



MINUTES of

ORDINARY COUNCIL MEETING

Held on 22 August 2023 at 4 pm

Attendance at Meeting:

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

Apologies: Cr McMullen on leave

Staff: Ms T Averay, Acting General Manager
Ms E Kinkade, Acting Executive Director Infrastructure & Development
Ms W Westbrook, Executive Assistant
Mr M Ahammed, Manager Finance & IT
Ms K Blackwood, Interim Manager, Development & Planning
Mr D Weiley, Project Manager

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CONFIRMED

1 OPENING & WELCOME

The Chair declared the meeting opened at 4:00pm.

2 PRAYER

The Chair recited the Uralla Shire Council prayer.

3 ACKNOWLEDGEMENT OF COUNTRY

The Chair read the acknowledgement of country.

4 WEBCAST INFORMATION

The Chair advised the meeting was recorded, with the recording to be made available on Council's website following the meeting and reminded the attendees from making defamatory statements.

5 APOLOGIES & APPLICATIONS FOR LEAVE OF ABSENCE BY COUNCILLORS**5.1 APOLOGIES AND LEAVE FOR CR MCMULLEN****RESOLUTION 02.08/23**

Moved: Cr Sarah Burrows

Seconded: Cr Tim Bower

The Chair advised Cr McMullen was an apology for the August Meeting on leave, previously approved in 25 July 2023 Ordinary Meeting.

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

Against: Nil

Absent: Crs Leanne Doran and Bruce McMullen

CARRIED 7/0

6 DISCLOSURE & DECLARATIONS OF INTEREST/S

COUNCILLOR	ITEM OR REPORT NUMBER	PECUNIARY OR NON-PECUNIARY INTEREST	NATURE OF INTEREST
O'Connor	15.1	Non-pecuniary significant interest- will not be present for this item.	Friend and professional interaction with applicant
Crouch	14.1	Non-pecuniary interest significant – will not be present for this item	Uralla Bowling Club
Toomey	10.1	Non-pecuniary interest insignificant	Parent at Kentucky School

7 CONFIRMATION OF MINUTES

Cr Doran arrived at 4:04pm.

7.1 CONFIRMATION OF MINUTES 25 JULY 2023 ORDINARY MEETING

RESOLUTION 03.08/23

Moved: Cr Tim Bower

Seconded: Cr Tom O'Connor

That the Minutes of 25 July 2023 Ordinary Meeting be adopted as a true and correct record.

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

Against: Nil

Absent: Cr Bruce McMullen

CARRIED 8/0

7.2 CONFIRMATION OF MINUTES 10 AUGUST 2023 EXTRAORDINARY MEETING

RESOLUTION 04.08/23

Moved: Cr Sarah Burrows

Seconded: Cr Lone Petrov

That the Minutes of 10 August 2023 Extraordinary Meeting be adopted as a true and correct record.

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

Against: Nil

Absent: Cr Bruce McMullen

CARRIED 8/0

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

Nil.

9 WRITTEN REPORTS FROM DELEGATES

9.1 WRITTEN DELEGATE ACTIVITY REPORT FROM THE MAYOR FOR JULY 2023

RESOLUTION 05.08/23

Moved: Mayor Robert Bell

Seconded: Cr Sarah Burrows

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

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

Against: Nil

Absent: Cr Bruce McMullen

CARRIED 8/0

10 PUBLIC FORUM

PROCEDURAL MOTION: EXCEPTION GIVEN TO SPEAKER

RESOLUTION 06.08/23

Moved: Cr Sarah Burrows

Seconded: Cr Leanne Doran

That Council approved the request from Mr Tarrant to address the meeting on a matter not included in the Business Paper.

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

Against: Nil

Absent: Cr Bruce McMullen

CARRIED 8/0

10.1 PUBLIC FORUM - SPEAKER MR TARRANT - KENTUCKY PUBLIC SCHOOL

The Chair introduced the Speaker.

The Speaker made a presentation to Council,

The Chair invited questions from Councillors.

