

MINUTES OF THE ORDINARY MEETING OF UPPER HUNTER SHIRE COUNCIL HELD ON MONDAY 19 DECEMBER 2022 IN THE SCONE COUNCIL CHAMBERS COMMENCING AT 5.00PM

PRESENT:

Cr Maurice Collison (Mayor), Cr James Burns (Deputy Mayor), Cr Ron Campbell, Cr Tayah Clout, Cr Elizabeth Flaherty, Cr Belinda McKenzie, Cr Allison McPhee, Cr Lee Watts and Cr Adam Williamson.

IN ATTENDANCE:

Mr Greg McDonald (General Manager), Mr Wayne Phelps (Acting Director Corporate & Community Services), Mr Mathew Pringle (Director Planning & Infrastructure Services) and Mrs Robyn Cox (Executive Assistant).

PRAYER

ACKNOWLEDGEMENT OF COUNTRY

STATEMENT OF ETHICAL OBLIGATIONS

APPLICATIONS FOR ATTENDING MEETING VIA VIDEO LINK:

Nil

APOLOGIES / APPLICATIONS FOR LEAVE OF ABSENCE BY COUNCILLORS:

Nil

OATH / AFFIRMATION OF OFFICE FOR NEW COUNCILLOR

Cr McKenzie made the affirmation of office

PUBLIC PARTICIPATION:

G.12.3 Merriwa Footpath & Cycleway

Steve Gowlland, representing Merriwa District Progress Association, speaking against the recommendation.

CONFIRMATION OF MINUTES:

RESOLVED that the minutes of the ordinary Council meeting held on 28 November 2022 be adopted.

Moved: Cr J Burns

Seconded: Cr R Campbell

CARRIED UNANIMOUSLY

DISCLOSURES OF INTEREST:

G.12.6 School Achievement and Creative Arts Excellence Awards

Cr Allison McPhee declared a non-significant conflict for the reason that she is a staff member at a school of some nominees. Cr McPhee advised that she would leave the meeting and take no part in discussion or voting.

STANDING COMMITTEE REPORTS

SCR.12.1 **CORPORATE SERVICES COMMITTEE**

RESPONSIBLE OFFICER: Greg McDonald - General Manager

AUTHOR: Wayne Phelps - Acting Director Corporate & Community Services

RESOLVED

That Council:

1. adopt the minutes of the Corporate Services Committee meeting held on 9 December 2022;
2. note the Fund and Function Summary Report;
2. note the Cash and Investment Report;
3. note the Responsible Accounting Officer's Statement on the Investments;
4. note the Capital Works Expenditure Report;
5. endorse and support the Hunter Joint Organisation's campaign on Section 88 contributions for the EPA; and
6. make representations to Member for Upper Hunter Mr Dave Layzell and State Minister for Environment and Water about Section 88.

Moved: Cr J Burns

Seconded: Cr A Williamson

CARRIED UNANIMOUSLY

Councillor Question

Cr Flaherty asked that dot points be included in future Corporate Services Committee reports for revenue, costs, net and variation.

Response: The General Manager agreed that this will be done.

SCR.12.2 **ENVIRONMENTAL & COMMUNITY SERVICES COMMITTEE**

RESPONSIBLE OFFICER: Greg McDonald - General Manager

AUTHOR: Lisa Betts - Administrative Assistant - Environmental & Customer Services

RESOLVED

That Council:

1. adopt the minutes of the Environmental & Community Services Committee meeting held on 13 December 2022.

Moved: Cr T Clout

Seconded: Cr L Watts

CARRIED UNANIMOUSLY

2. ESC.12.1 – approve Development Application No. 50/2022 for the subdivision of one (1) lot into two (2) lots and the erection of a dwelling-house at Lot 14 DP 249726, 97 Tullong Road, Scone, subject to the conditions of consent in Attachment 2.

