each with a new lifespan. Once completed, the finished assets will be accounted for, at their new higher replacement costs, on Council's Asset Register and the resultant future operating and maintenance costs defined in Council's Buildings Asset Management Plan.

Workforce/Workforce Management Strategy

To achieve deliverables expected under the funding deeds, some elements of works at the Glen have been undertaken internally by Civil Infrastructure staff, having no bearing on usual maintenance works.

Legal and Risk Management

All current work on the projects is in accordance with Council resolutions. Project budgets are being closely managed.

Performance Measures

Council is currently compliant with the performance measures issued with the Funding Deed from the Grant Partner.

Project Management

The Projects are being effectively delivered via contracted resources, with some input from the Civil Infrastructure workforce, under Council supplied project management, costed through the funding.

14.4 Draft Public Interest Disclosure (PID) Policy

Department:	Corporate & Community
Prepared By:	Executive Support Officer
Authorised By:	Interim General Manager
Reference:	UINT/23/13678

Attachments:	1. Draft Public Interest Disclosures Policy ↓ 
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LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK

Goal:	4. We are an independent shire and well-governed community
Strategy:	4.2. A strategic, accountable and representative Council

SUMMARY

The Public Interest Disclosure Act 2022 applies to all NSW public sector Agencies.

This report presents the NSW Ombudsman Model Policy for Public Interest Disclosure (whistleblowing) for adoption by Council.

RECOMMENDATION**THAT COUNCIL**

- 1. Adopts the model Public Interest Disclosure Policy.**
- 2. Notes that the Public Interest Disclosure Policy supersedes the Internal Reporting Policy 2022.**

REPORT

All agencies in NSW are required to have a Public Interest Disclosure (PID) Policy under section 42 of the Public Interest Disclosures Act 2022 (PID Act). The presented Policy, on adoption, will supersede the Internal Reporting Policy.

Council takes reports of wrongdoing seriously and is committed to a 'speak up' culture where staff are encouraged to report any conduct that they reasonably believe involves wrongdoing.

The Council's integrity relies upon our staff, volunteers, contractors and subcontractors speaking up when they become aware of wrongdoing.

This policy sets out:

- how the Council will support and protect individuals who come forward with a report of serious wrongdoing;
- how Council will deal with the report and our other responsibilities under the PID Act;
- who to contact if individuals want to make a report;
- how to make a report; and
- the protections which are available to individuals under the PID Act.

Part of that “speak up” culture is having in place a framework that facilitates public interest reporting of wrongdoing by protecting those who speak up from detrimental action. The Policy provides the process by which this protection will be afforded to individuals who come forward with reports of wrongdoing.

The Policy applies to all public official. This includes staff and Councillors.

CONCLUSION

The Policy provides clear guidelines regarding who can make a public interest disclosure and how, and the responsibilities of Council to ensure that the makers of voluntary disclosures are protected.

It is recommended that Council adopts the Policy.

COUNCIL IMPLICATIONS

Community Engagement/Communication

Organisation wide training will be undertaken to make all staff aware of the provisions of the new Act including the roles and responsibilities of supervisors and managers.

Policy and Regulation

Public Interest Disclosure Act 2022

Financial/Long Term Financial Plan

The recommendation does not present a financial or Long Term Financial impact.

Asset Management/Asset Management Strategy

The recommendation does not present an Asset Management impact.

Workforce/Workforce Management Strategy

The recommendation does not present a workforce management impact. It should be noted however that the protections under the Act apply when a disclosure is made by a staff member to their supervisor or manager. This aspect will require further training across the organisation to ensure that all people leaders are aware of the Act and are able to recognise a public interest disclosure and what steps they are required to take when a disclosure is made.

Legal and Risk Management

The recommendation does not present a legal or risk management implications

Performance Measures

Bi-annual reporting of PID's to the NSW Ombudsman

Project Management

Manager Governance



Policy:

**Public Interest Disclosures
(PID)**

2023

**Policy: Public Interest Disclosures (PID) 2023****INFORMATION ABOUT THIS DOCUMENT**

Date Adopted by Council	XX XXXX XXXX	Resolution No.	XXXXXXXX
Document Owner	Manager Governance		
Document Development Officer	Manager Governance		
Review Timeframe	3 years		
Last Review Date:	September 2023	Next Scheduled Review Date	September 2026

Document History

Doc No.	Date Amended	Details/Comments eg Resolution No.
0.1	September 2023	Draft document prepared
0.2	October 2023	Draft Policy submitted to Council for adoption

Further Document Information and Relationships

Related Legislation*	Public Interest Disclosures Act 2022 (effective from 1 October 2023)
Related Policies	Internal Reporting Policy (the PID Policy supersedes the Internal Reporting policy)
Related Procedures/ Protocols, Statements, documents	

Note: Any reference to Legislation will be updated in the Policy as required. See website <http://www.legislation.nsw.gov.au/> for current Acts, Regulations and Environmental Planning Instruments.

**Policy: Public Interest Disclosures (PID) 2023****1 Purpose**

All agencies in NSW are required to have a Public Interest Disclosure (PID) Policy under section 42 of the *Public Interest Disclosures Act 2022* (PID Act).

The Uralla Shire Council (Council) takes reports of wrongdoing seriously. We are committed to building a 'speak up' culture where public officials are encouraged to report any conduct that they reasonably believe involves wrongdoing.

The Council's integrity relies upon our staff, volunteers, contractors and subcontractors speaking up when they become aware of wrongdoing.

This policy sets out:

1. how the Council will support and protect you if you come forward with a report of serious wrongdoing
2. how we will deal with the report and our other responsibilities under the PID Act
3. who to contact if you want to make a report
4. how to make a report
5. the protections which are available to you under the PID Act.

This policy also documents our commitment to building a speak up culture. Part of that speak up culture is having in place a framework that facilitates public interest reporting of wrongdoing by:

- a) protecting those who speak up from detrimental action
- b) imposing duties on agencies who receive reports of wrongdoing to take appropriate action to investigate or otherwise deal with them.

In NSW, that framework is the PID Act.

This policy should be read in conjunction with the [Complaints Management Policy](#).

2 Accessibility of this policy

This policy is available on both the Council's website and intranet document library.

A copy of the policy is also sent to all Council staff on their commencement.

3 Who does this policy apply to?

This policy applies to, and for the benefit of, all public officials in NSW. A public official is:

1. a person employed in or by the Council or otherwise in the service of the Council (e.g. Council employees)
2. a person having public official functions or acting in a public official capacity whose conduct or activities as an integrity agency is authorised by another Act or law to investigate (e.g. Councillors)
3. a person providing services or exercising functions on behalf of the Council, including a contractor, subcontractor or volunteer

**Policy: Public Interest Disclosures (PID) 2023**

4. an employee, partner or officer of an entity that provides services, under contract, subcontract or other arrangement, on behalf of an agency or exercises functions of an agency, and are involved in providing those services or exercising those functions

The General Manager, other nominated disclosure officers and managers within the Council have specific responsibilities under the PID Act. This policy also provides information on how people in these roles will fulfil their responsibilities. Other public officials who work in and for the public sector, but do not work for the Council may use this policy if they want information on who they can report wrongdoing to within the Council.

4 Who does this policy not apply to?

This policy does not apply to:

1. people who have received services from the Council and want to make a complaint about those services
2. people, such as contractors, who provide services to the Council. For example, employees of a company that sold computer software to the Council.

This means that if you are not a public official, this policy does not apply to your complaint (there are some circumstances where a complaint can be deemed to be a voluntary PID, see section 1(i) of this policy for more information).

However, you can still make a complaint to the Council. For information on complaints, refer to the Council's [Complaints Management Policy](#).

5 Compliance with the PID Act

This policy will be reviewed within 12 months of a Local Government General Election. The Council's Manager Governance is responsible for the review and management of this policy. If there is an error within this policy please send an email to council@uralla.nsw.gov.au, addressed to the Manager Governance.

6 What is contained in this policy?

This policy will provide you with information on the following:

1. ways you can make a voluntary PID to the Council under the PID Act
2. the names and contact details for the Council's nominated disclosure officers
3. the roles and responsibilities of people who hold particular roles under the PID Act and who are Council employees
4. what information you will receive once you have made a voluntary PID
5. protections available to people who make a report of serious wrongdoing under the PID Act and what we will do to protect you
6. the Council's processes for dealing with disclosures
7. the Council's processes for managing the risk of detrimental action and reporting detrimental action
8. the Council's record-keeping and reporting requirements
9. how the Council will ensure it complies with the PID Act and this policy.

If you require further information about this policy, how public interest disclosures will be handled and the PID Act you can:

- a) confidentially contact a nominated disclosure officer within the Council

**Policy: Public Interest Disclosures (PID) 2023**

- b) contact the PID Advice Team within the NSW Ombudsman by phone: (02) 9286 1000 or email: pidadvice@ombo.nsw.gov.au, or
- c) access the NSW Ombudsman's PID guidelines which are available on its website.

If you require legal advice with respect to the PID Act or your obligations under the PID Act, you may need to seek independent legal advice.

6.1 How to make a report of serious wrongdoing**6.1.1 Reports, complaints and grievances**

When a public official reports suspected or possible wrongdoing in the public sector, their report will be a PID if it has certain features which are set out in the PID Act.

Some internal complaints or internal grievances may also be PIDs, as long as they have the features of a PID. If an internal complaint or grievance is a report of serious wrongdoing, we will consider whether it is a PID. If it is a PID, we will deal with it as set out in this policy.

It is important that we quickly recognise that we have received a PID. This is because once a PID is received, the person who has made the report is entitled to certain protections and we have certain decisions that we have to make on how we will deal with the PID and how we will protect and support the person who has made the report.

6.1.2 When will a report be a PID?

There are three types of PIDs in the PID Act. These are:

1. *Voluntary PID*: This is a PID where a report has been made by the public official because they decided, of their own accord, to come forward and disclose what they know.
2. *Mandatory PID*: This is a PID where the public official has made a report about serious wrongdoing because they have a legal obligation to make that report, or because making that report is an ordinary aspect of their role or function in an agency.
3. *Witness PID*: This is a PID where a person discloses information during an investigation of serious wrongdoing following a request or requirement of the investigator.

This policy mostly relates to making a voluntary PID and how we will deal with voluntary PIDs. People who make a mandatory PID or a witness PID are still entitled to protection. More information about protections is available in section 6.2 of this policy.

You can find more information about mandatory and witness PIDs in the Ombudsman's guidelines 'Dealing with mandatory PIDs' and 'Dealing with witness PIDs'.

Voluntary PIDs are the kind of PIDs most people have in mind when they think about public interest reporting and 'whistleblowing'. They involve a public official making a report because they have information that they believe shows (or tends to show) serious wrongdoing, where they are not under a legal obligation to make that report and where it is not an ordinary part of their role to report such wrongdoing.