The Chair thanked the Speaker for his presentation to Council

11 MAYORAL MINUTE

11 PROCEDURAL MOTION - Move into Closed Session

RESOLUTION 07.08/23

Moved: Cr Sarah Burrows

Seconded: Cr Tara Toomey

Councillors requested to move into closed session to discuss item 11.1 Mayoral Minute – Outgoing General Manager – Kate Jessep.

Section under the Act	The grounds on which part of the Council or Committee may be closed to the public are listed in Section 10A(2) of the <i>Local Government Act 1993</i> .
Sub-clause and Reason:	a - personnel matters concerning particular individuals (other than councillors).

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

Against: Nil

Absent: Cr Bruce McMullen

CARRIED 8/0

At 4:20 pm, Staff were asked to leave the meeting.

At 4:32 pm, Staff were asked to returned to the meeting.

11 PROCEDURAL MOTION

RESOLUTION 08.08/23

Moved: Cr Tom O'Connor

Seconded: Cr Lone Petrov

That Council return to Open Session of Council

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

Against: Nil

Absent: Cr Bruce McMullen

CARRIED 8/0

11.1 MAYORAL MINUTE -OUTGOING GENERAL MANAGER - MS KATE JESSEP**RESOLUTION 09.08/23****Moved: Mayor Robert Bell****Seconded: Cr Sarah Burrows**

That Council thanks our outgoing General Manager, Ms Kate Jessep, for her service and commitment over the last three years, and acknowledges her contribution to Council and the Uralla community.

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

Against: Crs Leanne Doran and Tara Toomey

Absent: Cr Bruce McMullen

CARRIED 6/2**12 NOTICE OF MOTION/QUESTIONS WITH NOTICE**

Nil

13 REPORT OF COMMITTEES

Nil

14 REPORTS TO COUNCIL

At 4:35pm, Deputy Mayor Robert Crouch left the meeting having declared a significant non-pecuniary interest.

14.1 DEVELOPMENT APPLICATION - DA-31-2023 - LED BUSINESS IDENTIFICATION SIGNAGE - 52 HILL STREET URALLA

RESOLUTION 10.08/23

Moved: Cr Tom O'Connor

Seconded: Cr Leanne Doran

That Council approve Development Application DA-31-2023 subject to the attached conditions of consent.

DEVELOPMENT APPLICATION CONDITIONS OF CONSENT – DEVELOPMENT APPLICATION - DA-31-2023 - LED BUSINESS IDENTIFICATION SIGNAGE - 52 HILL STREET URALLA

PRESCRIBED CONDITIONS (under Environmental Planning and Assessment Regulation 2021)

Compliance with National Construction Code & insurance requirements under the Home Building Act 1989

Please Note: A reference to the National Construction Code is a reference to that Code as in force on the date the application is made for the relevant:

- (a) development consent, in the case of a temporary structure that is an entertainment venue, or**
- (b) construction certificate, in every other case.**

- 1. The work must be carried out in accordance with the requirements of the *National Construction Code*.**

GENERAL CONDITIONS

- 2. The development shall be implemented in accordance with:**
 - (a) All documentation and correspondence submitted by the applicant, or their agents, in support of the Development Application,**
 - (b) The details set out on the plans approved and stamped by authorised officers of Council, except as amended by the conditions of this development consent.**

Reason: To ensure that the development proceeds in the manner proposed by the applicant and approved by Council.

3. The owner of the property is to ensure that any advertising structure is installed:
- to meet the setback requirements on the approved plans,
 - to be located within the confines of the lot, and;
 - so that it does not interfere with any easements or covenants upon the land.
- Reason: To avoid any structures being erected in a location where it would be inappropriate.*
4. A Construction Certificate must be obtained from a Certifier before work commences.
- Reason: To ensure compliance with Cl.146 of the Environmental Planning and Assessment Regulation 2000.*
5. All works are to be executed in a good and workmanlike manner and all materials are to be installed as per manufacturers' instructions and any applicable Australian Standards.
- Reason: To ensure that the building work is completed in accordance with the approval and is in a safe and healthy condition for use by occupants.*
6. The variable message sign shall be programmed to ensure compliance with the following:-
- The hours of operation of the sign display are from 9am to 10pm daily. The sign must not display any images or text outside the permitted hours of operation and must be turned off when the Bowling Club is closed.
 - The content when displayed, must be static text or images with no moving or flashing elements.
 - Only signage content that relates to the lawful use of the land (Bowling Club) is permitted to be displayed at any time.
- Reason: To protect and preserve the amenity of the locality.*