Moved: Cr L Watts

Seconded: Cr A McPhee

CARRIED UNANIMOUSLY

3. ESC.12.2 – approve Development Application No. 143/2019 to regularise the use of a dwelling-house at 9843 Golden Highway Cassilis (Lot 1 DP 1289109), subject to the conditions of consent in Attachment 3.

Moved: Cr L Watts

Seconded: Cr T Clout

CARRIED UNANIMOUSLY

4. ESC.12.3 –

- a) approve Development Application No. 142/2021 for a boundary adjustment, demolition of sheds, dwelling house, two secondary dwellings and a garage at Lots 2 and 3 DP 1190179, 88 and 90 Satur Road, Scone subject to the conditions of consent in Attachment 4.
- b) release the restriction on the use of land numbered 2 in the Section 88B instrument associated with Deposited Plan 1190179 in respect of Lots 2 and 3 DP 1190179.

Moved: Cr L Watts

Seconded: Cr T Clout

CARRIED UNANIMOUSLY

5. ESC.12.4 – approve Development Application No. 163/2022 for commercial alterations and additions at Lot 100 DP 1008166, 98 Kelly Street, Scone subject to the conditions of consent in Attachment 5.

Moved: Cr L Watts

Seconded: Cr A McPhee

CARRIED UNANIMOUSLY

6. ESC.12.5 – approve Development Application No. 151/2021 for a boundary adjustment at Lots 11 & 12 DP 1165451, 1746 Stewarts Brook Road, Stewarts Brook subject to the conditions of consent in Attachment 6.

Moved: Cr L Watts

Seconded: Cr A McPhee

CARRIED UNANIMOUSLY

SCR.12.3

INFRASTRUCTURE SERVICES COMMITTEE

RESPONSIBLE OFFICER: Greg McDonald - General Manager

AUTHOR: Mathew Pringle - Director Planning & Infrastructure Services

RESOLVED

That Council adopt the minutes of the Infrastructure Services Committee meeting held on Tuesday 13 December 2022.

Moved: Cr R Campbell

Seconded: Cr T Clout

CARRIED UNANIMOUSLY

COMMITTEE/DELEGATES REPORTS

C.12.1

COMMUNITY ADVISORY COMMITTEE - SCONE DISTRICT

RESPONSIBLE OFFICER: Wayne Phelps - Manager Finance

AUTHOR: Amanda Catzikiris - Community Services Officer

RESOLVED

That Council

1. adopt the minutes of the Scone District Community Advisory Committee meeting held on 19 October 2022;
2. accept the nominations received from Des Collison, Margaret Cooper, Charlotte Boss and Patricia Taylor for membership on the Australia Day Subcommittee – Scone and Aberdeen District;
3. accept the nominations received from Caroline Carter, Lynda Posa, Lynne Ring, Leanda Nutt and Ian Judd for membership on the Scone Tidy Towns Sub-committee.

Moved: Cr L Watts

Seconded: Cr J Burns

CARRIED UNANIMOUSLY

C.12.2**COMMUNITY ADVISORY COMMITTEE - MERRIWA DISTRICT****RESPONSIBLE OFFICER:** Wayne Phelps - Acting Director Corporate & Community Services**AUTHOR:** Tash Taaffe - Community Services Officer**RESOLVED****That Council:**

1. adopt the minutes of the Merriwa District Community Advisory Committee meeting held on 21 November 2022;
2. support the position of Council's Communication team not to share UHSC Facebook posts pertaining to Merriwa and Cassilis to social media community noticeboards – Merriwa Connect and Cassilis Community pages;
3. extend the EOI for sub-subcommittees of the Merriwa CAC until 31 January 2023.
4. accept nominations received from Bryan Baker, Shirley Hunt, Deirdre Peebles, Margaret Wright, Julia Hardy, Dale Wesley, Kay Burgess and Jan Cronin to the Australia Day Subcommittee – Merriwa District;
5. adopt establishment of the Merriwa community nursery at Lots 236 and 237, Hacketts Road, Merriwa and proceed to consultation with relevant user groups.