A report is a voluntary PID if it has the following five features, which are set out in sections 24 to 27 of the PID Act:

1. A report is made by a public official
2. It is made to a person who can receive voluntary PIDs
3. The public official honestly and reasonably believes that the information they are providing shows (or tends to show) serious wrongdoing
4. The report was made orally or in writing



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5. The report is voluntary (meaning it is not a mandatory or witness PID)

If the report has all the above five features, it is a voluntary PID.

You will not be expected to prove that what you reported actually happened or is serious wrongdoing. You *do* have to honestly believe, on reasonable grounds, that the information you are reporting shows or tends to show serious wrongdoing.

Even though you do not have to prove the serious wrongdoing happened or provide evidence, a mere allegation with no supporting information is unlikely to meet this test.

If we make an error and do not identify that you have made a voluntary PID, you will still be entitled to the protections under the PID Act.

If you make a report and believe we have made an error by not identifying that you have made a voluntary PID, you should raise this with a nominated disclosure officer or your contact officer for the report. If you are still not satisfied with this outcome, you can seek an internal review, or we may seek to conciliate the matter. You may also contact the NSW Ombudsman. Further information on rights to internal review and conciliation is found in section 11 of this policy.

6.1.3 Who can make a voluntary PID?

Any public official can make a voluntary PID — see ‘Who this policy applies to’. You are a public official if:

1. you are employed by the Council
2. you are a contractor, subcontractor or volunteer who provides services, or exercises functions, on behalf of the Council, or
3. you work for an entity who is contracted by the Council to provide services or exercise functions on behalf of the Council — if you are involved in undertaking that contracted work.

A public official can make a PID about serious wrongdoing relating to *any* agency, not just the agency they are working for. This means that we may receive PIDs from public officials outside the Council. It also means that you can make a PID to any agency, including an integrity agency like the Independent Commission Against Corruption (ICAC) and the NSW Ombudsman. Appendix B of this policy has a list of integrity agencies.

6.1.4 What is serious wrongdoing?

Reports must be of one or more of the following categories of *serious wrongdoing* to be a voluntary PID (in addition to having the other features set out here). Serious wrongdoing is defined in the PID Act as:

1. *corrupt conduct* — such as a public official accepting a bribe
2. *serious maladministration* — such as systemically failing to comply with proper recruitment processes when hiring staff
3. *a government information contravention* — such as destroying, concealing or altering records to prevent them from being released under a Government Information Public Access application
4. *a local government pecuniary interest contravention* — such as a senior council staff member recommending a family member for a council contract and not declaring the relationship
5. *a privacy contravention* — such as unlawfully accessing a person’s personal information on within the Council’s records systems
6. *a serious and substantial waste of public money* — such as not following a competitive tendering process when contracting with entities to undertake government work.



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When you make your report, you do not need to state to us (or the agency you are reporting to) what category of serious wrongdoing you are reporting or that you are reporting serious wrongdoing.

6.1.5 Who can I make a voluntary PID to?

For a report to be a voluntary PID, it must be made to certain public officials.

6.1.5.1 Making a report to a public official who works for the Council

You can make a report inside the Council to:

1. The General Manager
2. a disclosure officer (including the disclosure coordinator) for the Council — a list of disclosure officers for the Council and their contact details can be found at Appendix A of this policy
3. your manager/leader — this is the person who directly, or indirectly, supervises you. It can also be the person who you directly, or indirectly, report to. You may have more than one manager. Your manager will make sure that the report is communicated to a disclosure officer on your behalf or may accompany you while you make the report to a disclosure officer.

6.1.5.2 Making a report to a recipient outside of the Council

You can also make your report to a public official in another agency (meaning an agency you do not work for) or an integrity agency. These include:

1. the *head of another agency* — this means the head of any public service agency
2. an *integrity agency* — a list of integrity agencies is located at Appendix B of this policy
3. a *disclosure officer for another agency* — ways to contact disclosure officers for other agencies is in an agency's PID policy which can be found on their public website
4. a *Minister or a member of a Minister's staff* but the report *must be made in writing*.

If you choose to make a disclosure outside of the Council, it is possible that your disclosure will be referred to the Council so that appropriate action can be taken.

6.1.5.3 Making a report to a Member of Parliament or journalist

Disclosures to MPs or journalists are different to other reports. You can only disclose a report of wrongdoing as a voluntary PID to an MP or journalist in the following circumstances:

1. You must have first made substantially the same disclosure (described here as a 'previous disclosure') to someone who can receive disclosures.
2. The previous disclosure must be substantially true.
3. You did not make the previous disclosure anonymously.
4. You did not give a written waiver of your right to receive information relating to your previous disclosure.
5. You did not receive the following from the Council:
 - a) notification that the Council will not investigate the serious wrongdoing and will also not refer the previous disclosure to another agency, or
 - b) the following information at the end of the investigation period:
 - i. notice of the Council's decision to investigate the serious wrongdoing
 - ii. a description of the results of an investigation into the serious wrongdoing
 - iii. details of proposed or recommended corrective action as a result of the previous disclosure or investigation.

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Investigation period means:

- after six months from the previous disclosure being made, or
- after 12 months if you applied for an internal review of the Council's decision within six months of making the disclosure.

If all the above requirements are met, your disclosure to an MP or journalist may be a voluntary PID.

6.1.6 What form should a voluntary PID take?

You can make a voluntary PID:

1. *in writing* — this could be an email or letter to a person who can receive voluntary PIDs.
2. *orally* — have a private discussion with a person who can receive voluntary PIDs. This can be face-to-face, via telephone or virtually.
3. *anonymously* — write an email or letter or call a person who can receive PIDs to make a report without providing your name or anything that might identify you as the maker of the report. A report will only be considered anonymous if there is no reasonable or practical way of communicating with the person making the report. Even if you choose to remain anonymous, you will still be protected under the PID Act. It may be difficult, however, for the Council to investigate the matter(s) you have disclosed if we cannot contact you for further information.

6.1.7 What should I include in my report?

You should provide as much information as possible so we can deal with the report effectively. The type of information you should include is:

1. date, time and location of key events
2. names of person(s) involved in the suspected wrongdoing, their role, title and how they are involved
3. your relationship with the person(s) involved, such as whether you work closely with them
4. your explanation of the matter you are reporting
5. how you became aware of the matter you are reporting
6. possible witnesses
7. other information you have that supports your report.

6.1.8 What if I am not sure if my report is a PID?

You should report all wrongdoing you become aware of regardless of whether you think it is serious wrongdoing. It is important for the Council to understand what is or may be occurring.

We are then responsible for making sure your report is handled appropriately under the PID Act, or if it is not a PID, in line with our other procedures. Even if your report is not a PID, it may fall within another one of the Council's policies for dealing with reports, allegations or complaints.



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6.1.9 Deeming that a report is a voluntary PID

The General Manager or Manager Governance can, in certain circumstances, determine that a report is a voluntary PID even if the report does not otherwise have all the features of a voluntary PID. This is known as the 'deeming power'.

By deeming that a report is a voluntary PID, it ensures that reporters are provided with protections under the PID Act.

If you make a report that has not met all the requirements of a voluntary PID, you can refer your matter to the General Manager or Manager Governance to request that they consider deeming your report to be a voluntary PID.

A decision to deem a report to be a voluntary PID is at the discretion of the General Manager or Manager Governance. For more information about the deeming power, see the Ombudsman's guideline 'Deeming that a disclosure is a voluntary PID'.

6.1.10 Who can I talk to if I have questions or concerns?

If you have questions or concerns, you can contact the Manager Governance on 6778 6358 or by email at swilliams@uralla.nsw.gov.au.

6.2 Protections

6.2.1 How is the maker of a voluntary PID protected?

When you make a voluntary PID you receive special protections under the PID Act.

We are committed to taking all reasonable steps to protect you from detriment as a result of having made a PID. We are also committed to maintaining your confidentiality as much as possible while the PID is being dealt with.

We will not tolerate any type of detrimental action being taken against you because you have made a report, might make a report or are believed to have made a report.

The maker of a voluntary PID is protected in the following ways:

1. *Protection from detrimental action*
 - a) A person cannot take detrimental action against another person because they have made a voluntary PID or are considering making a PID. Detrimental action includes bullying, harassment, intimidation or dismissal.
 - b) Once we become aware that a voluntary PID by a person employed or otherwise associated with the Council that concerns serious wrongdoing relating to the Council has been made, we will undertake a risk assessment and take steps to mitigate the risk of detrimental action occurring against the person who made the voluntary PID.
 - c) It is a criminal offence for someone to take detrimental action against a person because they have made or may make a voluntary PID. It is punishable by a maximum penalty of 200 penalty units or imprisonment for five years or both.
 - d) A person may seek compensation where unlawful detrimental action has been taken against them.
 - e) A person can apply for a court order (injunction) where detrimental action is threatened or has occurred (for example, an order to prevent dismissal or to require reinstatement).

Note that a person who makes a PID can still be subject to reasonable management action (such as ordinary performance reviews and performance management). Provided such action is not taken because of the PID, it is not detrimental action under the PID Act.



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2. **Immunity from civil and criminal liability**
Some public officials are often subject to a duty of confidentiality that prevents them disclosing certain information that they obtain or become aware of at work. Sometimes, in order to make a PID, public officials will need to breach or disregard such confidentiality duties. If that happens, a public official cannot be disciplined, sued or criminally charged for breaching confidentiality.
3. **Confidentiality**
Public officials and agencies must not disclose information tending to identify a person as the maker of a voluntary PID unless doing so is permitted by the PID Act.
4. **Protection from liability for own past conduct**
The Attorney General can give the maker an undertaking that a disclosure of their own past conduct will not be used against them if a person discloses their own wrongdoing or misconduct while making a report. This undertaking can only be given on application by an integrity agency to the Attorney General.

6.2.2 Protections for people who make mandatory and witness PIDs

Apart from PIDs that are made voluntarily by public officials, there are other types of reports that are recognised as PIDs under the PID Act:

1. **A mandatory PID:** This is a PID where the public official has made the report about serious wrongdoing because they have a legal obligation to make that report, or because making that report is an ordinary aspect of their role or function in an agency.
2. **A witness PID:** This is a PID where a person discloses information during an investigation of serious wrongdoing following a request or requirement of the investigator.

Protections for makers of mandatory and witness PIDs are detailed in the table below.