CONDITIONS TO BE COMPLIED WITH DURING CONSTRUCTION

7. The owner of the property is to ensure that any building is constructed:
- to meet the setback requirements of the approved plans,
 - to be located within the confines of the lot, and;
 - so that it does not interfere with any easements or covenants upon the land.
- Reason: To avoid any buildings being erected in a location where it would be inappropriate.*
8. The applicant shall ensure that noise pollution is minimised during the course of construction. The use of power tools and/or similar noise producing activities shall be limited to the following hours:-
- | | |
|--------------------------|---|
| Monday to Saturday | 7.00 AM to 5.00 PM |
| Sunday & public Holidays | No construction activities are to take place. |
- Reason: To ensure that public amenity is not unduly affected by noise.*

9. All works are to be executed in a good and workmanlike manner and all materials are to be installed as per manufacturers' instructions and any applicable Australian Standards.

Reason: To ensure that the building work is completed in accordance with the approval and is in a safe and healthy condition for use by occupants.

ADVISORY NOTES – GENERAL

10. Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.
11. Any alteration to the drawings and/or documentation shall be submitted for the approval of Council. Such alterations may require the lodgement of an application to amend the consent under s4.55 of the Act or a fresh development application. No works other than those approved under this consent shall be carried out without the prior approval of Council.

Following debate a DIVISION DECISION was called with the result recorded as below:

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

Against: Nil

Absent: Crs Robert Crouch and Bruce McMullen

CARRIED 7/0

At 4:35pm, Deputy Mayor Robert Crouch returned to the meeting.

14.2 REQUEST - NSW FIRE & RESCUE - USE OF PART COMMUNITY LAND FOR THE EXTENSION OF THE URALLA FIRE STATION

RESOLUTION 11.08/23

Moved: Cr Sarah Burrows

Seconded: Cr Lone Petrov

1. That Council note that NSW Fire & Rescue will be seeking to acquire, under the provisions of the Land Acquisition (Just Terms compensation) Act 1991, part of Lot 12 Sec 19 DP 759022 (being an area of 11m x 13m on the eastern boundary and abutting lot 1 in DP 201441) to use as the yard for the expanded fire station currently under development.

2. That Council license the occupation of part Lot 12 Sec 19 DP 759022 to NSW Fire & Rescue on terms consistent with the Heads of Agreement detailed in this report, pending finalisation of compulsory acquisition or other suitable tenancy arrangements resolved by Council.
3. That the General Manager execute the licence under delegated authority.

Following debate a DIVISION DECISION was called with the result recorded as below:

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

Against: Nil

Absent: Cr Bruce McMullen

CARRIED 8/0

14.3 UNMARKED GRAVES MEMORIAL FOR BUNDARRA CEMETERY

RESOLUTION 12.08/23

Moved: Deputy Mayor Robert Crouch

Seconded: Cr Lone Petrov

- i. That Council install the proposed memorial up to the value of \$2,000 subject to the endorsement of the Local Aboriginal Lands Council.
- ii. That a letter be written to Ms Gray thanking her for her initiative.

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

Against: Nil

Absent: Cr Bruce McMullen

CARRIED 8/0

14.4 URALLA COURTHOUSE REFURBISHMENT PROJECT FINAL SCOPE SETTING

RESOLUTION 13.08/23

Moved: Cr Tara Toomey

Seconded: Cr Sarah Burrows

That Council notes the contents of this report and receive heritage advice from the appointed Heritage Advisor regarding the Courthouse Refurbishment project.