Moved: Cr R Campbell

Seconded: Cr T Clout

CARRIED UNANIMOUSLY

C.12.3**SCONE TOWN REVITALISATION COMMITTEE****RESPONSIBLE OFFICER:** Wayne Phelps - Acting Director Corporate & Community Services**AUTHOR:** Chloe Leake - Strategic Projects Support Officer**RESOLVED****That Council:**

1. adopt the minutes of the Scone Town Revitalisation Committee meeting held on 22 November 2022;
2. support the four shortlisted artists to submit a detailed concept design for Public Art at 133 Kelly Street, Scone; and
3. confirm the final artist selection will be made by Council through the recommendation of the Scone Town Revitalisation Committee following a public consultation process.

Moved: Cr T Clout

Seconded: Cr J Burns

CARRIED

FOR

Councillor Burns
Councillor Campbell
Councillor Clout
Councillor Collison
Councillor Flaherty
Councillor McKenzie
Councillor Watts
Councillor Williamson

Total (8)**AGAINST**

Councillor McPhee

Total (1)

C.12.4 **COMMITTEE MEMBERSHIP**

RESPONSIBLE OFFICER: Greg McDonald - General Manager

AUTHOR: Robyn Cox - Executive Assistant

RESOLVED

That Council appoint newly elected Councillor Belinda McKenzie to the following committees which have vacancies following the resignation of former Councillor Sue Abbott:

- **Corporate Services Standing Committee**
- **Murrurundi District Community Advisory Committee**
- **Audit, Risk & Improvement Committee**

Moved: Cr J Burns Seconded: Cr R Campbell **CARRIED UNANIMOUSLY**

GENERAL ADMINISTRATION REPORTS

G.12.1 **CODE OF CONDUCT COMPLAINTS STATISTICS REPORT 2022**

RESPONSIBLE OFFICER: Greg McDonald - General Manager

AUTHOR: Ian Roberts - Acting Manager Governance & Risk

RESOLVED

That Council note the Code of Conduct Complaint Statistics Report 2022

Moved: Cr J Burns Seconded: Cr R Campbell **CARRIED UNANIMOUSLY**

Councillor Question

Cr Flaherty asked to be provided copies of Code of Conduct findings for the ones that are completed and those provided confidentiality to all Councillors.

Response: The General Manager took the question on notice and advised that some Code of Conduct findings are dealt with outside of the Council process (ie not reported to Council) and there is confidentiality arrangements around that where they are not shared with Councillors but those that can be will be shared.

G.12.2 **REQUESTS FOR DONATIONS**

RESPONSIBLE OFFICER: Greg McDonald - General Manager

AUTHOR: Robyn Cox - Executive Assistant

RESOLVED

That Council:

- 1. provide a donation of \$200 to Lions Club of Murrurundi towards their Carols by Candlelight event held on 17 December 2022;**
- 2. provide a donation of \$200 to Cassilis Rodeo to assist with running their 2023 event;**
- 3. not provide the requested donation from St Joseph's Primary School towards their annual swimming program.**

Moved: Cr J Burns Seconded: Cr A McPhee **CARRIED**

FOR	AGAINST
Councillor Burns	Councillor Campbell
Councillor Clout	Councillor Flaherty
Councillor Collison	
Councillor McKenzie	
Councillor McPhee	
Councillor Watts	
Councillor Williamson	
Total (7)	Total (2)

G.12.3***MERRIWA FOOTPATH & CYCLEWAY*****RESPONSIBLE OFFICER:** Greg McDonald - General Manager**AUTHOR:** Wayne Phelps - Acting Director Corporate & Community Services**MOTION****That Council continue to apply the resident contribution fees to properties that front the Merriwa footpath and cycleway.**

Moved: Cr J Burns Seconded: Cr R Campbell

Cr Flaherty put forward a foreshadowed motion to fund the resident contribution fees to properties that front the Merriwa footpath and cycleway from the Merriwa Reserve Fund.