Protection	Mandatory PID	Witness PID
Detrimental action — It is an offence to take detrimental action against a person based on the suspicion, belief or awareness that a person has made, may have made or may make a PID.	✓	✓
Right to compensation — A person can initiate proceedings and seek compensation for injury, damage or loss suffered as a result of detrimental action being taken against them.	✓	✓
Ability to seek injunction — An injunction can be sought to prevent the commission or possible commission of a detrimental action offence against a person. For example, an order to prevent dismissal or to require reinstatement.	✓	✓
Immunity from civil and criminal liability — a person will not incur civil or criminal liability if the person breaches a duty of confidentiality while making a disclosure. This means that legal action cannot be taken against a person for: <ul style="list-style-type: none"> breaching a duty of secrecy or confidentiality, or breaching another restriction on disclosure. 	✓	✓

7 Reporting detrimental action

If you experience adverse treatment or detrimental action, such as bullying or harassment, you should report this immediately. You can report any experience of adverse treatment or detrimental action directly to the Council (by contacting the Manager Governance), or to an integrity agency. A list of integrity agencies is located at Appendix B of this policy.

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The Council will make sure that people who have made a report, regardless of whether it is treated as a PID, are provided with access to any professional support they may need as a result of the reporting process – such as stress management or counselling services.

Access to support may also be available for other staff involved in the internal reporting process where appropriate. Reporters and other staff involved in the process can discuss their support options with the disclosures coordinator.

The Council's Employee Assistance Program (EAP) is available to all employees and their immediate family members for wellbeing support through the Council's provider, AccessEAP.

To access their services, call 1800 361 008 or visit their website [Employee Engagement & Wellbeing | EAP Solutions \(lifeworks.com\)](#).

Additionally, you can contact the NSW Ombudsman if you have any questions about the PID Act and reporting generally on (02) 9286 1000 or email: pidadvice@ombo.nsw.gov.au. Access to the NSW Ombudsman's PID guidelines are available on their website at <https://www.ombo.nsw.gov.au/Find-a-publication/publications/guidelines/public-interest-disclosures-2022>.

If you have any concerns, you can contact the Manager Governance.

9 Roles and responsibilities of Council employees

Certain people within the Council have responsibilities under the PID Act.

9.1 General Manager**9.1.1 The General Manager is responsible for:**

1. fostering a workplace culture where reporting is encouraged
2. receiving disclosures from public officials
3. ensuring there is a system in place for assessing disclosures
4. ensuring the Council complies with this policy and the PID Act
5. ensuring that the Council has appropriate systems for:
 - a) overseeing internal compliance with the PID Act
 - b) supporting public officials who make voluntary PIDs, including by minimising the risk of detrimental action
 - c) implementing corrective action if serious wrongdoing is found to have occurred
 - d) complying with reporting obligations regarding allegations or findings of detrimental action
 - e) complying with yearly reporting obligations to the NSW Ombudsman.

9.1.2 Disclosure Coordinator

The disclosures coordinator has a central role in the Council's internal reporting system.

The disclosures coordinator can receive and assess reports, and is the primary point of contact in the Council for the reporter. The disclosures coordinator has a responsibility to:



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1. assess reports to determine whether or not a report should be treated as a public interest disclosure, and to decide how each report will be dealt with (either under delegation or in consultation with the General Manager)
2. deal with reports made under the Council's Code of Conduct Policy in accordance with the Council's adopted Code of Conduct Procedures
3. coordinate the Council's response to a report
4. acknowledge reports and provide updates and feedback to the reporter
5. assess whether it is possible and appropriate to keep the reporter's identity confidential
6. assess the risk of reprisal and workplace conflict related to or likely to arise out of a report, and develop strategies to manage any risk identified
7. where required, provide or coordinate support to staff involved in the reporting or investigation process, including protecting the interests of any officer the subject of a report
8. ensure the Council complies with the PID Act
9. provide six-monthly reports to the NSW Ombudsman in accordance with section 6CA of the PID Act

9.1.3 Disclosure officers

Disclosure officers are responsible for:

1. receiving reports from public officials
2. receiving reports when they are passed on to them by managers
3. ensuring reports are dealt with appropriately, including by referring the matter to the Disclosure Coordinator for action
4. ensuring that any oral reports that have been received are recorded in writing.

9.1.4 Managers/People Leaders

The responsibilities of managers include:

1. receiving reports from persons that report to them or that they supervise
2. passing on reports they receive to a disclosure officer.

9.1.5 All employees

All employees must:

1. report suspected serious wrongdoing or other misconduct
2. use their best endeavours to assist in an investigation of serious wrongdoing if asked to do so by a person dealing with a voluntary PID on behalf of the Council
3. treat any person dealing with or investigating reports of serious wrongdoing with respect.

All employees must not take detrimental action against any person who has made, may in the future make, or is suspected of having made, a PID.

10 How we will deal with voluntary PIDs

10.1 How the Council will acknowledge that we have received a report and keep the person who made it informed

When a Council disclosure officer receives a report which is a voluntary PID, or looks like it may be a voluntary PID, the person who made the report will receive the following information:



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1. You will receive an acknowledgment that the report has been received. This acknowledgement will:
 - a) state that the report will be assessed to identify whether it is a PID
 - b) state that the PID Act applies to how the Council deals with the report
 - c) provide clear information on how you can access this PID policy
 - d) provide you with details of a contact person and available supports.
2. If the report is a voluntary PID, we will inform you as soon as possible how we intend to deal with the report. This may include:
 - a) that we are investigating the serious wrongdoing
 - b) that we will refer the report to a different agency (if appropriate) to deal with the voluntary PID. If we do this, we will provide you with details of this referral
 - c) If we decide to not investigate the report and to not refer it to another agency for it to be investigated, we will tell you the reasons for this decision. We will also notify the NSW Ombudsman of this decision.
3. If we decide to investigate the serious wrongdoing, we will provide you with updates on the investigation at least every three months. During this time, if you would like more frequent updates, you should contact the contact person who was nominated when you made the report.
 - a) If we investigate the serious wrongdoing, we will provide you with the following information once the investigation is complete:
 - i. a description of the results of the investigation — that is, we will tell you whether we found that serious wrongdoing took place.
 - ii. information about any corrective action as a result of the investigation/s — this means we will tell you what action we took in relation to the person who engaged in the serious wrongdoing or if the serious wrongdoing was by our agency, what we have put in place to address that serious wrongdoing.
 - b) Corrective action could include taking disciplinary action against someone or changing the practices, policies and procedures that we have in place which led to the serious wrongdoing.
4. There may be some details about both the findings made as a result of the investigation and the corrective action taken that cannot be revealed to you. We will always balance the right of a person who makes a report to know the outcome of that report, with other legal obligations we have.
5. If you have made an anonymous report, in many cases we may not be able to provide this information to you.

10.2 How the Council will deal with voluntary PIDs

Once a report that may be a voluntary PID is received, the Council will look at the information contained in the report to see if it has the features of a voluntary PID. This assessment is undertaken to identify whether the report is a voluntary PID or another type of disclosure, and to make sure that the right steps are followed. If it is a voluntary PID, we will ensure that we comply with the requirements in the PID Act.

10.2.1 Report not a voluntary PID

Even if the report is not a voluntary PID, it will still need to be dealt with in a manner consistent with our Complaints Management Policy.

If the report is not a voluntary PID, we will let you know that the PID Act does not apply to the report and how we will deal with the concerns raised in the report.



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If you are not happy with this assessment or otherwise disagree with it, you can raise it with the person who has communicated the outcome with you or a disclosure officer/co-ordinator, request an internal review or request that the matter be conciliated. The Council can, but does not have to, request the NSW Ombudsman to conciliate the matter.

10.2.2 Cease dealing with report as voluntary PID

The Council may stop dealing with a voluntary PID because it is not actually a voluntary PID (meaning it does not have all the features of a PID). If the Council stops dealing with a voluntary PID because it is not actually a voluntary PID, we will inform you and provide the reason for the decision.

10.2.3 Where the report is a voluntary PID

If the report is a voluntary PID:

1. In most cases an investigation will be conducted to make findings about whether the serious wrongdoing disclosed in the report occurred, who was involved, who was responsible, and whether the people involved, or the agency engaged, in serious wrongdoing. There may be circumstances where we believe an investigation is not warranted — for example, if the conduct has previously been investigated.
2. There may also be circumstances where we decide that the report should be referred to another agency, such as an integrity agency. For example, reports concerning possible corrupt conduct may be required to be reported to the ICAC in accordance with section 11 of the Independent Commission Against Corruption Act 1988.
3. Before referring a matter, we will discuss the referral with the other agency, and we will provide you with details of the referral and a contact person within the other agency.
4. If we decide not to investigate a report and to not refer the matter to another agency, we must let you know the reasons for this and notify the NSW Ombudsman.

10.3 How the Council will protect the confidentiality of the maker of a voluntary PID

We understand that people who make voluntary PIDs may want their identity and the fact that they have made a report to be confidential.

Under the PID Act, information tending to identify a person as the maker of a voluntary PID (known as identifying information) is not to be disclosed by a public official or an agency.

There are certain circumstances under the PID Act that allow for the disclosure of identifying information. These include:

1. where the person consents in writing to the disclosure
2. where it is generally known that the person is the maker of the voluntary PID because of their voluntary self-identification as the maker
3. when the public official or Council reasonably considers it necessary to disclose the information to protect a person from detriment
4. where it is necessary the information be disclosed to a person whose interests are affected by the disclosure
5. where the information has previously been lawfully published
6. when the information is disclosed to a medical practitioner or psychologist for the purposes of providing medical or psychiatric care, treatment or counselling to the individual disclosing the information
7. when the information is disclosed for the purposes of proceedings before a court or tribunal
8. when the disclosure of the information is necessary to deal with the disclosure effectively
9. if it is otherwise in the public interest to disclose the identifying information.



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We will not disclose identifying information unless it is necessary and authorised under the PID Act.

We will put in place steps to keep the identifying information of the maker and the fact that a report has been made confidential. It may not be possible for us to maintain complete confidentiality while we progress the investigation, but we will do all that we practically can to not unnecessarily disclose information from which the maker of the report can be identified. We will do this by:

- a) Limiting the number of people who are aware of the maker's identity or information that could identify them.
- b) If we must disclose information that may identify the maker of the PID, we will still not disclose the actual identity of the maker of the PID, unless we have their consent to do so.
- c) Ensuring that any person who does know the identity of the maker of a PID is reminded that they have a legal obligation to keep their identity confidential.
- d) Ensuring that only authorised persons have access to emails, files or other documentation that contain information about the identity of the maker.
- e) Undertaking an assessment to determine if anyone is aware of the maker's identity and if those persons have a motive to cause detrimental action to be taken against the maker or impede the progress of the investigation.

We will provide information to the maker of the PID about the importance of maintaining confidentiality and advising them how best to protect their identity, for example, by telling them not to discuss their report with other staff.