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

Against: Nil

Absent: Cr Bruce McMullen

CARRIED 8/0

14.5 SELECTION OF ARTWORKS - CONSTELLATIONS OF THE SOUTH

RESOLUTION 14.08/23

Moved: Cr Lone Petrov

Seconded: Cr Sarah Burrows

1. That Council approves the following artworks for inclusion in the current stage of the Constellations of the South project:
 - a) The Stargazer
 - b) The Nebula
 - c) The Phoenix
 - d) The Fly
 - e) The Snake
 - f) The Peacock
 - g) The Wolf
2. Subject to funding develop stage 2 of the Constellations of the South project to reflect resolution 36.04/22 point 6: *"ensure that the Constellations of the South design reflects the contemporary aboriginal perspective on astronomy"*.

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

Against: Nil

Absent: Cr Bruce McMullen

CARRIED 8/0

14.6 PROJECT UPDATES - PUBLIC SPACES LEGACY PROGRAM

RESOLUTION 15.08/23

Moved: Cr Tim Bower

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, Tom O'Connor, Lone Petrov and Tara Toomey

Against: Nil

Absent: Cr Bruce McMullen

CARRIED 8/0

14.7 LOANS AS AT 31 JULY 2023**RESOLUTION 16.08/23****Moved:** Cr Tom O'Connor**Seconded:** Deputy Mayor Robert Crouch**That Council notes the loan position as at 31 July 2023 totalling \$1,495,297.****For:** Crs Robert Bell, Robert Crouch, Tim Bower, Sarah Burrows, Leanne Doran, Tom O'Connor, Lone Petrov and Tara Toomey**Against:** Nil**Absent:** Cr Bruce McMullen**CARRIED 8/0****14.8 INVESTMENTS AT 31 JULY 2023****RESOLUTION 17.08/23****Moved:** Cr Tom O'Connor**Seconded:** Cr Sarah Burrows**That Council notes the cash position as at 31 July 2023 consisting of cash and overnight funds of \$3,674,841 and term deposits of \$20,768,862 totalling \$24,443,703 of readily convertible funds.****For:** Crs Robert Bell, Robert Crouch, Tim Bower, Sarah Burrows, Leanne Doran, Tom O'Connor, Lone Petrov and Tara Toomey**Against:** Nil**Absent:** Cr Bruce McMullen**CARRIED 8/0****14.9 MONTHLY FINANCE REPORT FOR JULY 2023****RESOLUTION 18.08/23****Moved:** Cr Tom O'Connor**Seconded:** Cr Tim Bower**That Council receives the attached Monthly Finance Report for July 2023.****For:** Crs Robert Bell, Robert Crouch, Tim Bower, Sarah Burrows, Leanne Doran, Tom O'Connor, Lone Petrov and Tara Toomey**Against:** Nil**Absent:** Cr Bruce McMullen**CARRIED 8/0**

14.10 REGISTER RESOLUTIONS ACTIONS STATUS AS AT 16 AUGUST 2023**RESOLUTION 19.08/23**

Moved: Cr Tara Toomey
Seconded: Cr Leanne Doran

That Council note the Resolution Action Status Report as at 16 August 2023.

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

Against: Nil

Absent: Cr Bruce McMullen

CARRIED 8/0

14.11 SCHEDULE OF ORDINARY MEETINGS 2023-2024**RESOLUTION 20.08/23**

Moved: Cr Tara Toomey
Seconded: Cr Lone Petrov

That Council:

- 1. Adopt the Ordinary Meeting cycle for 2023-2024 as follows:**

Tuesday 24 October 2023

Tuesday 28 November 2023

Tuesday 19 December 2023

Tuesday 27 February 2024

Tuesday 26 March 2024

Tuesday 23 April 2024

Tuesday 21 May 2024

Tuesday 25 June 2024

Tuesday 23 July 2024

Tuesday 27 August 2024 (care taker mode)

Tuesday 24 September 2024 (subject to declaration of Local Government Elections)

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

Against: Nil

Absent: Cr Bruce McMullen

CARRIED 8/0

15 CONFIDENTIAL MATTERS**RESOLUTION 21.08/23**

Moved: Cr Sarah Burrows

Seconded: Cr Leanne Doran

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 Expression of Interest - Heritage Advisor

This matter is considered to be confidential under Section 10A(2) - c and d(i) of the *Local Government Act 1993*, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

15.2 Consultant Proposals on EOI for Recruitment of General Manager

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.