The original motion was put and resolved.

RESOLVED**That Council continue to apply the resident contribution fees to properties that front the Merriwa footpath and cycleway.**

Moved: Cr J Burns Seconded: Cr R Campbell CARRIED

FOR	AGAINST
Councillor Burns	Councillor Clout
Councillor Campbell	Councillor Flaherty
Councillor Collison	Councillor Watts
Councillor McKenzie	
Councillor McPhee	
Councillor Williamson	
Total (6)	Total (3)

The motion was carried therefore the foreshadowed motion was not considered.

G.12.4***COMMITTEE FOR THE HUNTER - MEMBERSHIP*****RESPONSIBLE OFFICER:** Greg McDonald - General Manager**AUTHOR:** Greg McDonald - General Manager**RESOLVED****That Council join the Committee for the Hunter for 12 months at the Silver member rate of \$5,000.**

Moved: Cr J Burns Seconded: Cr A Williamson CARRIED UNANIMOUSLY

G.12.5***2021/2022 ANNUAL REPORT*****RESPONSIBLE OFFICER:** Greg McDonald - General Manager**AUTHOR:** Wayne Phelps - Acting Director Corporate & Community Services**RESOLVED****That Council note the final published Annual Report for 2021/2022.**

Moved: Cr L Watts Seconded: Cr T Clout CARRIED UNANIMOUSLY

G.12.6

SCHOOL ACHIEVEMENT AND CREATIVE ARTS EXCELLENCE AWARDS

RESPONSIBLE OFFICER: Wayne Phelps - Acting Director Corporate & Community Services

AUTHOR: Amanda Catzikiris - Community Services Officer

DISCLOSURE OF INTEREST

Cr Allison McPhee declared a non-significant conflict for the reason that she is a staff member at a school of some nominees. Cr McPhee left the meeting and took no part in discussion or voting.

RESOLVED

That Council present the Upper Hunter Shire School Achievement and Creative Arts Excellence Awards on Australia Day to up to eight nominees, as determined by the four Shire High Schools, that meet the selection criteria in the guidelines.

Moved: Cr J Burns

Seconded: Cr L Watts

CARRIED UNANIMOUSLY

Cr McPhee returned to the meeting.

NOTICES OF MOTION

NM.12.1

SUPPORT THE COMMONWEALTH POSTAL SAVING BANK BILL

RESPONSIBLE OFFICER: Greg McDonald - General Manager

AUTHOR: Robyn Cox - Executive Assistant

RESOLVED

That Council:

1. note that:
 - a. bank branch and ATM closures are leaving many communities without access to financial services, especially in regional Australia.
 - b. since 1975 the number of bank branches in regional Australia has fallen by more than 60 per cent, and there are more than 1,500 communities across Australia with no bank branches at all.
 - c. a large proportion of the population, including the elderly, disabled, small businesses and local schools and charities will always have a need for face-to-face financial services despite advances in technology.
 - d. for hundreds of communities, their only access to cash and financial services is through Bank@Post at their community Post Office.
 - e. Bank@Post is an essential service to all communities but is vulnerable to commercial decision-making by the banks, which can choose to withdraw their participation.
2. call on the Commonwealth Parliament to pass the Commonwealth Postal Savings Bank Bill to establish a post office people's bank, fully guaranteed by the Commonwealth, as a dedicated postal savings bank, operating exclusively through Australia Post's corporate and licensed post offices, which will ensure basic banking services—including deposit-taking, business and personal lending, and access to cash—are available to all Australians, and will contribute to Australia's national economic development.
3. write and make representations to the Hon Mr Barnaby Joyce MP Member for New England and call upon him to support the bill in the Federal Parliament called the Commonwealth Postal Savings Bank Bill when introduced by Mr Bob Katter MP.

Moved: Cr J Burns

Seconded: Cr R Campbell

CARRIED UNANIMOUSLY

CLOSED COUNCIL

RESOLVED That Council move into Closed Council with the press and public excluded in accordance with Section 10(2) of the Local Government Act 1993.