If confidentiality cannot be maintained or is unlikely to be maintained, the Council will:

- i. advise the person whose identity may become known
- ii. update the agency's PID risk assessment and risk management plan
- iii. implement strategies to minimise the risk of detrimental action
- iv. provide additional supports to the person who has made the PID
- v. reminding persons who become aware of the identifying information of the consequences for failing to maintain confidentiality and that engaging in detrimental action is a criminal offence and may also be a disciplinary matter.

10.4 How the Council will assess and minimise the risk of detrimental action

The Council will not tolerate any detrimental action being taken by any person against a person who has made a PID, investigators, witnesses or the person the report is about.

The Council will assess and take steps to mitigate detrimental action from being taken against the maker of a voluntary PID, the person whose conduct is the subject of a PID, investigators and witnesses.

The Council will take steps to assess and minimise the risk of detrimental action by:

1. Conducting a risk assessment, and a risk management plan will be created (including reassessing the risk throughout the entirety of the matter)
2. Communicating with the maker to identify risks
3. listing the protections that will be offered, that is, the agency will discuss protection options with the maker which may including remote working or approved leave for the duration of the investigation
4. outlining what supports will be provided.

Detrimental action against a person is an act or omission that causes, comprises, involves or encourages detriment to a person or a threat of detriment to a person (whether express or implied). Detriment to a person includes:



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- a) injury, damage or loss
- b) property damage
- c) reputational damage
- d) intimidation, bullying or harassment
- e) unfavourable treatment in relation to another person's job
- f) discrimination, prejudice or adverse treatment
- g) disciplinary proceedings or disciplinary action, or
- h) any other type of disadvantage.

Detrimental action does not include:

- i. lawful action taken by a person or body to investigate serious wrongdoing or other misconduct
- ii. the lawful reporting or publication of a finding of serious wrongdoing or other misconduct
- iii. the lawful making of adverse comment, resulting from investigative action
- iv. the prosecution of a person for a criminal offence
- v. reasonable management action taken by someone in relation to a person who made or may make a PID. For example, a reasonable appraisal of a PID maker's work performance.

10.5 How the Council will deal with allegations of a detrimental action offence

If the Council become(s) aware of an allegation that a detrimental action offence has occurred or may occur, the Council will:

- 1. take all steps possible to stop the action and protect the person(s)
- 2. take appropriate disciplinary action against anyone that has taken detrimental action
- 3. refer any evidence of a detrimental action offence to the Commissioner of Police and the ICAC or the Law Enforcement Conduct Commission (whichever is applicable)
- 4. notify the NSW Ombudsman about the allegation of a detrimental action offence being committed.

10.6 What the Council will do if an investigation finds that serious wrongdoing has occurred

The findings of investigations will be provided to the Disclosure Coordinator, who will assess the recommendations and set a plan to follow-up/address any recommendations within the findings and communicate (e.g. by phone) with the report maker.

If, after an investigation, the findings will be sent to the Disclosure Coordinator it is found that serious wrongdoing or other misconduct has occurred, the Council will take the most appropriate action to address that wrongdoing or misconduct. This is also known as corrective action.

Corrective action can include:

- 1. a formal apology
- 2. improving internal policies to adequately prevent and respond to similar instances of wrongdoing
- 3. providing additional education and training to staff where required
- 4. taking employment action against persons involved in the wrongdoing (such as termination of employment, relocation, a caution or reprimand)
- 5. payment of compensation to people who have been affected by serious wrongdoing or other misconduct.

**Policy: Public Interest Disclosures (PID) 2023****11 Review and dispute resolution****11.1 Internal review**

People who make voluntary PIDs can seek internal review of the following decisions made by the Council:

1. that Council is not required to deal with the report as a voluntary PID
2. to stop dealing with the report because the Council decided it was not a voluntary PID
3. to not investigate the serious wrongdoing and not refer the report to another agency
4. to cease investigating the serious wrongdoing without either completing the investigation or referring the report to another agency for investigation.

The Council will ensure internal reviews are conducted in compliance with the PID Act.

If you would like to make an application for an internal review, you must apply in writing within 28 days of being informed of the Council's decision. The application should state the reasons why you consider the Council's decision should not have been made. You may also submit any other relevant material with your application. A request for an internal review is to be sent to the Manager Governance.

11.2 Voluntary dispute resolution

If a dispute arises between the Council and a person who has made a report which is, or may be, a voluntary PID, we may request the NSW Ombudsman to conciliate the dispute. Conciliation is a voluntary process and will only be suitable for disputes where the Council and the maker of the report are willing to resolve the dispute.

12 Other agency obligations**12.1 Record-keeping requirements**

The Council must keep full and accurate records with respect to all information received in connection with the PID Act. This ensures that the Council complies with its obligations under the *State Records Act 1998*.

12.2 Reporting of voluntary PIDs and the Council's annual return to the Ombudsman

Each year the Council provides an annual return to the NSW Ombudsman which includes:

1. information about voluntary PIDs received by the Council during each return period (yearly with the start date being 1 July)
2. action taken by the Council to deal with voluntary PIDs during the return period
3. how the Council promoted a culture in the workplace where PIDs are encouraged.

12.3 How the Council will ensure compliance with the PID Act and this policy

The Manager Governance is responsible for establishing systems ensure compliance with the PID Act and this policy. This could include internal audits and reporting of compliance to the Audit, Risk and Improvement Committee.

13 Training

The Council will ensure that staff are provided training and education to support them in implementing this policy. The Council will provide the Disclosure Coordinator and Disclosure Officers with training for "Identifying and dealing with PIDs" through the Council's Learning and Development system.

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Managers/Leaders will be provided PID for people leaders training through the Council's Learning and Development system. All other staff will be provided information through the induction process and regular communications through the Council's surf intranet page and internal news.

14 References (laws, standards and other Council documents)

- Ombudsman NSW - Developing your Public Interest Disclosure policy
- Public interest Disclosures Act 2022

***Policy: Public Interest Disclosures (PID) 2023*****Appendix A — The Council's disclosure officers**

The Council's will develop and provide staff with a list of all Disclosure Officers within the Council.

Primarily the Council's Disclosure officers will be the following:

- Ms Toni Averay – Interim General Manager – Email: taveray@uralla.nsw.gov.au – Phone 6778 6302
- Steven Williams - Manager Governance /Disclosure Coordinator – Email: swilliams@uralla.nsw.gov.au – Phone 6778 6358
- Executive Director Community & Corporate Services
- Executive Director Infrastructure & Development
- Managers
- Most senior leader at each of the Council's fixed sites

Staff holding positions detailed above can be contacted by staff by all internal communication methods.

Other persons may contact the above listed officers by calling 6778 6304 and asking to speak to the relevant officer stating that the matter is confidential.

For the list of disclosure officers, contact the Disclosure Coordinator.





Policy: Public Interest Disclosures (PID) 2023

Appendix B — List of integrity agencies

Integrity agency	What they investigate	Contact information
The NSW Ombudsman	Most kinds of serious maladministration by most agencies and public officials (but not NSW Police, judicial officers or MPs)	Telephone: 1800 451 524 between 9am to 3pm Monday to Friday Writing: Level 24, 580 George Street, Sydney NSW 2000 Email: info@ombo.nsw.gov.au
The Auditor-General	Serious and substantial waste of public money by auditable agencies	Telephone: 02 9275 7100 Writing: GPO Box 12, Sydney NSW 2001 Email: governance@audit.nsw.gov.au
Independent Commission Against Corruption	Corrupt conduct	Telephone: 02 8281 5999 or toll free on 1800 463 909 (callers outside Sydney) between 9am and 3pm, Monday to Friday Writing: GPO Box 500, Sydney NSW 2001 or faxing 02 9264 5364 Email: icac@icac.nsw.gov.au
The Inspector of the Independent Commission Against Corruption	Serious maladministration by the ICAC or the ICAC officers	Telephone: 02 9228 3023 Writing: PO Box 5341, Sydney NSW 2001 Email: oiicac_executive@oiicac.nsw.gov.au
The Law Enforcement Conduct Commission	Serious maladministration by the NSW Police Force or the NSW Crime Commission	Telephone: 02 9321 6700 or 1800 657 079 Writing: GPO Box 3880, Sydney NSW 2001 Email: contactus@lecc.nsw.gov.au
The Inspector of the Law Enforcement Conduct Commission	Serious maladministration by the LECC and LECC officers	Telephone: 02 9228 3023 Writing: GPO Box 5341, Sydney NSW 2001 Email: oilc_executive@oilc.nsw.gov.au
Office of the Local Government	Local government pecuniary interest contraventions	Email: olg@olg.nsw.gov.au
The Privacy Commissioner	Privacy contraventions	Telephone: 1800 472 679 Writing: GPO Box 7011, Sydney NSW 2001 Email: ipcinfo@ipc.nsw.gov.au
The Information Commissioner	Government information contraventions	Telephone: 1800 472 679 Writing: GPO Box 7011, Sydney NSW 2001 Email: ipcinfo@ipc.nsw.gov.au

14.5 Draft Prudential Compliance Policy

Department:	Corporate & Community
Prepared By:	Executive Support Officer
Authorised By:	Interim General Manager
Reference:	UINT/23/13879
Attachments:	1. Prudential Compliance Policy - Public Exhibition 2 March 2023  
LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK	
Goal:	4. We are an independent shire and well-governed community
Strategy:	4.2. A strategic, accountable and representative Council

SUMMARY

The Prudential Compliance Policy is intended to provide Council with the framework to protect residential care recipients' savings as held by Council in the form of refundable deposit and accommodation bonds as required by the *Aged Care Act 1997 (Cth)* and the *Fees and Payment Principles 2014 (Cth)* No. 2 ("Fees and Payment Principles").

Council resolved at its meeting of 28 February 2023 to place the draft Prudential Compliance Policy on public exhibition for community comment. The policy was exhibited from 2 March 2023 until 30 March 2023 and no submissions were received.

It is recommended that Council now adopts the draft Prudential Compliance Policy.

RECOMMENDATION

That Council adopts the Prudential Compliance Policy.

REPORT

All approved providers of residential care holding accommodation bonds, refundable accommodation deposits, or pre-1997 entry contributions are required to comply with four prudential standards set out in the Fees and Payment Principles being liquidity, records, governance, and disclosure.

The liquidity standard ensures approved providers have access to sufficient readily available funds to refund accommodation bonds and refundable accommodation deposits when required.

The records standard ensures accurate, comprehensive and up-to-date information on accommodation bonds, refundable accommodation deposit holdings and entry contributions is collected and maintained.

The governance standard ensures accommodation bonds and refundable accommodation deposits are only used for permitted uses and are refunded in accordance with the timeframes required by the Act.

The disclosure standard ensures the provision of information about the financial management of the approved provider.

This policy applies to Council's financial management of refundable deposit balances and accommodation bond balances of care recipients through McMaugh Gardens Aged Care Facility. This policy does not apply to any other bond or deposit held by Council for other purposes.