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

Against: Nil

Absent: Cr Bruce McMullen

CARRIED 8/0

RESOLUTION 27.08/23

Moved: Deputy Mayor Robert Crouch

Seconded: Cr Sarah Burrows

That Council return to Open Session of Council.

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

Against: Nil

Absent: Cr Bruce McMullen

CARRIED 8/0

16 COMMUNICATION OF COUNCIL DECISIONS**RESOLUTION 28.08/23****Moved:** Cr Sarah Burrows**Seconded:** Deputy Mayor Robert Crouch**That resolutions of Closed Session of Council become the resolutions of Open session of Council.****For:** Crs Robert Bell, Robert Crouch, Tim Bower, Sarah Burrows, Leanne Doran, Tom O'Connor, Lone Petrov and Tara Toomey**Against:** Nil**Absent:** Cr Bruce McMullen**CARRIED 8/0**

At 5:45pm, Cr Tom O'Connor left the meeting having declared a significant non-pecuniary interest.

15.1 EXPRESSION OF INTEREST - HERITAGE ADVISOR**RESOLUTION 29.08/23****Moved:** Cr Tara Toomey**Seconded:** Cr Sarah Burrows**That Council engage Mr Mitch McKay from Port Macquarie Hastings Heritage to provide heritage advisory services to Council on a fee for service basis.****For:** Crs Robert Bell, Robert Crouch, Tim Bower, Sarah Burrows, Leanne Doran, Lone Petrov and Tara Toomey**Against:** Nil**Absent:** Crs Bruce McMullen and Tom O'Connor**CARRIED 7/0**

At 5:48pm, Cr Tom O'Connor returned to the meeting.

PROCEDURAL MOTION

RESOLUTION 30.08/23

Moved: Cr Lone Petrov

Seconded: Cr Tara Toomey

The Chair called for a dinner break at 5:48pm

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

Against: Nil

Absent: Cr Bruce McMullen

CARRIED 8/0

PROCEDURAL MOTION

RESOLUTION 31.08/23

Moved: Deputy Mayor Robert Crouch

Seconded: Cr Leanne Doran

A motion was moved that Council resume the meeting at 6:20pm.

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

Against: Nil

Absent: Cr Bruce McMullen

CARRIED 8/0

15.2 CONSULTANT PROPOSALS ON EOI FOR RECRUITMENT OF GENERAL MANAGER

RESOLUTION 32.08/23

Moved: Cr Tara Toomey

Seconded: Cr Leanne Doran

That Council:

- 1. Appoint Capstone Recruitment to undertake the recruitment of Uralla Shire Council's General Manager and delegate to the Mayor authority to engage the preferred agency.**
- 2. Advise the agency to provide Council with a full list of applications, identifying candidates for interview who meet Council's criteria, and applications which are not recommended and why.**

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

Against: Cr Tom O'Connor

Absent: Cr Bruce McMullen

CARRIED 7/1

RESOLUTION 33.08/23**AMENDMENT**

Moved: Cr Sarah Burrows
Seconded: Deputy Mayor Robert Crouch

1. Pursuant to sections 334, 336, 338, 348 and 349 of the Local Government Act 1993 (NSW) a General Manager Selection Panel be established to facilitate the recruitment process as detailed in the report, consisting of the Mayor (Chair), Deputy Mayor, Councillor Burrows, Councillor Petrov and Dr Meredith Caelli (independent person).
2. That Council approve the budget for recruitment of the General Manager as detailed in the report and that this be adjusted in a future budget review.

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

Against: Nil

Absent: Cr Bruce McMullen

CARRIED 8/0

17 CONCLUSION OF MEETING

The meeting was closed at 7:24pm.

Council Minutes confirmed by **Mayor Robert Bell** 26 September 2023: **Resolution 01.09/23**