Moved: Cr T Clout

Seconded: Cr J Burns

CARRIED

CONFIDENTIAL REPORTS

CR.12.1 ***BILL ROSE SPORTS COMPLEX USER GROUP COMMITTEE - ADDITIONAL MEMBERSHIP NOMINATION***

RESPONSIBLE OFFICER: Mathew Pringle - Director Planning & Infrastructure Services

AUTHOR: Sam Wooden - Manager Works Delivery

This matter is considered to be confidential under Section 10A(2) (a) of the Local Government Act, as it deals with personnel matters concerning particular individuals.

RESOLVED

That Council:

- 1. consider the additional nomination received from Community member; and**
- 2. notify the nominee of the outcome.**

Moved: Cr T Clout

Seconded: Cr A Williamson

CARRIED UNANIMOUSLY

CR.12.2 ***STATUS UPDATE ON UPPER HUNTER SHIRE COUNCIL COMMERCIAL BUSINESS OPTIONS***

RESPONSIBLE OFFICER: Greg McDonald - General Manager

AUTHOR: Wayne Phelps - Acting Director Corporate & Community Services

This matter is considered to be confidential under Section 10A(2)(c)(d)(i) of the Local Government Act, 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 (i) prejudice the commercial position of the person who supplied it.

RESOLVED

That Council note the status update report.

Moved: Cr J Burns

Seconded: Cr A Williamson

CARRIED UNANIMOUSLY

Councillor Question:

Cr Flaherty asked to go through a few years of budget for this business prior to COVID to have a comprehensive look at it and she has some specific questions around the business as it currently stands.

Response: The Finance Manager took the question on notice.

CR.12.3

TENDER 06/2023 SUPPLY OF SERVICES - ADDITIONAL SUPPLIERS

RESPONSIBLE OFFICER: Mathew Pringle - Director Planning & Infrastructure Services

AUTHOR: Gavin McKenzie - Project Manager

This matter is considered to be confidential under Section 10A(2)(d)(i) of the Local Government Act, as it deals with commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it.

RESOLVED

That Council accept the two additional tenders for the supply of services (Tender 6/2023) for the period from 29 August 2022 to 30 August 2024 and add the two suppliers to the preferred supplier list.

Moved: Cr L Watts

Seconded: Cr A Williamson

CARRIED UNANIMOUSLY

LATE REPORT

CR.12.4

TENDER RFT-10048551 - SCONE CBD REVITALISATION STAGE 1 - TENDER UPDATE

RESPONSIBLE OFFICER: Wayne Phelps - Acting Director Corporate Services

AUTHOR: Grahame Wilson - Manager Water & Sewer

This matter is considered to be confidential under Section 10A(2) (d i) of the Local Government Act, as it deals with commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it.

RESOLVED

That Council:

- 1. note the information contained in this report; and**
- 2. award the tender for a reduced scope including the footpaths, utility and drainage works on the two road blocks Kingdon to St Aubins (no medians works within this zone), St Aubins Park to Daracon Pty Ltd for the price of \$13,238,329.22 + gst**
- 3. endorse the General Manager to carry out all the functions required under the contract.**
- 4. endorse the General Manager to approve all variations up to value of the contingency**
- 5. request the Committee for the Hunter to make representations to the Hon Catherine King, Minister for Local Government, for \$8 million CBD revitalisation funding.**

Moved: Cr J Burns

Seconded: Cr T Clout

CARRIED UNANIMOUSLY

RETURN TO OPEN MEETING

RESOLVED That the meeting move back into Open Council.

Moved: Cr J Burns

Seconded: Cr A Williamson

CARRIED UNANIMOUSLY

Upon resuming Open Council, and in accordance with Council's Code of Meeting Practice, the General Manager provided a summary of resolutions passed in Closed Council.

THERE BEING NO FURTHER BUSINESS THE MEETING CLOSED AT 5.49PM.