CONCLUSION

The draft Prudential Compliance Policy is recommended for adoption.

COUNCIL IMPLICATIONS**Community Engagement/Communication**

The draft policy, approved by Council, was placed on public exhibition for a period of 28 days.

Policy and Regulation

The policy has been updated in accordance with the *Aged Care Act 1997 (Cth)* and the *Fees and Payments Principles 2014 (Cth) No. 2*.

Financial/Long Term Financial Plan

Nil

Asset Management/Asset Management Strategy

Nil

Workforce/Workforce Management Strategy

Nil

Legal and Risk Management

Nil

Performance Measures

Nil

Project Management

Manager Governance



Policy:

Prudential Compliance 2023

INFORMATION ABOUT THIS DOCUMENT

Date Adopted by Council	23 June 2020	Resolution No.	14.06/20
Document Owner	Manager Finance and IT		
Document Development Officer	Finance Officer		
Review Timeframe	Annually		
Last Review Date:	February 2023	Next Scheduled Review Date	February 2024

Document History

Doc No.	Date Amended	Details/Comments eg Resolution No.
0.1	May 2020	Draft document prepared
0.2	February 2023	Resolution 23.02/23. Endorsed for exhibition.
0.3	September 2023	Draft Policy submitted to Council for adoption

Further Document Information and Relationships

Related Legislation*	<i>Aged Care Act 1997 (Cth)</i> <i>Fees and Payments Principles 2014 (Cth) No. 2</i> <i>Privacy Act 1998</i>
Related Policies	Investment Policy Delegations of Authority Policy Internal Reporting Policy
Related Procedures/ Protocols, Statements, documents	

Note: Any reference to Legislation will be updated in the Policy as required. See website <http://www.legislation.nsw.gov.au/> for current Acts, Regulations and Environmental Planning Instruments.



Policy: Prudential Compliance 2023

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Policy: Prudential Compliance 2023

1. PURPOSE AND SCOPE

The purpose of this policy is to establish the framework which protects residential care recipients' savings as held by Council in the form of refundable deposit and accommodation bonds as required by the *Aged Care Act 1997 (Cth)* ("the Act") and the *Fees and Payment Principles 2014 (Cth) No. 2* ("Fees and Payment Principles").

All approved providers of residential care holding accommodation bonds, refundable accommodation deposits, or pre-1997 entry contributions are required to comply with four prudential standards set out in the Fees and Payment Principles being liquidity, records, governance, and disclosure.

The liquidity standard ensures approved providers have access to sufficient readily available funds to refund accommodation bonds and refundable accommodation deposits.

The records standard ensures accurate, comprehensive and up-to-date information on accommodation bonds, refundable accommodation deposit holdings and entry contributions is collected and maintained.

The governance standard ensures accommodation bonds and refundable accommodation deposits are only used for permitted uses and are refunded in accordance with the timeframes required by the Act.

The disclosure standard ensures the provision of information about the financial management of the approved provider.

This policy applies to Council's financial management of refundable deposit balances and accommodation bond balances of care recipients through McMaugh Gardens Aged Care Facility. This policy does not apply to any other bond or deposit held by Council for other purposes.

2. DEFINITIONS

The Act	<i>Aged Care Act 1997 (Cth)</i>
Accommodation bond	A lump sum amount that may be paid for entry to residential care service. It may be paid as a lump sum, periodic payment, or a combination of both.
Accommodation bond balance	The refundable amount of an accommodation bond.
Care recipient	Resident of McMaugh Gardens Aged Care Facility
Council	Uralla Shire Council as the approved provider of aged care services at McMaugh Gardens Aged Care Facility.
Department	Australian Government Department of Health
Fees and Payment Principles	<i>Fees and Payment Principles 2014 (Cth) No. 2</i>
Refundable deposit	A lump sum amount that may be paid for entry to residential aged care homes from 1 July 2014. It does not accrue daily and is paid as a lump sum.
Refundable deposit balance	The difference between the amount of the refundable deposit and amounts which are permitted to be deducted from the refundable deposit.



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3. LEGISLATIVE CONTEXT

The *Aged Care Act 1997 (Cth)* ("the Act") and the *Fees and Payment Principles 2014 (Cth) No. 2* ("Fees and Payment Principles") set out the requirements for approved providers of residential care holding accommodation bonds and refundable accommodation deposits.

The four prudential standards as set out in the Fees and Payment Principles guide approved providers of residential care in sound financial management practices, improve financial sustainability, and reduce associated risks.

4. LIQUIDITY STANDARD

4.1 Liquidity Management Strategy

Council will maintain sufficient liquidity (the "minimum level of liquidity") to ensure it can refund any of the balances of the refundable deposit balances or accommodation bond balances it holds that can be expected to fall due in the following 12 months.

This minimum level of liquidity is to be calculated as equal to or greater than the three year average of refunded accommodation bonds at the rate of the average outstanding accommodation bond as at 30 June over the previous three years as represented in the formula below:

$$\begin{array}{rcl} \text{Minimum level} & = & \frac{\text{Average of the accommodation bond paid over the previous three of liquidity amount as at 30 June of the years previous three years}}{\text{Average number of refunds}} \end{array}$$

This amount to be calculated annually and set out in Council's *Prudential Arrangements Liquidity Statement*, prepared by the Chief Financial Officer and endorsed by the Director of Nursing/Facility Manager McMaugh Gardens Aged Care Facility.

Council will keep cash funds by way of restriction equal to or greater than the minimum level of liquidity.

4.2 Responsibilities

Council's Chief Financial Officer, as Council's Refundable Deposit Manager, is principally responsible for the financial management of the refundable deposit and accommodation bond balances held by Council. The Refundable Deposit Manager will further ensure the liquidity management strategy as set out above is continuously reviewed, kept up-to-date with legislative changes, and is compliant.

5. RECORDS STANDARD

5.1 Refundable Deposit Register

Council will keep a register in the form of the Refundable Deposit Register to ensure that accurate, comprehensive, and up-to-date information on accommodation bonds and refundable accommodation deposit holdings is collected and maintained.



Policy: Prudential Compliance 2023

The Refundable Deposit Register further provides Council with a tool to easily provide its care recipients the information in relation to their refundable deposit or accommodation bond.

The Refundable Deposit Register will contain the information required as set out in Sections 46 and 47 of the Fees and Payment Principles for each care recipient in respect of whom a refundable deposit or accommodation bond is paid or refunded, or in respect of whom Council holds a refundable deposit or accommodation bond, as set out below:

Refundable deposits paid and refundable deposit balances held

- a) The name of the care recipient;
- b) The Resident Identification Number allocated by the Department in respect of the care recipient;
- c) The date on which the care recipient entered care at the McMaugh Gardens Aged Care Facility;
- d) The date on which the whole or each part of a refundable deposit paid by lump sum was paid for entry to McMaugh Gardens Aged Care Facility as referred to in (c) above;
- e) The amount of each payment referred to in (d) above;
- f) The amount of any deduction made from the refundable deposit;
- g) The date of any deduction referred to in (f) above;
- h) The reason for any deduction referred to in (f) above;
- i) The refundable deposit balance as at the end of each calendar month during which Council held a refundable deposit balance in respect of the care recipient;
- j) Any amount refunded to the care recipient for overpayment (as set out in section 75 of the Fees and Payment Principles); and
- k) The date of any refund referred as set out in (j) above.

Refundable deposit balances refunded

- a) if the refundable deposit balance was refunded because the care recipient died:
 - i) the date on which the care recipient died; and
 - ii) the date on which Council is shown the probate of the will of the care recipient or letters of administration of the estate of the care recipient (if applicable);
- b) if the refundable deposit balance was refunded because the care recipient ceased to be provided with care through McMaugh Gardens Aged Care Facility—the date on which the care recipient ceased to be provided with that care;
- c) if (b) above applies and the care recipient notified Council, before the date referred to in that paragraph, that the care recipient intended to enter another aged care service to receive residential care—the date of the notification;
- d) the date on which, or by which, the approved provider was required to refund the refundable deposit balance to the care recipient (as set out in Division 52P of the Act);
- e) the date on which the refundable deposit balance was refunded;
- f) the amount of the refundable deposit balance refunded;
- g) the amount (if any) of base interest paid under Division 1 of Part 7 of the Fees and Payment Principles and the date when the interest was paid; and
- h) the amount (if any) of maximum permissible interest paid under Division 1 of Part 7 of the Fees and Payment Principles and the date when the maximum permissible interest was paid.



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Accommodation bonds paid and accommodation bond balances held

- a) The name of the care recipient;
- b) The Resident Identification Number allocated by the Department in respect of the care recipient;
- c) The date on which the care recipient entered care at the McMaugh Gardens Aged Care Facility on or after 1 July 2006;
- d) If, immediately before entering the McMaugh Gardens Aged Care Facility at the date set out in (c) above, the care recipient was provided with care through an aged care service (the original aged care service), and an accommodation bond was paid for the care recipient's entry to the original aged care service—the date on which the care recipient entered the original aged care service;
- e) The date on which the whole or each part of an accommodation bond paid by lump sum was paid for entry to the aged care service referred to in (c) above;
- f) The amount of each payment referred to in (e) above;
- g) The amount of any deduction made from the accommodation bond on or after 1 July 2006;
- h) The date of any deduction referred to in (g) above;
- i) The reason for any deduction referred to in (g) above;
- j) The accommodation bond balance as at 1 July 2006 (if applicable); and
- k) The accommodation bond balance as at the end of each calendar month commencing on or after 1 July 2006 during which Council held an accommodation bond balance in respect of the care recipient.

Accommodation bonds refunded

- a) If the accommodation bond balance was refunded because the care recipient died:
 - i) the date on which the care recipient died; and
 - ii) if applicable, the date on which the approved provider is shown the probate of the will of the care recipient or letters of administration of the estate of the care recipient;
- b) If the accommodation bond balance was refunded because the care recipient ceased to be provided with care through Council—the date on which the care recipient ceased to be provided with that care;
- c) If (b) above applies and the care recipient notified Council, before the date referred to in that paragraph, that the care recipient intended to enter another aged care service to receive residential care—the date of the notification;
- d) The date on which, or by which, Council was required to refund the accommodation bond balance to the care recipient, worked out, subject to the requirements of the Fees and Payment Principles and in accordance with Division 52P of the Act;
- e) The date on which the accommodation bond balance was refunded;
- f) The amount of the accommodation bond balance refunded;
- g) The amount (if any) of base interest paid and the date when the interest was paid;
- h) The amount (if any) of maximum permissible interest paid and the date when the maximum permissible interest was paid.

5.2 Responsibilities

**Policy: Prudential Compliance 2023**

The Chief Financial Officer, as Council's Refundable Deposit Manager, is principally responsible for the maintenance of the Refundable Deposit Register and ensuring the requirements of the Records Standard are complied with.

6. GOVERNANCE STANDARD**6.1 Governance System**

An effective governance system which complies with the requirements of the Act and the Fees and Payment Principles reduces the risks of the misuse of bonds, late payment of bonds, or triggering the Accommodation Bond Guarantee Scheme.

Council will take all reasonable steps to:

- a) Ensure refundable deposits or accommodation bonds balances are only used for permitted uses in accordance with the Act;
- b) Ensure refundable deposits or accommodation bonds balances are refunded to care recipients in accordance with the Act;
- c) Monitor the need to change processes from time to time particularly in the event of any non-compliance with the policy;
- d) In the event, any non-compliance with the regulations has been identified, or any amendment made to the government regulations the policy will be reviewed and updated.

6.2 Permitted Uses of Refundable Deposits and Accommodation Bonds

Whilst one or more refundable deposits or accommodation bonds are held on behalf of a care recipient, any refundable deposits or accommodation bonds held must only be used for a permitted use, as defined in the Act (section 52N-1) and the Fees and Payment Principles (Part 6).

Use of refundable deposits or accommodation bonds is permitted if the refundable deposit or accommodation bond is:

- a) Used for capital expenditure that is:
 - i) Expenditure to acquire land on which are, or are to be built, the premises needed for providing residential care or flexible care;
 - ii) Expenditure to acquire, erect, extend or significantly alter premises used or proposed to be used for providing residential care or flexible care;
 - iii) Expenditure to acquire or install furniture, fixtures, fittings and equipment for premises used or proposed to be used for providing residential care or flexible care, but only when those premises are initially erected or following an extension or a significant authorisation or significant refurbishment;
 - iv) Expenditure that is directly attributable to any of the items mentioned above; and
 - v) Any other expenditure specified in the Fees and Payment Principles.
- b) Invested in certain financial products as permitted by the Act, such as and including term deposits, securities, and debentures, and in accordance with Council's Investment Policy;



Policy: Prudential Compliance 2023

- c) Used to make a loan in relation to which the following conditions are satisfied:
 - i) the loan is not made to an individual;
 - ii) the loan is made on a commercial basis;
 - iii) there is a written agreement in relation to the loan;
 - iv) there is a condition of the written agreement that the money loaned will only be used for capital expenditure or investment in permitted financial products as set out in a) and b) above and as prescribed under the Act; and
 - v) the agreement includes any other conditions specified in the Fees and Payment Principles.
- d) Used to refund refundable deposits or accommodation bonds balances;
- e) Used to repay debt accrued for the purposes of capital expenditure or refunding refundable deposits or accommodation bond balances;
- f) Used to repay debt accrued before 1 October 2011 if the debt is accrued for the purposes of providing aged care to care recipients; or
- g) Is otherwise used as permitted by the Fees and Payment Principles.

6.3 Investment Management Strategy

Accommodation bonds are permitted under the Act to be invested in a broad range of products to enable Council to manage its financial investments in line with its broader business model and corporate capabilities, as well as a source of additional income.

In circumstances where accommodation bonds are not immediately required for other permitted uses, Council may invest bonds in order to generate additional income, in accordance with Council's Investment Policy and within the limitations of Council's Liquidity Management Strategy as set out at 4.1 of this policy.

Council's Investment Policy addresses the risk assessment in its ability to refund refundable deposit balances or accommodation bond balances in accordance with the Act. This risk assessment has guided the minimum level of liquidity as set out in 4.1 of this policy.

To enable Council to achieve its investment objectives while ensuring risks are minimised and Council is able to refund balances in accordance with the Act, refundable deposits and accommodation bonds held by Council will only be invested in accordance with its Investment Policy.

6.4 Refund of Refundable Deposit and Accommodation Bond Balances

In compliance with section 52P-1 of the Act, refundable deposit and accommodation bond balances must be refunded by Council within 14 days of Council receiving the appropriate documentation and certification or on the day in which the care recipient ceases to be provided with care, whichever is later.

6.5 Responsibilities and Delegated Authority

Council's Chief Financial Officer, as Council's Refundable Deposit Manager, is principally responsible for the financial management of the refundable deposit and accommodation bond balances held by Council. The amount of Refundable Accommodation Deposits, with the status of restriction, will be reported in the monthly cash and investment report for the ordinary meeting of Council.

**Policy: Prudential Compliance 2023**

The Refundable Deposit Manager will acknowledge their responsibilities by confirming receipt of a copy of this policy. This acknowledgement shall record the Refundable Deposit Manager understands their obligations and the requirements of the Act and the Fees and Payment Principles in relation to refundable deposits and accommodation bonds.

Related training is to be undertaken following changes to the relevant legislation or as necessitated by a change in staff to a responsible position or the position responsibilities.

Relevant delegated authority from the General Manager to Council Officers is set out in Council's Delegations of Authority policy.

6.6 Reporting Mechanisms and Responding to Non-Compliance

The Chief Financial Officer and Director of Nursing/Facility Manager McMaugh Gardens Aged Care Facility report directly to the General Manager, ensuring Council can effectively monitor and control the use of refundable deposit balances and accommodation bond balances.

Following best accounting practice further ensures Council is able to quickly detect, record and respond to any failure to comply with the requirements of the Act and the Fees & Payment Principles.

In the event that non-compliance has been identified, this is to be reported to Council's Audit, Risk and Improvement Committee to identify steps to most effectively rectify the non-compliance.

Additional controls are provided by way of Council's Internal Reporting Policy, which facilitates the reporting of any suspected wrongdoing by Council officials or members of other public authorities.

7. DISCLOSURE STANDARD**7.1 Annual Prudential Compliance Statement**

Council is required to provide an annual prudential compliance statement to the Department for the financial year including certain information on refundable deposits and accommodation bonds as set out in sections 52, 53, 54A, 55 of the Fees and Payment Principles.

The annual prudential compliance statement must be supported by an independent audit.

7.2 Disclosure to Care Recipients

Within seven (7) days of entering into an accommodation agreement, Council will notify a care recipient in writing that Council will provide the following information and documents to the care recipient, or within seven (7) days upon the request to do so:

- a) A copy of this policy, which summarises the permitted uses for which refundable deposits and accommodation bonds have been used by Council during the previous financial year;

**Policy: Prudential Compliance 2023**

- b) Information about whether Council has, during the previous financial year, complied with the prudential standards and permitted uses of refundable deposits and accommodation bonds as set out in the Act;
- c) The number (if any) of refundable deposit balances or accommodation bond balances that, in the previous financial year, were not refunded in accordance with clause 6.4 of this policy and subsection 52P 1(4) of the Act;
- d) A copy of Council's Investment Policy, which sets out Council's investment objectives and the asset classes Council may invest in;
- e) A copy of the audit opinion of the previous year;
- f) A copy of the most recent statement of the audited accounts of Council's aged care services; and
- g) A copy of the entry in the refundable deposit register that relates to the care recipient, as at the time of the request.

7.3 Annual Disclosure to Care Recipients

Within four months of the end of the financial year Council must give each care recipient who has paid a refundable deposit or accommodation bond to Council the following documents:

- a) A copy of the entry in the refundable deposit register that relates to the care recipient as at the end of the financial year; and
- b) A written statement that Council will provide, within seven (7) days of a request by the care recipient, any information and documents the care recipient is entitled to receive under the disclosure standard as set out in a) to g) of 7.2 above.

7.4 Disclosure to Prospective Care Recipients

Within seven (7) days of a request from a prospective care recipient (or a prospective care recipient's representative), Council will give the prospective care recipient (or the representative) the information and documents as set out in a) to g) of 7.2 above.

7.5 Responsibilities

Council's Chief Financial Officer is principally responsible for the preparation and completion of the annual prudential compliance statement and engaging the independent auditor.

The Director of Nursing/Facility Manager McMaugh Gardens Aged Care Facility is principally responsible for ensuring requirements regarding the disclosure to care recipients and prospective care recipients are complied with.

8. POLICY REVIEW

This policy to be reviewed annually or as required by legislative changes.

This policy may also be changed as a result of other amendments that are to the advantage of Council and in the spirit of this policy. Any amendment to this policy must be by way of Council resolution.

14.6 Investments at 30 September 2023

Department:	Corporate & Community
Prepared By:	Senior Finance Officer
Authorised By:	Interim General Manager

SUMMARY

Attached is a summary of bank accounts, term deposits, cash management accounts and investments in structured credit instruments. The investments have been made in accordance with the Act, the Regulation 2021 and Council's Investment Policy 2019.

The majority of Council's cash is externally restricted and not available for day to day operational expenditure. As per draft financial statements for the year ending 30 June 2023, the amount of unrestricted cash reported in the financial statements is \$799,000. The financial statements are subject to finalisation of audit.

RECOMMENDATION

That Council notes the cash position as at 30 September 2023 consisting of cash and overnight funds of \$2,250,387 and term deposits of \$20,768,862 totalling \$23,019,249 of convertible funds, including restricted funds.

REPORT

Current term deposits of \$20,768,862 spread over the next twelve months will receive a range of interest from 4.26% to 5.52% with an average rate of 4.86%. Council's General Fund bank balances (listed in the attachments) have been reconciled to the bank statement as at 30 September 2023.

Key Issues

The current official cash rate as determined by the Reserve Bank of Australia (RBA) is 4.10% as at the date of this report. The timing of potential interest rate increases will be guided by the incoming data and the Board's assessment of the outlook for inflation and the labour market. The change in interest rates has resulted in higher investment returns both now and over the coming year.


Restricted and Unrestricted Cash, Cash Equivalents and Investments

Of the amount of cash disclosed in this report, not all of the cash is available for unrestricted use by Council. The majority 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. 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. The McMaugh Garden's bond liability status as at 30 September 2023 is follows:

Opening Balance	Bond Addition	Bond Release	Closing Balance
\$ 3,325,000.00	\$ -	\$ -	\$ 3,325,000.00

CONCLUSION

In accordance with Regulation 212 of the Local Government (General) Regulation 2021, the above report is prepared about monies not currently required for use by Council and invested in forms of investment approved by Order of the Minister.

	Uralla Shire Council			
	Investments at 30 September, 2023			
	Cash at Bank – Operating Accounts:			
	Institution	Account	Bank Statement	
	National Australia Bank	Main Account	\$513,814	
	National Australia Bank	Trust Account	\$31,296	
	Regional Australia Bank	USC	\$26,565	
	Total		\$571,676	
	Business Investment (Cash Management) Account			
	Institution	Interest rate	Balance	
	Professional Funds	0.15% above RBA cash rate	\$1,678,711	
	Total		\$2,250,387	
Term Deposits:				
Institution	Term	Interest rate	Maturity 	Balance
Westpac Banking Corporation	12 months	4.76%	16/05/2024	1,000,000
National Australia Bank	12 months	4.90%	22/05/2024	1,000,000
Bank of Queensland	11 months	4.95%	1/05/2024	500,000
Suncorp	8 months	5.18%	8/02/2024	514,523
Suncorp	6 months	5.40%	15/12/2023	1,000,000
Commonwealth Bank	9 months	5.52%	18/03/2024	1,000,000
National Australia Bank	12 months	5.40%	16/07/2024	500,000
Suncorp	12 months	5.40%	24/07/2024	500,000
National Australia Bank	9 months	5.40%	22/04/2024	304,340
Suncorp	12 months	5.21%	20/08/2024	1,000,000
Westpac Banking Corporation	12 months	5.12%	29/08/2024	800,000
Commonwealth Bank	10 months	4.96%	7/07/2024	1,000,000
National Australia Bank	9 months	5.20%	25/06/2024	500,000
Suncorp	6 months	4.48%	3/10/2023	700,000
National Australia Bank	8 months	4.69%	11/10/2023	800,000
Bank of Queensland	7 months	4.60%	30/10/2023	700,000
National Australia Bank	8 months	4.65%	8/11/2023	700,000
Westpac Banking Corporation	11 months	4.26%	14/11/2023	1,500,000
Commonwealth Bank	12 months	4.47%	14/12/2023	500,000
Bank of Queensland	12 Months	4.45%	19/12/2023	800,000
Commonwealth Bank	12 months	4.78%	29/12/2023	1,350,000
National Australia Bank	10 months	4.53%	25/01/2024	600,000
National Australia Bank	11 months	4.50%	12/02/2024	1,000,000
Suncorp	10 months	4.48%	21/02/2024	500,000
National Australia Bank	11 months	4.55%	7/03/2024	500,000
Suncorp	12 months	4.56%	28/03/2024	1,000,000
Bank of Queensland	12 months	4.75%	17/04/2024	500,000
Total				20,768,862

14.7 Loans as at 30 September 2023

Department:	Corporate & Community
Prepared By:	Senior Finance Officer
Authorised By:	Manager Finance & IT

SUMMARY

The purpose of this report is to provide Council with a reconciliation of borrowings as at the end of the reporting month.

RECOMMENDATION

That Council notes the loan position as at 30 September 2023 totalling \$1,457,431.49.

REPORT

This report is provided to inform Council of the reconciliation of borrowings on a monthly basis.

Uralla Shire Council
Loans at 30 September, 2023

	Uralla Shire Council			
	Loans at 30 September, 2023			
Loans:				
Loan no.	Purpose			Balance
165	MGH Property			\$23,168
176	Library Extensions			\$10,397
177	Grace Munro Centre			\$8,361
187	Undergrounding Power and Main Street Upgrade			\$49,703
188	Paving and Power Undergrounding			\$14,390
189	Bridge Construction			\$142,402
190	Bridge construction & industrial land development			\$1,209,010
Total				\$1,457,431

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)*.

14.8 Register Resolutions Actions Status as at 19 October 2023

Department: General Manager's Office**Prepared By:** Executive Assistant**Authorised By:** Interim General Manager**Reference:** UINT/23/14739

Attachments: 1. Register Action Status Report as at 19 October 2023  

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

SUMMARY

The purpose of this report is to provide Council with the Resolution Action Status updates.

RECOMMENDATION

That Council notes the Resolutions Action Status Report as at 19 October 2023.

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.

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MEETING DATE	ITEM NO.	SUBJECT	MOTION	COMMENTS	
Council 23/11/2015	14.1	Bergen Road Land Acquisition and Exchange for Road Works	RESOLUTION 01.11/15 Moved: Cr K Ward Seconded: Cr L Cooper 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. Unanimous	18 Jul 2023 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. 06 Sep 2023 Publication of Government Gazette in Feb 2023. Solicitor following up with Surveyor for signatures, will then proceed to Deed for sign off. 11 Sep 2023 Solicitor has made contact with Surveyor - Deed of Settlement expected to progress end of September 2023 if planned meeting goes to plan. 18 Oct 2023 Contact has been made with the Solicitor - awaiting update.	
Council 25/07/2016	14.1b	Gazetting of Land Acquired for approaches to new Emu Crossing Bridge-2	RESOLUTION 18.07/16-2 Moved: Cr F Geldof Seconded: Cr R Crouch 2. Make an application to the Minister and the Governor for approval to acquire the Land described as Lot 1, 2 and 3 in Deposited Plan 1208204 (and formerly known as part of Lot 38 in Deposited Plan 753662 and part of the Crown Land described as Lot 110 in Deposited Plan 753656) by compulsory process under Section 177 of the Roads Act 1993. <u>Unanimous</u>	18 Jul 2023 Transferred from old system. 18 Jul 2023 Being progressed by Council's solicitor. MDP meeting with solicitor for update 21/6/2023. 06 Sep 2023 Solicitor advised contact made with Office of Local Government (OLG) with no movement since May 2023. Solicitor promise to follow up - awaiting further updates. 18 Oct 2023 Contact has been made with the Solicitor - continue to await updates.	

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MEETING DATE	ITEM NO.	SUBJECT	MOTION	COMMENTS
Council 22/03/2022	15.12c	15.12 PROPOSED CHANGES TO REVENUE POLICY FOR SEWER AND TRADE WASTE CHARGE	<p>RESOLUTION 24.03/22-3</p> <p>Moved: Deputy Mayor Robert Crouch Seconded: Cr Leanne Doran</p> <p>3) Advise potentially effected businesses and individuals of council's intent and the need under the NSW Governments Guidelines to apply for permission to discharge trade waste to the Council sewerage system.</p> <p>4) Advise businesses or individuals of the standard discharge factor, from the Department of Water that council intends to apply to their business and provide them with an opportunity to apply options to ameliorate trade waste, and justify an alternate discharge factor</p> <p>5) Following consideration of the applications and requests to modify, council apply these changes retrospectively to the Water and Sewerage Charges Notices issued in December 2021 and reissue those notices.</p> <p>6) Develop a Trade Waste Policy based on the Model Policy for Discharge of Trade Waste to the Sewerage System.</p> <p><u>For:</u> Crs Robert Bell, Robert Crouch, Tim Bower, Sarah Burrows, Leanne Doran, Bruce McMullen, Tom O'Connor, Lone Petrov and Tara Toomey</p> <p><u>Against:</u> Nil</p>	<p>10 Aug 2023</p> <p>18/7/2023 Work ongoing on identification of relevant discharge factors is still ongoing, delayed due to resourcing constraints. Officers are currently finalising the work to ensure that the notification requirements can be complied with prior to the charges being imposed including checking the types of businesses and applicable discharge factors. It is anticipated letters will be issued to businesses in the next 2 months after which the program can be implemented.</p> <p>10 Aug 2023</p> <p>Point 6 - Draft Policy prepared by Staff. Staff have reviewed Rates & Water Charge items to build final report 16/6/2023</p> <p>10 Aug 2023</p> <p>Modified discharge factors applied following review of business types against NSW Trade Waste Guidelines (Item 5) and these applied on Water & Sewer rate notices.</p> <p>18 Oct 2023</p> <p>Discharge factors sorted for the handful of outstanding non-residential premises. New trade waste policy needs further drafting work.</p>
CARRIED 9/0				

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MEETING DATE	ITEM NO.	SUBJECT	MOTION	COMMENTS	
Council 22/11/2022	14.5	Town Water Security Options	<p>RESOLUTION 45.11/22</p> <p>Moved: Deputy Mayor Robert Crouch</p> <p>Seconded: Cr Tom O'Connor</p> <p>That Council:</p> <ol style="list-style-type: none"> Incorporate review of water supply options within the scope of the Integrated Water Cycle Management (IWCN) plan. Seek a single-invited quotation from NSW Public Works Advisory for development of the IWCN as soon as possible with the inclusion of clear deliverables and hold points. Liaise with the funding partner to bring the ground water drilling investigation to an end with or without the final two test bores no later than February 2023. <p>For: Crs Robert Bell, Robert Crouch, Tim Bower, Sarah Burrows, Bruce McMullen, Tom O'Connor, Lone Petrov and Tara Toomey</p> <p>Against: Cr Leanne Doran</p> <p>CARRIED 8/1</p>	<p>01 Dec 2022</p> <p>1. Noted,</p> <p>2. Public Works have been notified and are in the process of sending a quote with procedural process to be followed.</p> <p>3. Liaison with funding partner to proceed, reliant on point 2 completion.</p> <p>10 Jan 2023</p> <p>IN PROGRESS- A brief is under development to provide PWA to price the works and then seek funding from DPI-E</p> <p>22 Mar 2023</p> <p>Public Works Advisory has provided a draft 'reverse' brief for the IWCN based on their understanding of the scope. Council staff are editing the scope to include issues not addressed by PWA and alert PWA to previous studies so that PWA can complete their estimate. Department Planning & Environment (the funding body) is also reviewing the scope. A status report on the groundwater project is included in the March 2023 meeting.</p> <p>19 Apr 2023</p> <p>Council staff are editing the scope of 'reverse brief' from NSW Public Works to include issues not addressed by PWA and alert PWA to previous studies. Meeting scheduled in March with officers from funding body (Department Planning & Environment) had to be postponed will be rescheduled for May.</p> <p>25 May 2023</p> <p>'Reverse brief' still under review due to workloads in operational matters and responding to budget queries.</p> <p>16 Jun 2023</p> <p>Reverse brief still under review due to operational matters.</p> <p>18 Jul 2023</p> <p>Adjustments to reverse brief sent back to Public Works to revise quotation, awaiting response.</p> <p>07 Aug 2023</p> <p>Public Works Advisory are revising project scope to incorporate USC</p>	

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			<p>comments on draft brief, aiming to have new scope and costing finished end August for review USC & DPE (funding body).</p> <p>14 Sep 2023</p> <p>Public Works Advisory have provided revised proposal with costing on 18 September 2023. Proposal to be discussed with Department of Planning and Environment as regulator and funding body.</p> <p>18 Oct 2023</p> <p>Department Planning & Environment as regulator and funding gateway have provided comments on Public Works' IWCW proposal which includes town water security assessment. Re-ordering of scope recommended to do priority works within funding deadline.</p>
Council 13/12/2022	14.3	Waste Management - Long Term	<p>RESOLUTION 38.12/22</p> <p>Moved: Cr Tom O'Connor Seconded: Cr Tim Bower</p> <p>16 Jan 2023</p> <p>Brief for a waste strategy is under development. Preliminary discussion held with Walcha Council and meeting scheduled start of February to discuss each Council's waste issues. Specification and procurement documents for waste collection trucks being developed.</p> <p>22 Mar 2023</p> <p>Preparation of a consultant's brief for a Waste Strategy is ongoing. Discussions were held with Walcha and Armidale Regional Council on 2/2/2023 to discuss regional waste issues. A draft Waste Strategy for Walcha Council is currently under review. The Request for Tender for 2 waste collection trucks was released on 22/3/2023 and closes on 14/4/2023. .</p> <p>19 Apr 2023</p> <p>Consultant's brief for a waste strategy is ongoing. Evaluation of tenders for the purchase of the trucks is ongoing, a report to be submitted to Manager Environment and Waste in May 2023.</p> <p>20 Jun 2023</p> <p>Consultant brief is being prepared.</p> <p>22 Jun 2023</p> <p>RFQ completed, finalising on an addendum on background information. Invitation to quote being send out on 26/6/2023</p> <p>18 Jul 2023</p> <p>RFQ for a Long-term Waste Strategy and Master Plan for Uralla</p> <ol style="list-style-type: none"> 1. That Council commit to the development of a long-term waste management strategy, estimated cost of \$100,000, covering all aspects of Council's waste management business including the potential implications emanating from the NSW government strategy on Waste and Sustainable materials. 2. That Council fund the development of the management strategy in 2022/23, from unbudgeted additional revenue of approximately \$100,000, received from the sale of scrap metals. 3. That Council enter into discussions with Walcha Council for a joint arrangement in the development of a waste management strategy for each Local Government Area. 4. That Council proceed to tender to purchase two waste collection trucks subject to the following: <ol style="list-style-type: none"> a. to be resourced by loan funding; and b. a report be presented to Council to approve the loan for the purchase of the two waste collection trucks once the purchase price is known; and 5. Council approve an extension to the existing contract for

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			<p>waste collection services until the new waste collection trucks are procured and that as a budget adjustment is required that separate report be presented to Council as soon as possible.</p> <p>6. That Council apply for funding under the 'Landfill Consolidation and Environmental Improvements Program Round 1' for construction of the new Bundarra waste transfer station subject to clarification of co-funding requirements (if any).</p> <p><u>For:</u> Crs Robert Bell, Robert Crouch, Tim Bower, Leanne Doran, Bruce McMullen, Tom O'Connor, Lone Petrov and Tara Toomey</p> <p><u>Against:</u> Nil</p> <p><u>Absent:</u> Crs Sarah Burrows</p> <p style="text-align: right;">CARRIED 8/0</p>	<p>Landfill placed on tenderlink on 27/6/2023, closing 31/7/2023.</p> <p>07 Aug 2023</p> <p>RFQ for Waste Strategy closed on 31/7/2023, four submissions received within the tender period are currently being evaluated.</p> <p>14 Sep 2023</p> <p>Due diligence is now underway before award of contract to the successful Consultant. This will be concluded by end of September 2023.</p> <p>16 Oct 2023</p> <p>Meeting with consultant to clarify some areas 16 October 2023 as advised by AMEW. Working towards a completion date of March 2024.</p>
Council 30/01/2023	9.1	End of Year Financial Statements 2022 Referral to Audit	<p>RESOLUTION 19.01/23</p> <p>Moved: Cr Tom O'Connor</p> <p>Seconded: Cr Bruce McMullen</p> <p>That Council endorse the Draft General Purpose Financial Statements and Draft Special Purpose Financial Statements for the financial year ending 30 June 2022 and refer them to the Auditor pursuant to section 413 of the <i>Local Government Act 1993 (NSW)</i>; with the cash expense cover ratio General indicator (on page 81 of 85) adjusted from 1.58 months to 11.52 months and corresponding adjustments; with the following items to be discussed with the Auditor:</p> <ol style="list-style-type: none"> 1. Council would prefer to allocate the ground water investigation grant to operating revenue (currently listed as a CAPEX project); and 2. Council would prefer to recognise Government contributions to McMaugh Gardens residents, currently recognised as subsidies, as operational revenue (not grants and subsidies). 	<p>18 Jul 2023</p> <p>Update sent to Councillors 18/07/2023, Follow up with Auditors in progress.</p>

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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

Council
28/03/2023

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

17 Apr 2023

Follow up with Coverite regarding Agreement

16 May 2023

McMaugh Gardens Site Meeting with Coverite design team held 12 May 2023 for tour of facility and grounds, and discussion on detailed brief.

19 Jun 2023

Master Plan Brief completed. Waiting for finalised Master Plan.

18 Jul 2023

Coverite are finalising the draft Master Plan and will provide an initial presentation to staff on 01/08/2023 for feedback.

15 Sep 2023

Report to Council in September 2023 Business Paper on expansion of plans

18 Oct 2023

Resolution 22.09/23 takes up the action from this point.

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Council 25/07/2023	14.1	Status of Groundwater Drilling - July 2023	<p>RESOLUTION 07.07/23</p> <p>Moved: Cr Tom O'Connor Seconded: Cr Lone Petrov</p> <p>That Council notes the report and awaits completion of longer duration pump testing of TB05 and TB07 and the water security options component of Integrated Water Cycle Management Strategy before determining a position on groundwater drilling to enable consideration of all water augmentation options.</p> <p>For: Crs Robert Bell, Robert Crouch, Tim Bower, Sarah Burrows, Leanne Doran, Bruce McMullen, Tom O'Connor, Lone Petrov and Tara Toomey</p> <p>Against: Nil</p> <p style="text-align: right;">CARRIED 9/0</p>	<p>07 Aug 2023</p> <p>Groundwater consultant and drilling contractor advised of Council resolution to proceed with TB05 & TB07. Driller to advise dates for site works.</p> <p>18 Oct 2023</p> <p>Drilling tentatively scheduled in late November subject to confirmation with drilling contractor and hydro geologist.</p>
Council 25/07/2023	15.1	Waste trucks and options for kerbside waste collection	<p>RESOLUTION 19.07/23</p> <p>Moved: Cr Tom O'Connor Seconded: Cr Sarah Burrows</p> <p>That Council,</p> <ol style="list-style-type: none"> Award a contract to Superior Pak for up to \$500,000 for the purchase of one waste collection truck; and Authorises the General Manager to initiate a loan for up to \$500,000 to fund the purchase of one truck for in-house waste collection from the preferred bidder; and Continues outsourcing kerbside waste collection services through a private contractor until the arrival of the new waste truck; and Further considers this matter when the long term waste strategy and a Master Plan for Uralla Landfill is ready. 	<p>07 Aug 2023</p> <p>Purchase order of \$496,761.10 has been submitted for a new side loader waste truck, Superior Pak planning to visit Council for a meeting to confirm the technical specs.</p> <p>14 Sep 2023</p> <p>Meeting has been schedule for Thursday 21/9/2023 to discuss the specs with the supplier.</p> <p>16 Oct 2023</p> <p>AMEW advised Truck has been ordered, arrival expected March 2024.</p>

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

Against: Crs Bruce McMullen and Lone Petrov

CARRIED 7/2

Council 14.3 Unmarked Graves Memorial
22/08/2023 for Bundarra Cemetery

RECOMMENDATION

1. That Council install the proposed memorial.
2. That a letter be written to Ms Gray thanking her for her initiative.

19 Sep 2023

AEDID has been endeavouring to reach the ALC but without any success, and will continue to follow up. At the same time, work is continuing on the design of the memorial plaque.

Council 14.11 McMaugh Gardens status
26/09/2023 report

RESOLUTION 23.09/23

Moved: Cr Leanne Doran

Seconded: Cr Tara Toomey

That Council

1. Notes the reported changes to the operating environment in aged care impacting on the cost of operations
2. Notes the McMaugh Garden site plans submitted by Coverite as part of the development of the Expansion Master Plan
3. Postpones further work on the Master Plan pending an update on the strategic options report and business plan for McMaugh Gardens
4. Receives a further report on the costs and scope of a review of the Strategic option and business plan for McMaugh Gardens following a RFQ from suitably qualified consultants
5. Writes to the Minister for Health to :
 - a. highlight the difficulties in recruiting registered nurses to aged care to meet the new care requirements, and the significant cost of

18 Oct 2023

Letter to Minister for Health has been sent raising the concerns detailed in the resolution., Quote for business case review has been received from Stewart Brown. Further quotes being sought for market comparison.

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agency staffing ;and

- b. request clear direction on how Council can administer the AN-ACC funded wage increase without further adding to the cost of delivering the aged care service to the community.

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

Council
26/09/2023

14.4

Local Roads and Community
Program Phase 4 - Project
Nominations

RESOLUTION 17.09/23

Moved: Cr Sarah Burrows

Seconded: Cr Lone Petrov

Council reviewed the list of projects attached to this report and adopted a list to be submitted to the Local Roads and Community Infrastructure Program Phase 4 - Work Schedule - Project Nominations :

1. Approve the following projects to be submitted for funding for the full amount of \$596,106 under part A – Roads and/or Community Infrastructure

- ☐ Bundarra – Replacement and installation of compliant pram ramps \$30,106;
- ☐ Park Street from Bridge Street to Maitland Street footpath \$75,000; and
- ☐ John Street From Bridge Street to Maitland Street footpath \$75,000; and
- ☐ King and Maitland Street roundabout \$390,000; and
- ☐ Kentucky – Construction of footpath from the Public School to the General Store (Stage 1 \$25,000); and

19 Oct 2023

Funding has been submitted and approved the Local Roads and Community Infrastructure Program Phase 4 part A

Part B available funding will not build the bridge at Terrible Vale Crossing. The road at Rocky River will now progress. A map will be provide to Council.

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2. Approve the following project to be submitted for funding for the full amount of \$343,847 under part B – Roads Only:
 - a. The Terrible Vale Crossing subject to the grant funding both the design and delivery; or if this does not meet the grant requirements then progress the Rocky River Road proposal; and
3. Request the General Manager provide a map showing the location of the proposed works on Rocky River Road; and
4. Note amendment to page 162 item 10 replace Kingstown with Kentucky due to a typographical error.

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

Council 14.5 Draft Renewable Energy
26/09/2023 Community Benefit Policy

RESOLUTION 18.09/23**16 Oct 2023**

Moved: Cr Tom O'Connor
Seconded: Cr Leanne Doran

The DRAFT policy is currently on public exhibition until the 31 Oct 23.
The draft will be reviewed against any received submissions before further action.

That Council

- i. Endorses the Draft Renewable Energy Community Benefit Policy for public exhibition for a period of not less than 28 days; and
- ii. Receives a further report once the submission period closes to consider any submissions received; and
- iii. Delete the third paragraph in section 4. Community Benefit, and the word 'some' in the last line of the paragraph under section 5. Public Purpose, on page 2 of 3 of the draft policy.

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**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 Mayoral Minute - Winterbourne Wind Farm

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.

16 COMMUNICATION OF COUNCIL DECISION**17 CONCLUSION OF MEETING**